

Overview and Scrutiny Committee Terms of Reference

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Recommendation: that the Council be requested to amend the Council's constitution so that the terms of reference of the Overview and Scrutiny Committees are changed to reflect one of the options set out in Section 3 of this report.

1. Background

The Committee will recall that at its meeting on 16 December 2008 it considered a report on the role of Scrutiny.

The Committee agreed that the terms of references of the existing committees would need to be looked at again as they are based on a Local Area Agreement that no longer exists and has been changed dramatically.

This report deals with this issue and gives the Committee three options for changing the committees' terms of reference.

2. Key Issues

There are a number of models for scrutiny arrangements, ranging from select committee-style structures (e.g. Maidstone Borough Council, Buckinghamshire County Council) to scrutiny committees with a coordinating body (e.g. LB Hounslow) to a single scrutiny committee with time-limited task and finish groups (e.g. LB Camden). As all the guidance stresses, there is no one model which can be said to be 'the best' and the choice of scrutiny structure for an authority is very much a 'horses for courses' issue. The chosen model must suit the particular authority's circumstances.

Recently in developing a new scrutiny approach for their authorities, South Tyneside and Worcestershire addressed many of the same issues currently facing scrutiny in Copeland Council, for example;

- Too many agenda items
- Too many reports for information
- Agendas based on structures, rather than priorities
- Insufficient pre-scrutiny and policy development work
- Lack of public engagement
- Non-executive members who are disengaged from Overview and Scrutiny
- Untimely consideration of topics etc

In respect of this council's current overview and Scrutiny committees it would also be fair to say that:

- There is an inconsistency in the performance of individual committees; some committees still resemble old style service committees;
- Task and Finish Groups are particularly effective at looking at specific issues;
- There was a need for a sharper focus on improvement and delivery

The following section sets out some of the key external and internal drivers which have helped to inform the County Council's future approach to Overview and Scrutiny.

External Drivers

- **Partnership and locality working**
This will include monitoring performance at both strategic and locality levels, with a particular focus on outcomes
- **New scrutiny powers for district councils**
Local Government and Public Involvement in Health Act 2007
Crime and Justice Act 2007
- **Supporting the authority's needs with regard to the new Comprehensive Area Assessment (CAA) process.**
Focusing on outcomes and closer community engagement, (Area Assessment)
organisational change, use of resources etc. (Organisational Assessment)
- **Extended responsibilities for health scrutiny including:**
Locality practice working and other consequences from Closer to Home
- **Increased community engagement and influence including:**
Councillor call for action and Community petitions

Internal Drivers

- **A more consistent timely and focused approach to scrutiny with regard to the authority's key policy and service priorities**
- **Better use of non-executive member skills and knowledge in the delivery of value-added scrutiny**
- **Better realisation of the value of scrutiny throughout the organisation**
- **Need for more efficient use of resources in the context of the Council's shrinking revenue budget.**

