

Report of:	Monitoring Officer
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Portfolio Leader:	Leader of the Council
Key Decision:	No
Report Track:	Council: 12/10/15

COUNCIL
12 OCTOBER, 2015
SCRUTINY COMMITTEE (TRANSITIONAL) –
TERMS OF REFERENCE, MEMBERSHIP AND MEETING DATES

1 Purpose of Report

- 1.1 To consider the terms of reference, membership and meeting dates for the Scrutiny Committee (Transitional), and approve and adopt the same

2 Recommendation

That:

- 2.1 Council consider and adopt the terms of reference for the Scrutiny Committee (Transitional) to be effective from 1 September, 2015.
- 2.2 Council confirms the membership of the Scrutiny Committee (Transitional), as detailed in paragraph 5.3.
- 2.3 The proposed dates for meetings of the Scrutiny Committee (Transitional) be agreed, as detailed in paragraph 5.2.
- 2.4 Council approves the clarifications to the Terms of Reference for the 6 new Scrutiny Committees as detailed in Appendix 1.

3 Key Issues and Reasons for Recommendation

- 3.1 Council at its meeting on 12 August, 2015 considered and agreed recommendations from Cabinet in respect of the Corporate Plan, Priority Delivery Plans, including the Locality Partnership Plan, and changes to the Policy Development and Scrutiny Committee structures.

- 3.2 Consideration and agreement was also given to an amendment moved by the Leader of the Council to retain the main Scrutiny Committee for the remainder of the 2015-16 Municipal Year. The purpose being to oversee the transition to the new Scrutiny structure and to complete the review on the Council's approach to Scrutiny.
- 3.3 It was further agreed that, from 1 September, 2015, the membership of the transitional Scrutiny Committee would comprise the former Scrutiny Committee Chairman and the Chairs of the 6 PDP Scrutiny Committees, plus others in accordance with the political balance calculation (i.e. a total of 8 Labour Group members; plus 4 Conservative; 2 UKIP; and 1 Liberal Democrat / Independent).
- 3.4 As the recommendation in respect of the transitional Scrutiny Committee (hereinafter referred to as the Scrutiny Committee (Transitional)), was in the form of an amendment moved at the meeting, no terms of reference had been prepared or included in the revised Constitution that was considered elsewhere on the agenda of the meeting. Similarly, no provision had been made for meetings of the Scrutiny Committee (Transitional) in the revised Calendar of Meetings that was considered and agreed at meeting. Accordingly, this report brings forward an amended Section 16, Scrutiny Committees section of the Constitution, incorporating the Scrutiny Committee (Transitional), plus proposed dates of meetings.
- 3.5 Having completed the first cycle of meetings of the 6 new Scrutiny Committees, the opportunity has been taken to clarify the remit of each of these committees and more details have been included in the Terms of Reference in the Appendix to this report.

4 Relationship to Corporate Priorities

- 4.1 The Scrutiny Committee (Transitional) Terms of Reference form part of the revised Constitution which provides for the proper governance of the Council and cuts across all priorities.

5 Report Detail

- 5.1 The terms of reference covering Scrutiny Committees, as contained in Section 16 of the revised Constitution agreed at Council on 12 August, 2015, did not include provision for the Scrutiny Committee (Transitional)). Provision for the committee has now been incorporated into the amended version of Section 16, Scrutiny Committees, attached as Appendix 1 to this report.
- 5.2 In order to fit in with the dates of other meetings of the Council, Cabinet and Committees as agreed at Council on 12 August, 2015, it proposed that the Scrutiny Committee (Transitional) should meet on the following dates (meetings to commence at 4.00 p.m.):

- 10 November, 2015
- 26 January, 2016
- 15 March, 2016

Subsequent to the dates being agreed, an amended Calendar of Meetings will be circulated to Members.

5.3 In accordance with the political balance calculation and membership requirements referred to in paragraph 3.3, the membership of the Committee is proposed as follows:

Labour (8)	Conservative (4)	UKIP (2)	Lib Dem / Independent (1)
Kraujalis, J.T. (Chairman)	Anslow, C.H.	Bernard, Mrs. A.F.	Molineux, G.N. (LD)
Pearson, A. (Vice-Chairman)	Burnett, G.	Buttery, M.	
Cooper, Miss J. <i>(Better Jobs & Skills SC Chairman)</i>	Hoare, M.W.A.		
Dudson, Miss M.J. <i>(Community Safety SC Chairman)</i>	Sutherland, M.		
Foley. D. <i>(Housing SC Chairman)</i>			
Gamble, B. <i>(Health SC Chairman)</i>			
Johnson, T.B. <i>(Customers & Corporate SC Chairman)</i>			
Preece, J.T. <i>(Environment SC Chairman)</i>			
Sub= Freeman, Miss M.A.	Sub= Snape, P.A.	Sub= Hardman, B,	

5.4 During the first meetings of the 6 new Scrutiny Committees, a number of issues have arisen about the remit of each of the Committees. As a result of this, clarification has been sought and greater detail has been added to the Terms of Reference schedule. These changes have been tracked for ease of reference.

