



## GOVERNANCE COMMITTEE

14 October 2014

**Subject Heading:**

**REVISIONS TO OVERVIEW &  
SCRUTINY GOVERNANCE  
STRUCTURE**

**CMT Lead:**

**Andrew Blake-Herbert**  
Group Director, Strategy and Resources

**Report Author and contact details:**

Andrew Beesley  
Committee Administration & (Interim)  
Member Services Manager  
[Andrew.beesley@onesource.co.uk](mailto:Andrew.beesley@onesource.co.uk)  
01708 432437

**Policy context:**

Local Government Act 2000  
Council Constitution

**Financial summary:**

Revisions will be required to the Member  
Special Responsibility Allowance Scheme  
if the proposals are approved by Council

**The subject matter of this report deals with the following Council Objectives**

Ensuring a clean, safe and green borough	<input type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Valuing and enhancing the lives of our residents	<input type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

**SUMMARY**

This report proposes changes to the Overview & Scrutiny governance regime within the Council.

Following a Member-led review of Scrutiny in 2013 it was recognised that the majority of councils across London, and many nationally, have an “overarching” Overview and Scrutiny committee which co-ordinates the work of thematic sub-committees, overseeing requisitions of executive decisions and ensuring the

avoidance of duplication in terms of topic groups and other scrutiny activities. This paper proposes the establishment of similar arrangements in Havering.

## **RECOMMENDATIONS**

That Governance Committee

Recommended to Council that:

- 1) An overarching Overview & Scrutiny Board be established in accordance with political balance rules
- 2) The following Overview and Scrutiny committees be converted to sub-committees of the overarching Overview & Scrutiny Board:
  - Towns & Communities
  - Health
  - Individuals
  - Environment
  - Crime and Disorder
  - Children & Learning
- 3) Council nominate one of the chairs of the Overview and Scrutiny Sub-Committees to Chair the Overview & Scrutiny Board
- 4) The Overview & Scrutiny Board comprises all of the chairs of the Overview and Scrutiny sub-committees together with such other members nominated to the Board to meet the political balance requirements.
- 5) Using her delegated powers, the Council's Monitoring Officer make the necessary changes to the Council's Constitution in respect of the proposed revisions to Overview and Scrutiny.

## **REPORT DETAIL**

- 1.1 The concept of Overview & Scrutiny (O&S) originated in the Local Government Act 2000. It was intended as an essential part of the "checks and balances" to the introduction of strong executive governance model within local government, to provide oversight of an executive able to make almost all operational decisions. Subsequent legislation - most recently the current Government's Localism Act 2011 - has reinforced the role of O&S in holding the Executive to account. O&S also provides non-executive

councillors with an opportunity to ensure that local people receive high quality services and with a robust review of those services.

1.2 Since coming into force in 2002, Havering has adopted an O&S structure whereby individual committees take ownership for scrutinising specific areas of responsibility, operating their own requisition powers. Currently, there are seven O&S committees:

- Value
- Towns and Communities
- Environment
- Children and Learning
- Individuals
- Health
- Crime and Disorder

1.3 In 2013, a Member-led review of the approach to O&S in Havering was undertaken along with an analysis of how other local authorities approached the function.

1.4 The review identified that various models for O&S had been developed across the country and that a “no one size fits all” approach existed. Some local authorities had adopted a “one for one” style, where the O&S Committees matched service delivery areas; others had adopted a cross-cutting system, with O&S committees matched to activities that were common to a number of service areas. The majority of councils across London, and many nationally however, had adopted a single, over-arching O&S committee with sub-committees (known by a variety of names) covering specific areas, some permanent, others set up with a limited scope and timeframe that were dissolved upon completing their task.

1.5 As part of the review, Best Practice authorities in O&S as recognised by the Centre for Public Scrutiny (CfPS) were visited. Visits to Enfield and Hackney demonstrated the advantages of an overarching scrutiny board which coordinated the work of themed committees. Hackney, in particular, used its O&S Board as the vehicle by which the effectiveness of scrutiny was monitored and through which work - undertaken by the themed committees - could be directed to avoid duplication and to ensure that areas of priority and, importantly – issues that scrutiny could influence – were being pursued.