3. Options

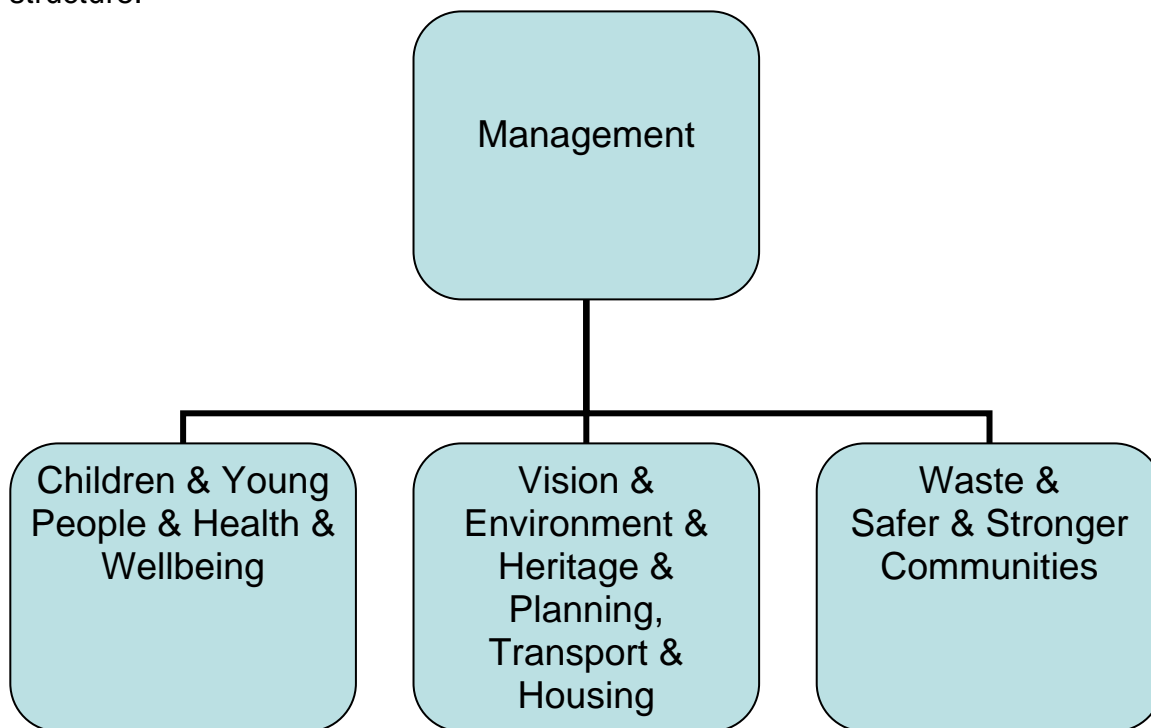
Three suggested options are detailed below for the committee structure for 2009/10.

Option 1 – Committees based on new Local Area Agreement

Cumbria Strategic Partnership now has seven thematic partnerships looking at the Local Area Agreement. These are:

- Cumbria Children & Young People Strategic Board
- Cumbria Health & Wellbeing Board
- Cumbria Vision
- Cumbria Environment & Heritage Partnership
- Cumbria Planning, Transport & Housing Partnership
- Cumbria Strategic Waste Partnership
- Cumbria Safer & Stronger Communities Partnership

To fit this into the current committee structure would see the following four committee structure.



Some of these committees' names are unusual and potentially confusing, and would need to be renamed to make them more accessible to members, officers and, in particular, members of the public.

Option 2 – Committees based on the Council's Priorities

Following the agreement at the recent meeting with the Executive for the terms of reference of the committees to follow the council's six priorities the following options have been put forward with that in mind.

The council's six priorities are to:

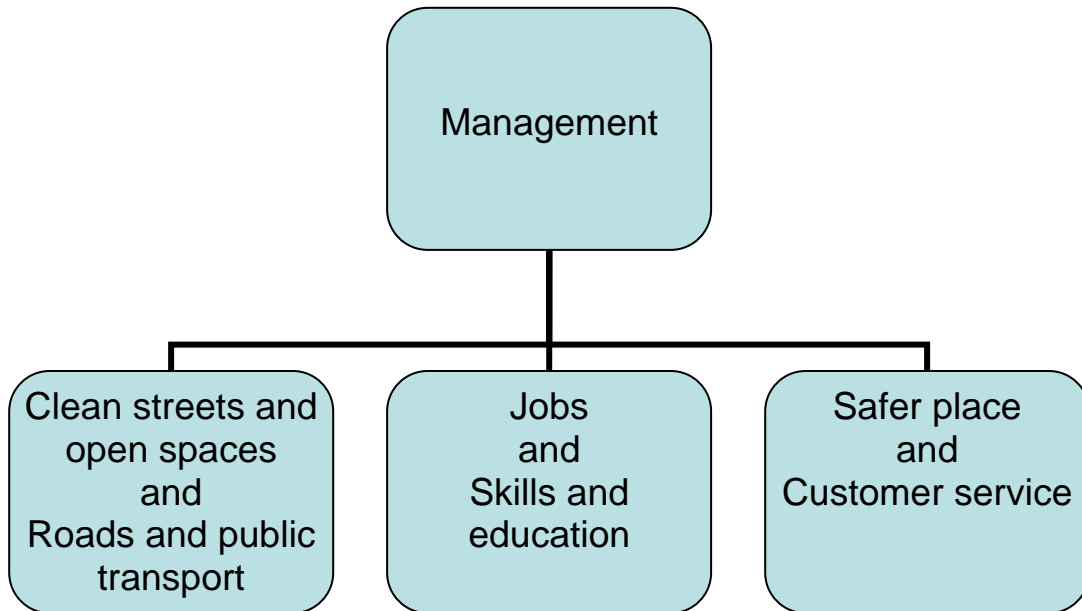
1. Providing high quality, clean streets and open spaces
2. Ensuring the area has good roads and good public transport
3. Creating enough, different jobs to suit all
4. Making Copeland a safer place to be
5. Improving skills and education and keeping people with skills in Copeland

