

Agenda Item 7

DECISION-MAKER: OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

SUBJECT: SCRUTINY STRUCTURES AND TERMS OF REFERENCE 2010/11

DATE OF DECISION: 25 MARCH 2010

REPORT OF: CHAIR OF OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

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STATEMENT OF CONFIDENTIALITY

None

SUMMARY

This report sets out proposed changes to the current overview and scrutiny arrangements in light of the budget decisions made by Full Council on 17th February 2010. Guidance is sought from the Overview and Scrutiny Management Committee to finalise recommendations to be presented to the Standards and Governance Committee on 19th April 2010 and Full Council on 19th May 2010. This is to seek the Council's support for the introduction of a revised overview and scrutiny structure for the 2010/11 municipal year. The report also provides details of revisions to the current Terms of Reference that will be necessary to reflect changes to the Scrutiny Panel structures.

RECOMMENDATIONS:

- (i) That the Overview and Scrutiny Management Committee approves the proposed structure for Scrutiny Panels and Inquiries in 2010/11, and agrees that this should be presented to Council in May 2010 for its support.
- (ii) That the Overview and Scrutiny Management Committee considers and agrees the revised Terms of Reference.
- (iii) To note that any required constitutional changes arising from the approval of these proposals will be considered by the Standards and Governance Committee on 19th April 2010 and in a report from the Solicitor to the Council at the Annual Meeting in May 2010.

REASONS FOR REPORT RECOMMENDATIONS

1. To agree a provisional framework for the delivery of overview and scrutiny activities in 2010/11 for final determination at the Annual Meeting of the Council in May 2010, to reflect the February 2010 budget decision.

CONSULTATION

2. At the Overview and Scrutiny Management Committee meeting on 18th February 2010, officers were requested to draft a report on revised scrutiny arrangements for 2010/11 to reflect the budget decision to reduce the number of Scrutiny Panels from five to three. The proposals set out in this report have been developed in consultation with the Chair of the Overview and Scrutiny Management Committee. The proposals will be considered by the Overview and Scrutiny Management Committee on 25th March 2010 and the final recommendations reflecting the views of the OSMC will be forwarded to the Standards and Governance Committee in April and full Council for final approval in May 2010.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. None.

DETAIL

4. The full Council meeting held on 17th February 2010 agreed the budget for 2010/11. This included a reduction in the number of Scrutiny Panels by two. The Overview and Scrutiny Management Committee (OSMC) needs to consider options for scrutiny structures in 2010/11 as currently, there are 5 Scrutiny Panels based on the following themes within the Local Area Agreement:
 - Children and Young People
 - Economic Wellbeing
 - Environment and Sustainability
 - Healthy City
 - Safer Communities
5. There is a statutory requirement for the council to ensure that its overview and scrutiny structures include the ability to scrutinise the work of the Safe City Partnership (Crime and Disorder Reduction Partnership) and key decisions of health agencies in the city. In order to ensure compliance, in the summer of 2009, the Committee agreed changes to the Terms of Reference of the Safer Communities Scrutiny Panel and the Healthy City Scrutiny Panel which enables the OSMC to comply with this legislation. As a number of services in the city are increasingly delivered through partnership working, this wider remit also enables OSMC to influence the delivery of key services provided by other statutory agencies in the city.
6. The following amendments to the Terms of Reference for these Panels were therefore agreed:
Healthy City Scrutiny Panel
 - to scrutinise key decisions of the health agencies in the city and progress on the implementation of the Health & Well-being Strategic Plan and joint plans for strategic commissioning by the City Council and Southampton City PCT
 - to provide a forum for exchange of the work programmes and priorities of Southampton's LINK and the Healthy City Scrutiny Panel

- to provide a vehicle for the City Council's Overview & Scrutiny Management Committee to refer recommendations arising from panel inquiries relating to the City's health, care and well-being to Southampton's LINK for further monitoring.

Safer Communities Scrutiny Panel

- to consider, at least twice a year, the following functions and make reports or recommendations to the local authority with regard to these functions:
 - Councillor Calls for Action for crime and disorder matters
 - Actions undertaken by the responsible authorities on the Safe City Partnership.
7. Therefore any options for changing the council's existing overview and scrutiny structures need to ensure that the scrutiny requirements for health and community safety are fully complied with.

Proposals for revised scrutiny structures in 2010/11

8. In considering Scrutiny Panel structures with a reduced number of Scrutiny Panels from 5 to 3, the key issue is how best to configure the remaining 3 Panels in accordance with the statutory requirements whilst undertaking a programme of Inquiries. The suggested approach is to:
- Name the 3 Scrutiny Panels A, B and C respectively
 - Agree that Scrutiny Panel A will deliver the statutory function for the scrutiny of crime and disorder matters and should meet twice yearly to deliver this function
 - Agree that Scrutiny Panel B will deliver the statutory function for health matters, include representation from Southampton LINK and should meet four times to deliver this function
 - Agree that Panel C will therefore undertake proportionally more Inquiry work than the other 2 Panels
 - When the Scrutiny Work Programme for 2010/11 is agreed, allocate the Inquiries between all 3 Panels on a proportionate basis.
9. It is proposed that each Scrutiny Panel should meet up to a **maximum** of 12 times, with 10 meetings scheduled at the start of the municipal year (with no scheduled meetings anticipated in August and December). This is following the practice already being followed for the Overview and Scrutiny Management Committee. The two potential additional meetings would enable Panels to convene, if necessary, to consider issues which are not part of the work programme agreed at the beginning of the municipal year.
10. The detailed Work Programme for 2010/11 (including Inquiries and the statutory meetings) will be considered at the meeting of the Overview and Scrutiny Management Committee in April 2010.