1.6 It is consequently proposed that a single O&S Board is established in Havering to undertake all call-in functions and to act as a vehicle by which the effectiveness of scrutiny is monitored and where work undertaken by themed sub-committees could be co-ordinated to avoid duplication and to ensure that areas of priority were being pursued. This Board would subsume the role of the current Value Scrutiny Committee which oversees general management matters. It is proposed that the other current O&S committees will become sub-committees to the new Overview and Scrutiny Board. Sub-committees could continue to form topic groups.

- 1.7 In order for this arrangement to function effectively, the Chairs of the O&S sub-committees would have automatic membership of the new O&S Board to ensure good co-ordination. The Board would need to be politically balanced and its size would therefore need to depend upon the political balance of the distribution of Chairs of sub-committees.
- 1.8 Depending upon the agreement of other Group leaders, the Leader of the Council proposes that, as the Chairs of Scrutiny have only recently been decided by the Council, the current Chairs of scrutiny committees become Chairs of the relevant sub-committees. It is further proposed that Council appoints one of the Chairs of the sub-committees to also be the Chair of the Overview and Scrutiny Board.
- 1.9 The Leader of the Council will set out these proposals as formal nominations to Council, but it will of course be up to other groups to make amendments to those proposals which will then be voted upon in the usual way.
- 2.0 If the Leader's proposals are accepted by Council, given the political affiliation of current Chairs, the Overview and Scrutiny Board would need to be a Committee of 16 members in order to comply with political balance requirements. Under these circumstances, the allocations would be as follows:
- 7 Conservative
  - 3 RAs (the current Chairs of Environment, Individuals and Health)
  - 2 UKIP (including the Chair of Towns and Communities)
  - 2 EHRG (including the current Chair of Children's)
  - 2 IRG (including the current Chair of Community safety)
- 2.1 Terms of reference for the new Overview and Scrutiny Board and Sub Committees are set out in Appendix 1 attached.

## IMPLICATIONS AND RISKS

### **Financial implications and risks:**

There are no direct financial implications and risks

### **Legal implications and risks:**

Section 9F of the Local Government Act 2000 provides that executive arrangements by a local authority must include provision for the appointment by the authority of one or more committees to undertake the specified functions of overview & scrutiny. The specified functions are those contained in the terms of reference of the proposed overarching Committee at Appendix 1 to this report.

Subject to the foregoing it is within the discretion of every authority as to how its Overview & Scrutiny arrangements are organised. The proposals in this report satisfy the legal requirements and there are no other immediate legal implications arising from this report.

**Human Resources implications and risks:**

There will be a minor impact to resources as staff will be required to undertake revised administrative duties; this will however be met by existing resources.

**Equalities implications and risks:**

There are no direct equalities implications and risks

**BACKGROUND PAPERS**

None

**Appendix 1**

**Overview & Scrutiny Responsibilities**

Section 9F of the Local Government Act 2000, requires that the overview & scrutiny function be empowered to undertake the following activities:

To:

- a) Review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Executive.
- (b) Make reports or recommendations to the Authority or the Executive with respect to the discharge of any functions which are the responsibility of the Executive;
- (c) Review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Executive;
- (d) Make reports or recommendations to the Authority or the Executive with respect to the discharge of any functions which are not the responsibility of the Executive; and
- (e) Make reports or recommendations to the Authority or the Executive on matters which affect the Authority's area or the inhabitants of that area.
- (f)
  - (i) Review and scrutinise in accordance with regulations made under Section 244 of the National Health Service Act 2006 matters relating to the Health Service (within the meaning given by that Act as extended by that section) in the Authority's area and
  - (ii) Make reports and recommendations on such matters in accordance with the regulations.