6. Giving everyone good customer service

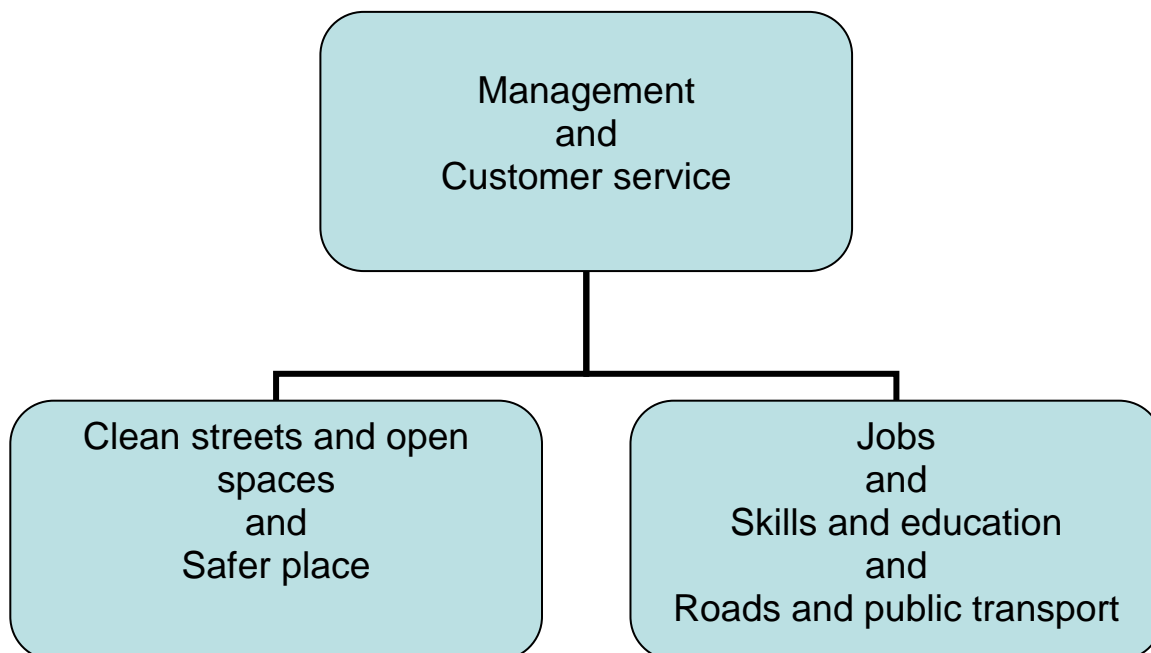
It has been difficult to fit these priorities into a four committee structure as some of the priorities do not fit naturally with the other priorities and putting them together could leave a committee unbalanced compared to the others in its work load.

There are therefore two options being proposed one with a three committee structure and one with a four committee structure.

