

## **Overview and Scrutiny Committee Terms of Reference**

**LEAD OFFICER:** Tim Capper, Head of Democratic Services  
**REPORT AUTHOR:** Neil White, Scrutiny Support Officer

**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 the preferred option.

### **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.

At the committee's meeting on 13 March 2009 it considered a report on the terms of reference of the Overview and Scrutiny Committees. A copy of that report is at Appendix "A".

The Committee agreed that all the council's Overview and Scrutiny Committees should be consulted on the terms of this report. It also agreed that the committees should be advised that the Management Committee's preference for these options was option 1 then 2 then 3 but that they would like a fourth option to be considered along the lines of the portfolio holders responsibilities.

### **2. Responses**

#### **(A) Children, Young People and Healthy Communities Overview and Scrutiny Committee**

This Committee agreed that Option 1 - Committees based on new Local Area Agreement was its preferred option.

#### **(B) Economic Development and Enterprise Overview and Scrutiny Committee**

This Committee will meet on 2 July and its views will be reported orally at the meeting.

#### **(C) Safer and Stronger Communities Overview and Scrutiny Committee**

This Committee agreed that Option 3 – 'Committees based on Task And Finish Groups' was its preferred option, with a second preference of Option 1 – Committees based on new Local Area Agreement.

However it is has been felt appropriate to also seek the views of Corporate Team and the Executive on the proposals for change. Nationally it is recognised that excellent councils' scrutiny function is usually well-integrated with the rest of the council as it helps the Council focus on its priorities.

#### **(D) The Executive**

The following has been received from the Leader on behalf of the Executive:

"On behalf of the executive can I thank the OSC's for the opportunity to respond to the consultation you are carrying out with regards to the OSC structures, and hope these comments are seen as constructive.

Taking each option in turn –

1 – The advantage of this option is that it would demonstrate that the council recognises the importance of the LAA, and to external organisations this would be a positive, but it could be said that this duplicates the thematic partnerships that carry out this monitoring through the Local Strategic Partnership. There is also the issue that not all of the LAA priorities are priorities to Copeland. There is no reason why the LAA targets that CBC has to deliver, or are priorities in Copeland should not be included in OSC's workplans to ensure they are scrutinised in detail.

2 – A - There does not seem to be much difference from what currently exists and if anything they seem to be a mixture of subjects which don't seem to sit together. Cognisance would have to be taken if the 6 priorities change. With regards to the portfolio responsibilities it would mean that there is not one clean fit with a OSC. The comment that this option could leave committees unbalanced I would support, as some would be very busy and others not so.

2 – B – This would seemingly entail the committees becoming larger with more members on each one, this could prove very onerous. The themes within each committee do not sit well together and a lot of duplication could take place, and again they do not fit easily with the portfolios.

3 – This would be the option that's favoured. And would allow for detailed investigations into specific issues, it could also align with the portfolios very well. A big advantage would be that it would members who have specific interest and knowledge in specific areas to participate in issues that are of special interest to them easier than they can now. Some time would need to be taken on what the task and finish group headings would be but there is a lot of potential in this option."

#### **(E) Corporate Team**

Corporate Team is due to discuss this on 29 June and its views will be reported orally at the meeting.

### **3. CONCLUSION**

The Committee is invited to consider the report of 13 March 2009 in light of the responses and a recommendation to full council, if appropriate, on changing the committee structure.

#### **List of Appendices**

Appendix "A" – Report to Overview and Scrutiny Management Committee 13 March 2009 -  
Overview and Scrutiny Committee Terms of Reference