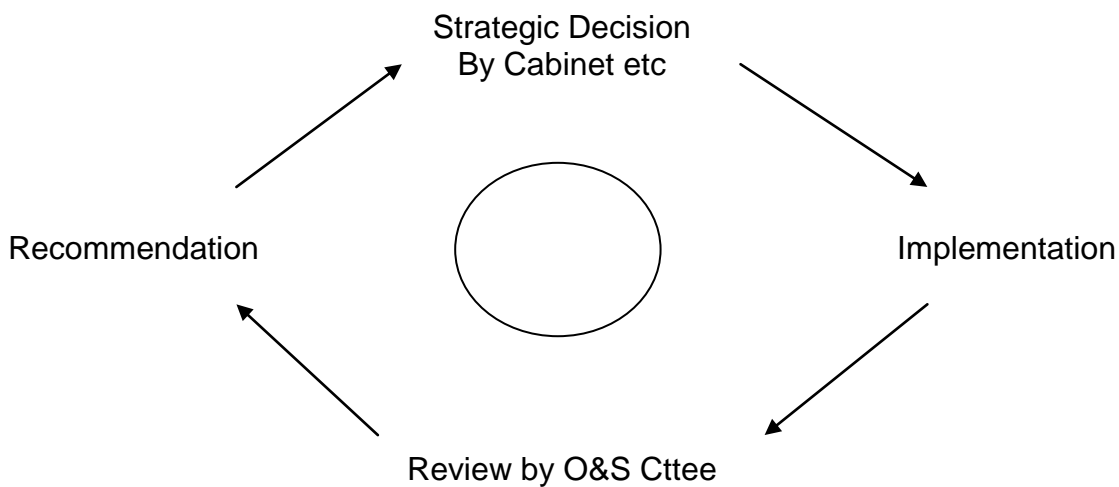
**Havering Council's Overview and Scrutiny Function is delegated as follows:**

**The Overview and Scrutiny Board will take responsibility for:**

- 1) General oversight of the overview and scrutiny function to ensure that scrutiny reviews and investigations are appropriate, that the sub-committees work together, and that ideas and expertise are shared. To help this happen, the Chairs of each scrutiny sub-committee will be members of the Overview and Scrutiny Board.
- 2) This Board exercises the power to hold the Executive to account, by examining decisions about to be taken; taken but not yet implemented (call-in); and that have been implemented (post-hoc review) in connection with the discharge of any functions which are the responsibility of the Executive.
- 3) Consider matters relating to the conduct, structure and procedures of overview and scrutiny;

**Governance Committee, 14 October 2014**

- 4) Develop mechanisms for addressing cross-cutting issues and for preventing duplication of work. Where matters fall within the remit of more than one O&S sub-committee, to determine which of them will assume responsibility or set up a joint ad-hoc body;
- 5) Contribute to continuous improvement in service delivery (through consideration of service delivery performance) and through consideration of the work of the sub committees to ensure a balanced programme that relates to important aspects of council activity is undertaken. Such activity will include both Executive and non-Executive processes. The Board will encourage the sub-committees to review key policies and decision made by the Executive to ensure it contributes to learning and a culture of continuous improvement using the model below.



This model suggests that Cabinet strategy decisions are to be put to the O&S Board after a given period subject to O&S choosing to review that policy. While the Board and sub-committees can pick and choose which policies they would like to examine, it is desirable that any review of the policy chosen is undertaken in the context of the Council's declared policy priorities. The O&S Board will oversee this process.

- 6) Undertake specific scrutiny of:

The Council's financial strategy and management including business processes and systems, debt recovery, use of resources and financial information for members

Strategic partnerships including Partnerships with Business

Customer access

oneSource

Councillor Call for Action

**Overview and Scrutiny Sub Committees will take responsibility for each of the areas set out below:**

**Children & Learning**

- School improvement (BSF)
- School Improvement
- Youth Service
- Social Care for Children
- Adult Education
- 14-19 Diplomas
- Social Inclusion
- Councillor Call for action

**Environment**

- Local Development Framework and Strategic Transport
- Transport for London
- Environmental Strategy
- Street care
- Parking
- Social Inclusion
- Councillor Call for action

**Individuals**

- Personalised services agenda
- Adult Social Care
- Diversity
- Social Inclusion
- Councillor Call for action

**Towns & Communities**

- Community Engagement
- Cohesion
- 3rd Sector
- Regulatory Services
- Planning and Building Control
- Town centre strategy
- Licensing
- Leisure, arts, culture
- Housing
- Social and economic regeneration
- Parks
- Social inclusion
- Councillor Call for Action



**Health**

NHS bodies

**Crime and Disorder**

Police and other organisations that deal with crime and disorder

**Note:**

The Health Sub- Committee and Crime and Disorder Sub-Committee will continue to have delegated to them the powers to scrutinise the NHS and crime and disorder partners as set out above via the appropriate legislation.