6 Implications**6.1 Financial**

None

6.2 Legal

The revised Section 16 forms part of the Constitution and complies with the legal requirements currently in force.

6.3 Human Resources

None

6.4 Section 17 (Crime Prevention)

None

6.5 Human Rights Act

None

6.6 Data Protection

None

6.7 Risk Management

None

6.8 Equality and Diversity

None

6.9 Best Value

None

7 Appendices to the Report

Appendix 1 Revised Section 16, Scrutiny Committees terms of reference

Previous Consideration

Recommendation from Cabinet

Council

12 August, 2015

Background Papers

Section 16

Scrutiny Committees

16.1 STATUS

The Council will appoint such Overview & Scrutiny Committees as it considers appropriate (referred to as "Scrutiny Committees"). The current Scrutiny Committees are listed in the APPENDIX to this Section with their membership and Terms of Reference.

16.2 MEMBERSHIP AND METHOD OF APPOINTMENT

Every Member of Cannock Chase District Council is eligible to be member of Scrutiny Committees except those who are members of the Executive.

Membership of Scrutiny Committees will be subject to the requirements as to political balance set out by Section 15 of the Local Government and Housing Act 1989 (as amended).

The Council's 'Substitution Scheme for Committees (Part 3, Section 25 of this Constitution) shall apply, with each political group entitled to nominate one named substitute.

Scrutiny Committees shall be entitled to appoint individuals and/or representatives of organisations as non-voting co-optees.

16.3 CHAIRMAN AND VICE-CHAIRMAN

The Chairmen and Vice-Chairmen will be appointed by Council.

16.4 FREQUENCY OF MEETINGS

The meetings of each Scrutiny Committee will be held generally quarterly.

The Chairman of a Scrutiny Committee shall convene additional meetings of that Scrutiny Committee as required to deal with 'call-ins' and matters referred to that Scrutiny Committee which cannot reasonably be considered at the next scheduled meeting.

The meetings of any time-limited panels or working groups set up by a Scrutiny Committee will be convened as their work programme requires.

16.5 AGENDA

Prior to the meeting of each Scrutiny Committee, the Managing Director will circulate to all Members of the Scrutiny Committees the Agenda and Reports

to be considered by the relevant Scrutiny Committee(s) for which they are Members.

16.6 PROCEEDINGS

The Managing Director (or nominee) shall be the Clerk to the Scrutiny Committees.

The Council's Procedure Rules listed in Council Procedure Rule 22 will apply.

16.7 WORK PROGRAMME AND AGENDA ITEMS

The work programme of a Scrutiny Committee will be determined by the Committee in consultation with other stakeholders, including representatives from partner organisations.

Any Member of the Council who wishes to do so may refer an item to be included on an agenda for consideration at a future meeting of a Scrutiny committee. Such referrals must be in writing and received by the Managing Director at least 7 working days prior to the date of the meeting at which the matter is to be considered. Such referrals must be relevant to the functions of the particular Scrutiny Committee and relate to the discharge of any function of the Council.

16.8 MINUTES OF MEETING

Reports detailing the recommendations will be submitted to the Council or the Executive, which may accept, amend or reject any recommendations of a Scrutiny Committee.

Minutes will be presented to Council at the next available meeting.

16.9 ATTENDANCE BY NON-COMMITTEE MEMBERS

Any member of the Executive may attend a meeting of a Scrutiny Committee. They may answer questions and at the invitation of the Chairman, speak. Where the matter under discussion is within the Portfolio of the member of the Executive, the Chairman shall invite them to speak.

A Scrutiny Committee may require any member of the Cabinet, the Head of Paid Service, or any Head of Service to attend before it to explain in relation to matters within their remit:

- (i) any particular decision or series of decisions;
- (ii) the extent to which the actions taken implement Council policy; and/or
- (iii) the performance of the service delivered

and it is the duty of those persons to attend if so required.

The Scrutiny Committee and its panels/working groups may invite other people, external to the organisation, such as residents, stakeholders and members, officers and employees from other public sector organisations, to discuss issues of local concern and/or answer questions.

16.10 LIAISON WITH CABINET AND OTHER CHAIRMEN

Liaison meetings will be held between the Cabinet Portfolio Leader and the Chairman of the relevant Scrutiny Committee and as required to facilitate a working relationship between the Executive and Scrutiny.