#### **List of Background Documents:**

None

## **Overview and Scrutiny Committee Terms of Reference**

**LEAD OFFICER:** Tim Capper, Head of Democratic Services  
**REPORT AUTHOR:** Neil White, Scrutiny Support Officer

**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**

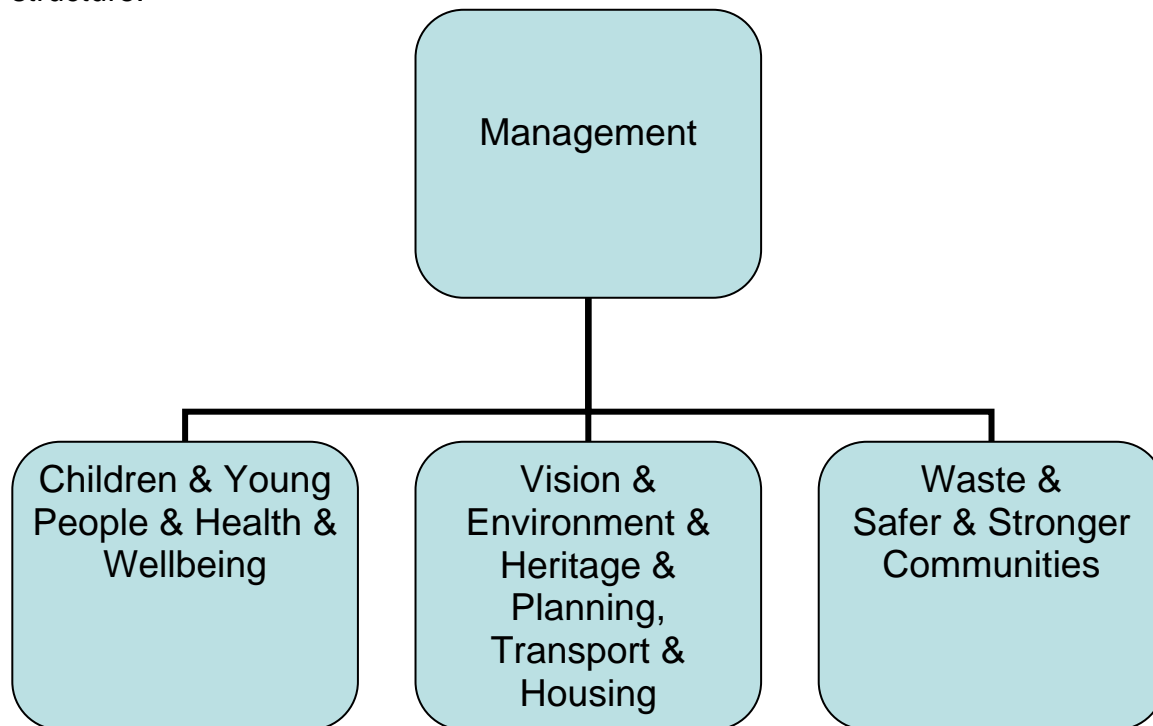
Three suggested options are detailed below for the committee structure for 2009/10.

### **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:

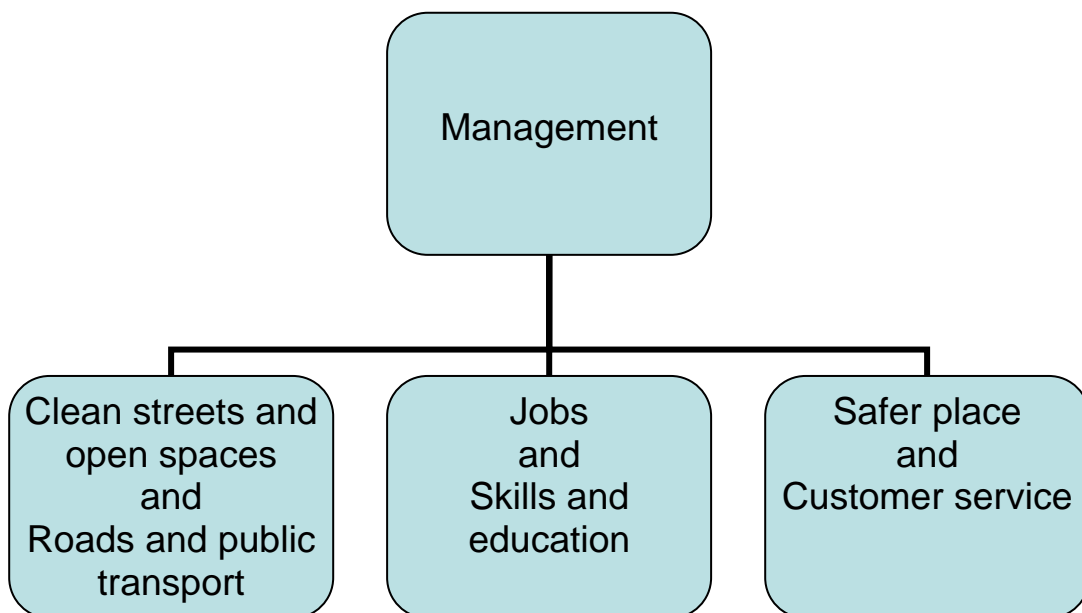
1. Providing high quality, clean streets and open spaces

