



OVERVIEW AND SCRUTINY BOARD 27 NOVEMBER 2014

Subject Heading:

**OVERVIEW & SCRUTINY BOARD
TERMS OF REFERENCE**

CMT Lead:

Andrew Blake-Herbert
Group Director, Strategy and Resources

Report Author and contact details:

Anthony Clements
Principal Committee Officer
Anthony.clements@onesource.co.uk
01708 433065

Policy context:

Local Government Act 2000
Localism Act 2011
Council Constitution

Financial summary:

No financial implications from agreeing terms of reference. Support to the Board will be provided from within existing committee administration resources.

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

Ensuring a clean, safe and green borough	[X]
Championing education and learning for all	[X]
Providing economic, social and cultural activity in thriving towns and villages	[X]
Valuing and enhancing the lives of our residents	[X]
Delivering high customer satisfaction and a stable council tax	[X]

SUMMARY

Following the agreement by full Council to establish an Overview and Scrutiny Board on 22 October 2014, this report puts forward a proposed terms of reference for the Overview and Scrutiny Board.

RECOMMENDATIONS

That the Overview and Scrutiny Board:

1. Adopt the Board's Terms of Reference as shown in appendix 1 to this report.

REPORT DETAIL

- 1.1 The establishment of an Overview and Scrutiny Board will allow the coordination of work amongst the six Sub-Committees and all sub-Committee Chairmen will be members of the Board. The Board will need to consider how best work can be coordinated to avoid duplication of effort and how it can ensure that the effectiveness of scrutiny is monitored. Additionally, the Board will have a number of specific powers and responsibilities which are summarised in the following paragraphs.
- 1.2 It will be the responsibility of the Board to deal with all requisitions or call-ins received of Executive Decisions. Clearly, it would seem appropriate for the relevant Sub-Committee Chairman to have close involvement in scrutiny of the requisitioned issue but Members should note this change to previous practice whereby all requisitions will now be considered at Board level. It may on occasion be necessary to call a meeting of the Board at short notice in order to allow for timely consideration of a called-in decision.
- 1.3 Formal scrutiny of the Council's overall budgets will be the responsibility of the Overview and Scrutiny Board with the previous twice-yearly (if required) joint budget meetings of the overview and scrutiny committees now becoming meetings of the Overview and Scrutiny Board. The Overview and Scrutiny Board will also receive for scrutiny each set of performance reports that have been considered by Cabinet.
- 1.4 The functions of the former Value Overview and Scrutiny Committee will be taken over by the Overview and Scrutiny Board. The Board will therefore have the full scrutiny functions, including the establishment of any topic groups, in the following areas:

- Strategy and commissioning
- Partnerships with Business
- Customer access
- E-government and ICT
- Finance
- Human resources
- Asset Management
- Property resources
- Facilities Management
- Communications
- Democratic Services
- Social inclusion
- Councillor Call for Action

1.5 Proposed terms of reference for the Overview and Scrutiny Board are set out in Appendix 1 attached.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no direct financial implications arising from this report which is to agree terms of reference for the Board. It should be noted that support to the Board will be covered by existing budgets within Committee Administration.

Legal implications and risks:

Section 9F of the Local Government Act 2000 (as amended by the Localism Act 2011) 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 and scrutiny. The specified functions are those contained in the proposed terms of reference of the Overview and Scrutiny Board at Appendix 1 to this report.

Subject to the foregoing it is within the discretion of every authority as to how its Overview and 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.

Overview & Scrutiny Board – Terms of Reference

1. Functions of Overview and Scrutiny

Section 9F of the Local Government Act 2000 (as amended by the Localism Act 2011) requires that the overview and 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 (as amended by the Health and Social Care Act 2012) 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.

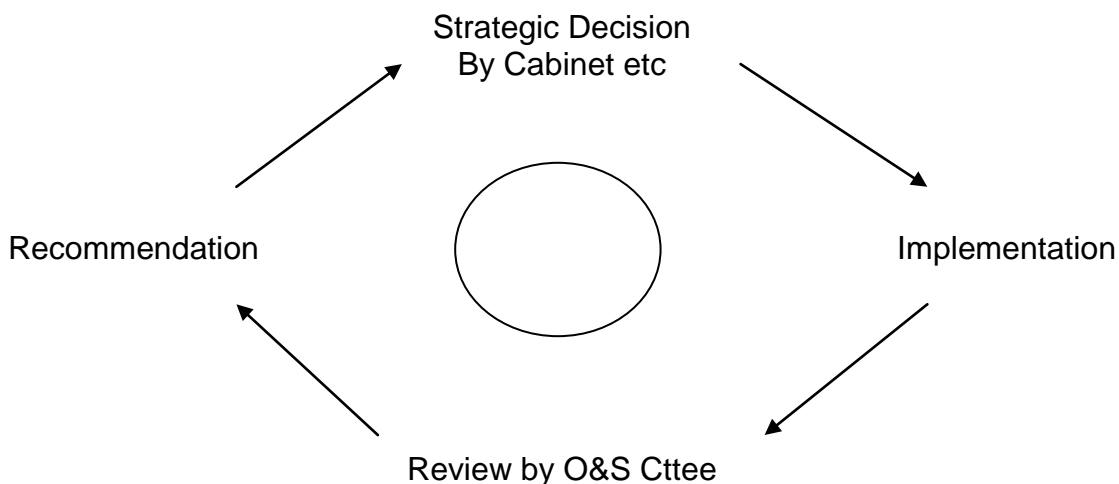
2. Havering Council's Overview and Scrutiny Function is delegated as follows:

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 effectively, 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. The Board will be politically balanced, comprising 16 members in total.

Overview and Scrutiny Board, 27 November 2014

- 2) Exercising of 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) Consideration of matters relating to the conduct, structure and procedures of overview and scrutiny;
- 4) Development of 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) Contribution 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 decisions 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's strategic decisions are to be put to the O&S Board after a given period subject to O&S choosing to review that policy / decision. While the Board and sub-committees can pick and choose which policies / decisions they would like to examine, it is desirable that any review of the policy / decision chosen is undertaken in the context of the Council's declared policy priorities. The O&S Board will oversee this process.

- 6) Lead on scrutiny of the Council's overall budgets and delivery of the Council's Financial Strategy by holding twice-yearly meetings (if required) of the Board and all its sub-committees at which Cabinet members and relevant officers will submit for scrutiny the Council's budget proposals and progress in delivering the Council's overall Financial Strategy.

Overview and Scrutiny Board, 27 November 2014

- 7) Undertaking specific scrutiny, including the establishment of any appropriate topic groups, of:
- Strategy and Commissioning
 - Partnerships with Business
 - Customer access
 - E-government and ICT
 - Finance
 - Human Resources
 - Asset Management
 - Property Resources
 - Facilities Management
 - Communications
 - Democratic Services
 - Social Inclusion
 - Councillor Call for Action
- 8) The receipt, normally at the final meeting of the Board of the municipal year, of annual reports of the Overview and Scrutiny Sub-Committees. The Board to present an annual report to Council summarising its activities during the last municipal year.