Option A - Four Committee system



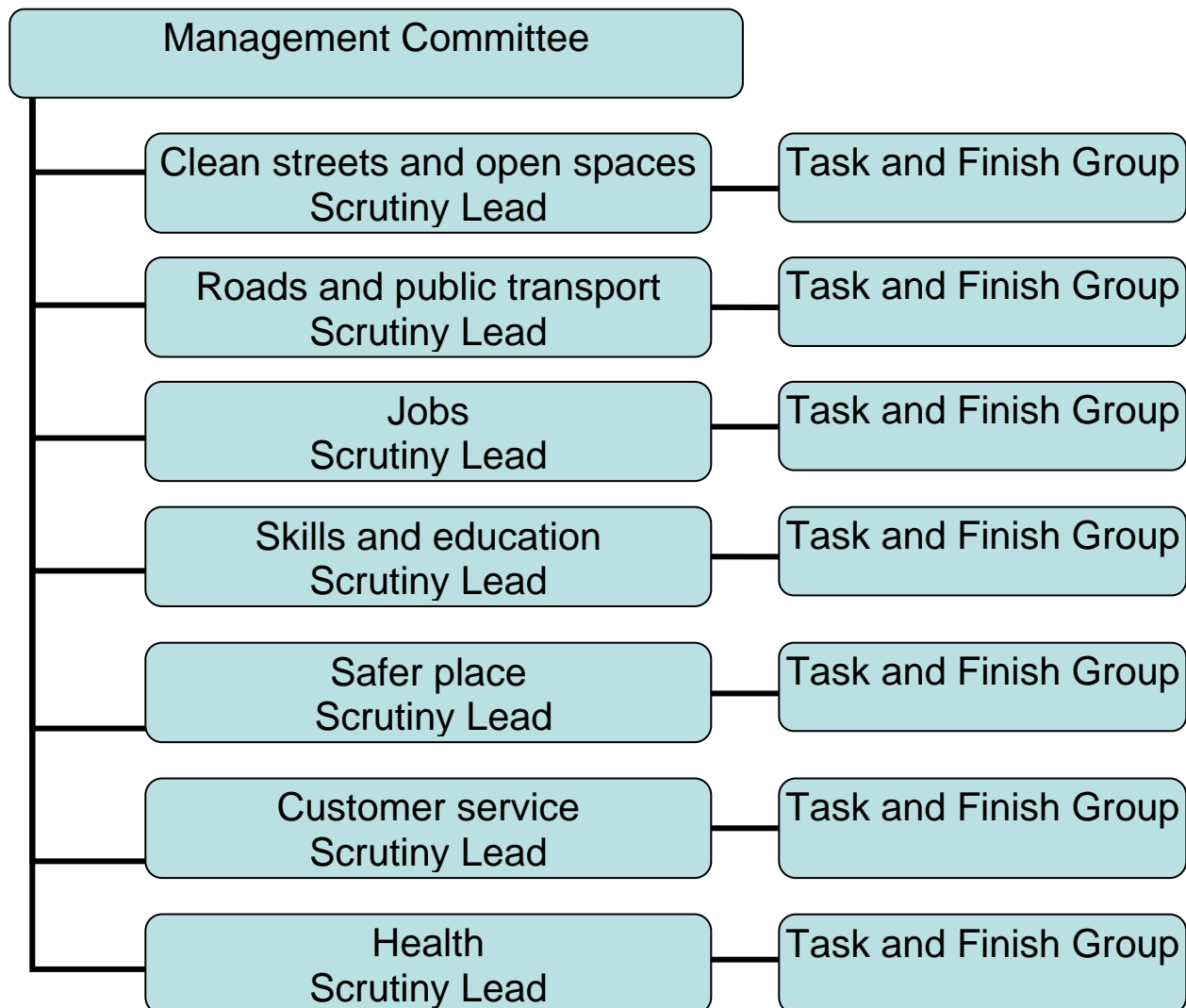
Option B – Three Committee system



Option 3 – Committees based on Task and Finish Groups

This option is based on the structure used by the London Borough of Tower Hamlets which is being increasingly used by authorities across England and Wales

Tower Hamlets has a single overview and scrutiny committee, which is politically balanced and consists of members with responsibility for each of the five community plan themes with an additional member for health issues as frontline members who act as scrutiny leads. The committee takes a proactive approach to formulating the work programme and also scrutinises cabinet reports prior to decision making. It uses a system of pre-decision questions to seek formal responses from cabinet and has played a major role in cabinet's consideration of decisions. This mechanism along with changes to the procedures has made call-ins more focused and has reduced their number. The committee also considers all budget and policy framework documents (two months) prior to agreement by council. They come to the committee in draft form to allow members a genuine opportunity to contribute to the development of policy.



Each Scrutiny lead would have at least one task and finish group set up in the civic year to look in detail at an aspect within their work area. This could be on a long term policy issue and would help the council develop its policy in this area.

4. CONCLUSION

The Committee is invited to consider which of the three options above it prefers or if there is another suggested set of terms of reference for the Overview and Scrutiny Committees.

List of Appendices

Appendix “A” – Current terms of reference for the Overview and Scrutiny Committees.

Appendix “B” - Detailed terms of reference for the option two above.

List of Background Documents:

None