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

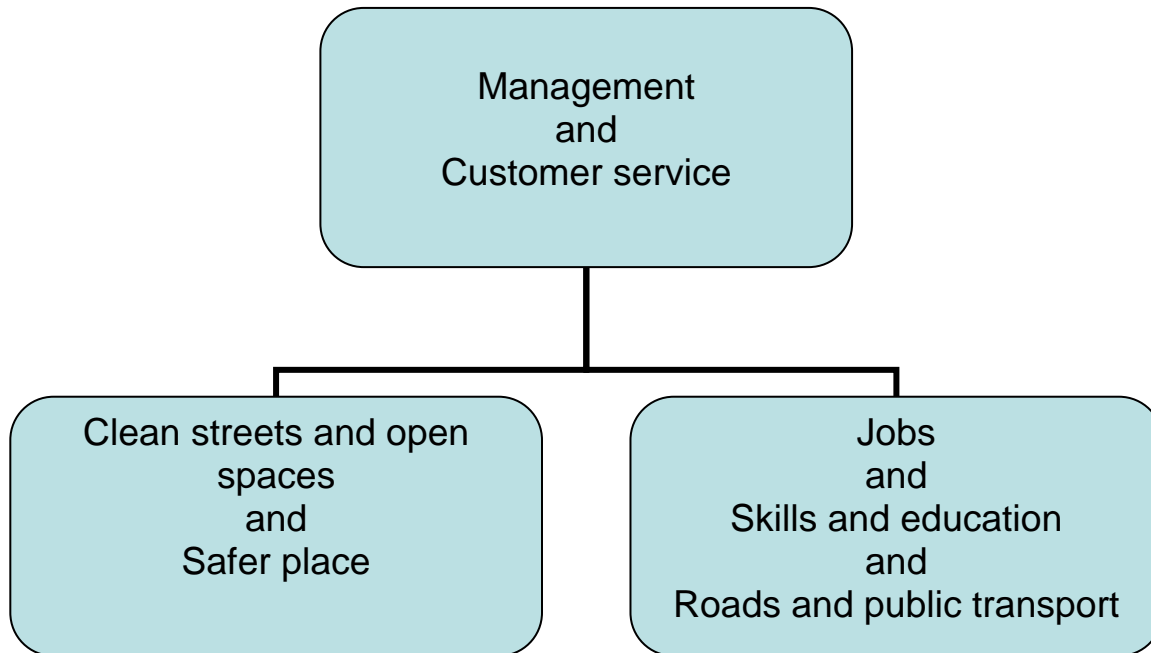
It has been difficult to fit these priorities into a four committee structure as some of the priorities do not fit naturally with the other priorities and putting them together could leave a committee unbalanced compared to the others in its work load.