16.11 GENERAL ROLE

Scrutiny Committees will:

- (i) be available for consultation in accordance with the Budget and Policy Framework Procedure Rules;
- (ii) review and scrutinise decisions made by the Executive within their Terms of Reference;
- (iii) review and scrutinise current Council policies and consider future policy development within their Terms of Reference;
- (iv) review and scrutinise decisions of the Council, committees and officers within their Terms of Reference;
- (v) receive and review, having regard to the Council's Performance Management Framework, that part of the Council's Annual Performance Management report which is within their Terms of Reference;
- (vi) receive and review all matters referred to it by other committees Council Cabinet or Members relevant to the scrutiny function within their Terms of Reference;
- (vii) monitor, review and/or scrutinise the performance of the Council and its Local Strategic Partners including cross-cutting issues in relation to the discharge of the Council's functions within their Terms of Reference;
- (viii) make reports and/or recommendations to Council and/or Cabinet in connection with the discharge of any functions within their Terms of Reference.

16.12 SPECIFIC FUNCTIONS

- (i) exercise the right to 'call-in' for consideration the decisions within their Terms of Reference made but not yet implemented by the Cabinet (see Overview and Scrutiny Procedure Rules set out in Part 4, Section 31, of this Constitution);

- (ii) question and gather evidence from any person (with their consent) deemed reasonably necessary to discharge its role and functions;
- (iii) review and scrutinise the performance of the Council, Cabinet and Officers in relation to Council priorities, policy objectives, performance & partnership matters, performance targets and/or particular service areas within their Terms of Reference.
- (iv) question members of the Cabinet and Chief Officers about their performance in relation to significant and/or major initiatives or projects within their Terms of Reference;
- (v) if a Scrutiny Committee thinks that a key decision has been taken without compliance with the provisions of the Constitution, it may require the Cabinet to submit a report to the Council.

16.13 PROCEEDINGS OF A SCRUTINY COMMITTEE

A Scrutiny Committee will conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4, Section 31, of this Constitution.

16.14 TIME-LIMITED PANELS

A Scrutiny Committee may set up panels to consider specific issues and report back on their findings. These panels will be time-limited to the duration of the review.

A Scrutiny Committee may also set up working groups as it considers appropriate to investigate and report back on issues.

APPENDIX

Scrutiny Committee	Terms of Reference
The Scrutiny Committee (Transitional)	<p>Overseeing the transition to the new scrutiny structure Undertaking a review of the effectiveness of the scrutiny function.</p> <p>The Scrutiny Committee (Transitional) shall not have the roles and functions set out in Paragraphs 16.11 (i), (ii), (iv), (v), and (vii) and Paragraph 16.12 (i), (iii), (iv) and (v) above.</p>
Better Jobs and Skills	<p style="text-align: center;"><i>Better Jobs and Skills PDP</i> (including Education) Economic Development and Planning Building Control Town Centre Regeneration Markets</p> <p style="text-align: center;">Performance Management of the Locality Partnership Plan for “Increased Economic Prosperity”</p>
Community Safety	<p style="text-align: center;"><i>Cleaner and Safer Environments PDP</i> (Community Safety aspects) Performance Management of the Locality Partnership Plan for “Increased Community Safety” Licensing CCTV</p>
Customers and Corporate	<p style="text-align: center;"><i>Customers PDP</i> Corporate Issues Budget Consultation Corporate & Support Services – i.e. Finance, HR, Governance, Legal, Technology, Communications, Customer Services (inc. Social Alarms) and Civic Support Local Taxation and Benefits</p>
Environment	<p style="text-align: center;"><i>Cleaner and Safer Environment PDP</i> (Environmental aspects) Street Cleansingseene Waste & Engineering Services Countryside Service, Trees, Open Spaces and Allotments Bereavement Services Environmental Protection</p>
Health	<p style="text-align: center;"><i>Better Outcomes PDP</i> Health and Wellbeing Culture and Sport (including Parks) Performance Management of the Local Partnership Plan for “Improved Health and Wellbeing” The Statutory Functions of the Council’s Health Scrutiny</p>

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Scrutiny Committee	Terms of Reference
	Committee under <u>the Health and Social Care Act, 2001 and Regulations made under that Act</u>
Housing	<i>More and Better Housing PDP</i> The Housing Service <u>Private Sector Housing</u>

Each Scrutiny Committee will have 13 members except that:

(i) Health Scrutiny Committee shall, when and only when the Committee is carrying out the Statutory Functions of the Council's Health Scrutiny Committee under the Health and Social Care Act, 2001 and Regulations made under that Act, have an additional member nominated by Staffordshire County Council as who shall have full participating and voting rights during that business only, and

~~(ii)~~ The Scutiny Committee (Transitional) shall have 15 members.