Revised Terms of Reference

8. The revised Terms of Reference for the proposed Panels are detailed in the attached Appendix 1, to reflect the changes detailed above. The OSMC is requested to consider these and provide guidance both on the preferred option and the related Terms of Reference.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

18. None

Revenue

19. The proposals set out in this report will be met from the 2010/11 approved revenue budget for the Leader's Portfolio.

Property

20. None

Other

21. The staffing resources required to undertake this review of current arrangements will be met from within existing budgets and forms part of the annual review process for overview and scrutiny arrangements. Any additional staff time required to implement the budget decision will be reported alongside the 2010/11 Inquiry programme at the OSMC meeting in April 2010.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

22. The duty to undertake overview and scrutiny is set out in Section 21 of the Local Government Act 2000. The additional requirements for overview and scrutiny set out in the Local Government and Public Involvement in Health Act 2007 are referred to in this report.

Other Legal Implications:

23. None.

POLICY FRAMEWORK IMPLICATIONS

24. None.

SUPPORTING DOCUMENTATION

Appendices

1	Terms of Reference for Overview and Scrutiny Management Committee
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Documents In Members' Rooms

	None
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Background Documents

Title of Background Paper(s)

Relevant Paragraph of the
Access to Information
Procedure Rules / Schedule
12A allowing document to be
Exempt/Confidential (if
applicable)

	None	
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Background documents available for inspection at: N/A

FORWARD PLAN No: N/A

KEY DECISION? No

WARDS/COMMUNITIES AFFECTED:	All
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TERMS OF REFERENCE FOR OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

GENERAL

1. This Committee is a committee of the Council appointed by the Council under Section 102(1) of the Local Government Act 1972.
2. The Council has arranged under Section 101(1) of that Act for the discharge by the Committee of such of the Council's functions as are within the Committee's terms of reference (set out below).
3. Certain functions are delegated by this Committee to Officers. Full details may be found in the Officer's Scheme of Delegation which may be obtained from the Democratic Support and Member Services Manager.
4. Where a function or matter within the Committee's competence has been delegated to an officer, the Committee may exercise that function/matter concurrently with the officer to whom it has been delegated.
5. The exercise of any function or matter within the Committee's competence is always subject to any relevant requirement of the Council's Constitution including any Special Procedure and Protocol drawn up and approved by the Solicitor to the Council in pursuance of Council Procedure Rule 26.2.

TERMS OF REFERENCE

1. Approve a framework for the effective discharge by the Council of the statutory overview and scrutiny function by itself and its Scrutiny Panels;
2. Prepare and monitor a Scrutiny Inquiry Programme, to be developed in consultation with members of Scrutiny Panels, the Executive and representatives of the Southampton Partnership.
3. Appoint such sub-committees as it considers appropriate to fulfil the overview and scrutiny functions on behalf of the Council;
4. Where matters fall within the remit of more than one overview and scrutiny subcommittee, determine which of those sub-committees will assume responsibility for any particular issue and to resolve any issues of dispute of sub-committees.
5. To be responsible for the scrutiny of all corporate and resource management issues.
6. To exercise the power of call-in.
7. To undertake scrutiny of the Forward Plan.
8. To undertake regular monitoring of the Council's performance and budgets and to assess progress made in delivering services in conjunction with partners.
9. To receive matters raised through the Councillor Call to Action, with the exception of crime and disorder and health issues.
10. Engage with the Leader of the Council and appropriate members of the Southampton Partnership in State of the City debates.

SCRUTINY PANEL TERMS OF REFERENCE

Scrutiny Panel A

1. Undertake such Inquiries relating to safer communities issues in the city as directed by Overview and Scrutiny Management Committee.
2. In accordance with the Police and Justice Act 2006 to engage as appropriate with the designated Responsible Authorities, including the Police Authority and the area police commander, in respect of crime and disorder matters.
3. Consider, at least twice a year, the following functions and make reports or recommendations to the local authority with regard to these functions:
 - Councillor Calls for Action for crime and disorder matters
 - Actions undertaken by the responsible authorities on the Safe City Partnership.
4. Undertake Inquiries and other scrutiny work as directed by Overview and Scrutiny Management Committee.

Scrutiny Panel B

1. Undertake such inquiries relating to any health and well-being issues in the city as directed by Overview and Scrutiny Management Committee.
2. In accordance with the Health and Social Care Act 2001 to respond to proposals and consultations from NHS Trusts and other NHS bodies in respect of substantial variations in service provision and any other major health consultation exercises.
3. Liaise with the Southampton LINK and to respond to any matters brought to the attention of overview and scrutiny by the Southampton LINK.
4. Scrutinise key decisions of the health agencies in the city and the progress made in implementing the Health & Well-being Strategic Plan and Joint Plans for Strategic commissioning developed by the City Council and Southampton City PCT.
5. To provide a forum for exchange of the work programmes and priorities of Southampton's LINK and the Healthy City Scrutiny Panel.
6. Provide a vehicle for the City Council's Overview & Scrutiny Management Committee to refer recommendations arising from panel inquiries relating to the City's health, care and well-being to Southampton's LINK for further monitoring.
7. Respond to consultations from NHS organisations delivering services in the city if substantial variations in services are proposed.
8. Consider Councillor Calls for Action for health matters
9. Undertake Inquiries and other scrutiny work as directed by Overview and Scrutiny Management Committee.

Scrutiny Panel C

1. Undertake Inquiries and other scrutiny work as directed by Overview and Scrutiny Management Committee.

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