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**

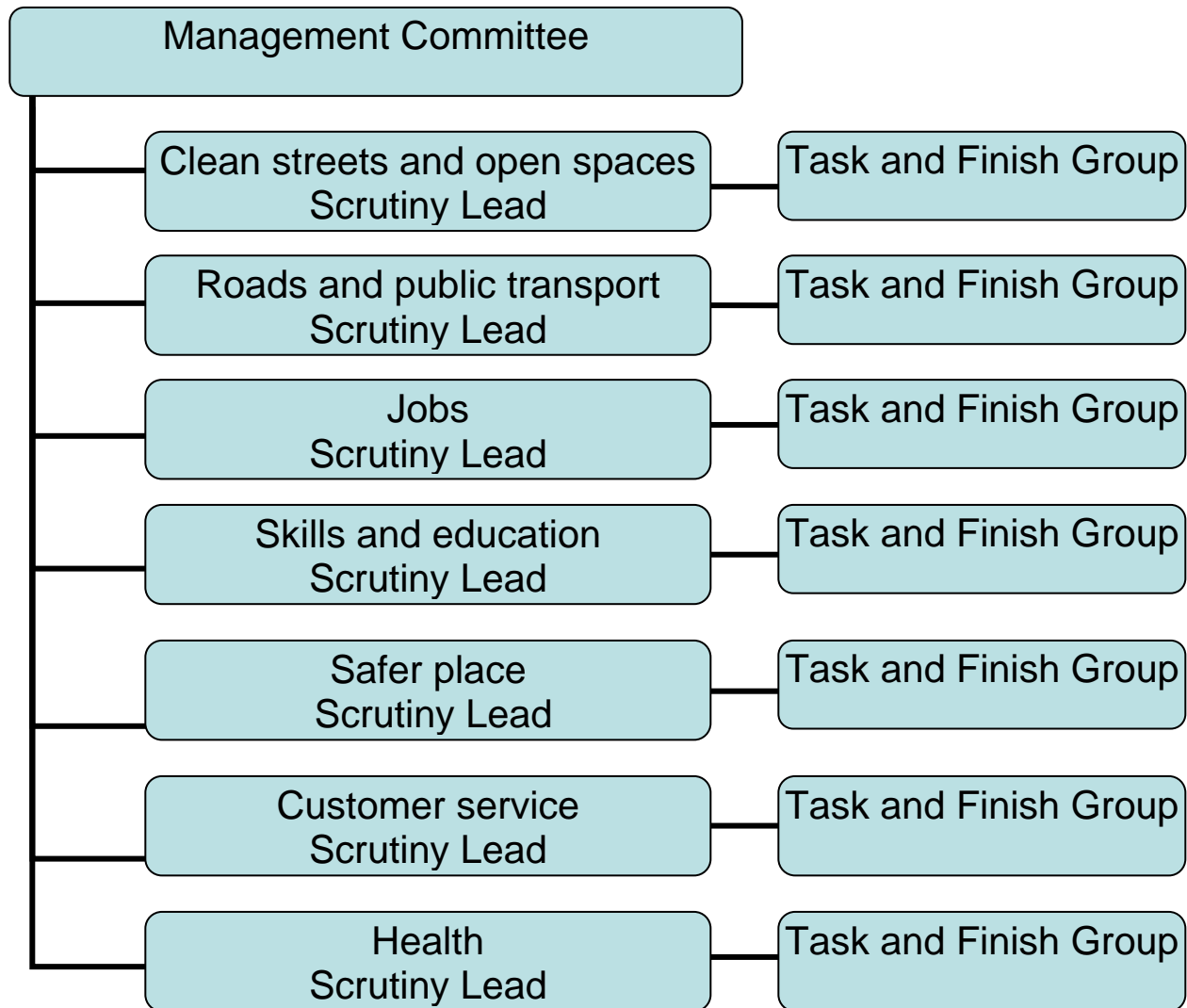


**Option 3 – Committees based on Task and Finish Groups**

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

## **Overview and Scrutiny Management Committee**

Working with the Local Strategic Partnership to develop our Community Plan  
Performance Management  
Monitoring services for customer-friendly practice  
Our Comprehensive Performance Assessment (CPA)  
Financial/human resources issues within the Council, including monitoring of the budgetary process.  
IT & Communication issues including IEG  
Electoral issues  
Public relations issues  
Reviewing executive decisions  
Setting, co-ordinating and reviewing overview and scrutiny work plans  
Cross Cutting scrutiny

## **Overview and Scrutiny Committee – Children, Young People and Healthy Communities**

Health of young people  
Sports, leisure and cultural activities for all young people  
Standards in English, mathematics, and science in secondary education  
School attendance  
Standards in foundation stage education  
Post-16 year old achievement  
Young people in Higher Education  
Improve access to accommodation for young people making the transition to adulthood  
Children potentially at risk of significant harm  
Reducing fear and improving safety  
Opportunities for young people to make a positive contribution  
Alcohol consumption  
Harm from Illegal drugs  
Mental health and wellbeing  
Health of people with a learning disability  
Premature mortality rates  
Smoking  
Obesity  
Vulnerable people living independently and safely at home  
Falls prevention  
Income of Older People

Access to leisure for people  
Affordable Warmth.

## **Overview and Scrutiny Committee – Economic Development and Enterprise**

Support for disadvantaged groups to enter the workforce  
Create a culture of lifelong learning and improve skill levels and productivity  
High quality employment sites in suitable locations  
Access to the countryside  
Employment and economic activity  
Employment rate  
Skills levels  
Economic infrastructure  
Balanced housing markets  
Planning and housing intelligence  
Planning issues  
Affordable housing  
Housing Market Renewal

## **Overview and Scrutiny Committee – Safer and Stronger Communities**

Anti-social behaviour (Including fires) and disorder  
Drug use/dealing  
Crime and fear of crime  
Domestic violence  
Street cleanliness  
Litter and detritus  
Recycling and waste minimisation  
Quality of parks and green spaces  
Local voluntary and community sector  
Voluntary sector involvement in public service provision  
Participatory local decision making  
Community cohesion  
Road Maintenance, structures and transport  
Sustainable Transport  
Decent homes  
Preservation and protection of the Environment  
Energy efficiency and climate change  
Flooding

## **Option 2A - Four Committee system**

### **Management**

#### **Management**

- Holding the Executive to account
- Performance management and review
- Ensuring corporate priorities are met
- Key decisions and the forward plan
- Financial/human resources issues within the Council, including monitoring of the budgetary process.
- Working with the Local Strategic Partnerships
- Setting, co-ordinating and reviewing overview and scrutiny work plans
- Electoral issues
- Comprehensive Area Assessment and other corporate policies/plans
- Procurement

### **Clean streets and open spaces and Roads and public transport**

#### **Providing high quality, clean streets and open spaces**

- Street cleanliness
- Litter and detritus
- Recycling and waste minimisation
- Quality of parks and green spaces
- Preservation and protection of the Environment
- Access to the countryside
- Enforcement
- Environmental Health
- Sustainability
- Health
- Cultural Services

#### **Ensuring the area has good roads and good public transport**

- Road Maintenance, structures and transport
- Sustainable Transport
- Concessionary Travel
- Forward Planning
- Car Parking

### **Jobs and Skills and education**

#### **Creating enough, different jobs to suit all**

- Economic Development
- Economic Development. Community Regeneration programmes
- Tourism Development and Promotion
- Market Towns/town centres
- Development Control

- Building Control
- Tourism
- Nuclear
- Forward Planning
- Property
- Housing

### **Improving skills and education and keeping people with skills in Copeland**

- Skills levels
- Standards in English, mathematics, and science in secondary education
- School attendance
- Standards in foundation stage education
- Post-16 year old achievement
- Young people in Higher Education

## **Safer place and Customer service**

### **Making Copeland a safer place to be**

- Anti-social behaviour (Including fires) and disorder
- Drug use/dealing
- Crime and fear of crime
- Domestic violence
- Emergency planning

### **Giving everyone good customer service**

- Monitoring services for customer-friendly practice
- ICT & Communication issues
- Public relations issues
- Locality Working
- Equality and Diversity
- Copeland Direct
- Community Engagement
- Old People Strategy
- Young People Strategy

## **Option 2B – Three Committee system**

### **Management and Customer service**

#### **Management**

- Holding the Executive to account
- Performance management and review
- Ensuring corporate priorities are met
- Key decisions and the forward plan
- Financial/human resources issues within the Council, including monitoring of the budgetary process.
- Working with the Local Strategic Partnerships
- Setting, co-ordinating and reviewing overview and scrutiny work plans
- Electoral issues
- Comprehensive Area Assessment and other corporate policies/plans
- Procurement

#### **Giving everyone good customer service**

- Monitoring services for customer-friendly practice
- ICT & Communication issues
- Public relations issues
- Locality Working
- Equality and Diversity
- Copeland Direct
- Community Engagement
- Old People Strategy
- Young People Strategy

### **Clean streets and open spaces and Safer place**

#### **Providing high quality, clean streets and open spaces**

- Street cleanliness
- Litter and detritus
- Recycling and waste minimisation
- Quality of parks and green spaces
- Preservation and protection of the Environment
- Access to the countryside
- Enforcement

#### **Making Copeland a safer place to be**

- Anti-social behaviour (Including fires) and disorder
- Drug use/dealing
- Crime and fear of crime
- Domestic violence
- Emergency planning
- Environmental Health
- Sustainability
- Health
- Cultural Services

## **Jobs and Skills and education and Roads and public transport**

### **Creating enough, different jobs to suit all**

- Economic Development
- Economic Development. Community Regeneration programmes
- Tourism Development and Promotion
- Market Towns/town centres
- Development Control
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- Nuclear
- Forward Planning
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### **Improving skills and education and keeping people with skills in Copeland**

- Skills levels
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### **Ensuring the area has good roads and good public transport**

- Road Maintenance, structures and transport
- Sustainable Transport
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- Car Parking
- Enforcement