

CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 24 November 2016
Report of: Director of Legal Services
Subject/Title: Overview and Scrutiny Committees – Review of Structure

1.0 Report Summary

1.1 The report makes recommendations to reduce the number of Overview and Scrutiny Committees to better align committees to the Corporate and Cabinet structures.

2.0 Recommendations

That it be recommended to Council that:-

- (1) Overview and Scrutiny Committee structure be reduced from six to four committees as follows:
 - Corporate (12 Members) – (To include the Chairs and Vice -Chairs of the other three Overview and Scrutiny committees);
 - Environment and Regeneration (12 Members)
 - Children and Families (12 Members)
 - Health and Adult Social Care and Communities (15 Members)
- (2) The terms of reference for each committee as set out in appendix 1 be approved;
- (3) That meetings of Health Adult Social Care and Communities Committee be held on a monthly basis
- (4) That meetings of the remaining three committees be held on an eight weekly cycle, subject to each Chair being given flexibility to convene additional meetings as and when required depending on workload;
- (5) Regular mid point meetings be disbanded;
- (6) That the new structure be implemented with effect from 1 January 2016.

3.0 Reasons for Recommendations

3.1 The current Overview and Scrutiny Structure of six committees does not align with the new Corporate Structure of three directorates of Corporate, People and Places, nor does it align well with the existing Cabinet structure of 9 Portfolios. The new proposed structure provides clear links to the new corporate structure and ensures that each portfolio holder will report to only one Overview and Scrutiny Committee each.

4.0 Wards Affected

4.1 All.

5.0 Local Ward Members

5.1 Not applicable.

6.0 Policy Implications

6.1 No policy implications have been identified.

7.0 Financial Implications

7.1 There will be a reduction in the Members allowances scheme resulting from a reduction in the payment of two Special responsibility allowances.

8.0 Legal Implications

8.1 The review ensures that the Council's Overview and Scrutiny arrangements are in compliance with the Local Government Act 2000.

9.0 Risk Management

9.1 No risks have been identified.

10.0 Background and Options

10.1 Since the inception of Cheshire East in 2009, the Council's ambition for Overview and Scrutiny has been to ensure that it provides constructive challenge to Cabinet and partner organisations by focusing on the delivery of the Council's vision, strategic aims and objectives. In order to achieve this, Overview and Scrutiny has to be an integral part of the Council's decision making process, provide real opportunities for non-executive members to influence decision makers in a non-partisan environment; and ensure that the work of Overview and Scrutiny Committees always adds value to the work of the Council. This is accomplished by forging stronger links between Cabinet, Officers and Overview and Scrutiny.

10.2 All of the above sits comfortably with the well-established 'principles of good scrutiny', as set out in the Centre for Public Scrutiny's 'Good Scrutiny Guide' (CfPR 2004):

- to provide 'critical friend' challenge to executives, as well as external authorities and agencies (holding to account)
- to reflect the voice and concerns of the public and its communities (engaging the public as active citizens)
- to take the lead and own the scrutiny process on behalf of the public (facilitation of community leadership and effective representation)
- to make an impact on the delivery of public services (performance/quality assurance)

10.3 Overview and Scrutiny can steer portfolio holders in their policy work. Overview and Scrutiny committees exist to assist and challenge Cabinet in the process to achieve the Council's corporate objectives.

11.0 **Alignment of the Structure**

11.1 The Leader of the Council re-structured Cabinet in May 2016 reducing the number of portfolios to nine.

11.2 The current Overview and Scrutiny structure comprising six committees does not align with the new Cabinet well. The result is that most portfolio holders are required to report to more than one committee, and one portfolio holder has functions that are spread across four committees. This is not really sustainable.

11.3 A better alignment of the Overview and Scrutiny structure linked to the new portfolios will provide greater clarity for the organisation as a whole, and will give each portfolio holder a single point of contact as far as Overview and Scrutiny is concerned. This inevitably leads to a question about the number of committees that will be required to fulfil the Council's Overview and Scrutiny responsibilities.

11.4 Adopting that principle that the structure should recognise new the Corporate Structure involving three Directorates of Corporate, People and Places a draft structure has been created involving four committees. (See the chart below).

11.5 Each Portfolio holder in the new structure will report to one committee each. Where, portfolios have dual responsibility for a function it is implied that the Lead Portfolio holder will dictate which committee fulfils the scrutiny function. However, some officers may have to report to more than one Overview and Scrutiny committee.

11.6 The assumption is that Corporate Overview and Scrutiny Committee will retain its overarching responsibilities for the whole of the scrutiny function.

Although not covered in the diagram, there is also an assumption that the Scrutiny Chairmen's Group will be resurrected, but this will meet informally, and has no direct impact on the structure.

- 11.7 There is a dedicated Health and Adult Social Care and Communities Committee. This is in recognition of the fact that Health and Adult Social Care is a particularly challenging area which requires a dedicated group of well-trained Members to carry out the Council's statutory scrutiny duties in relation to health and community safety.
- 11.8 Likewise, there is also a committee dedicated to Children and Families. The case for this committee is very similar to that for Health and Adult Social care. Although there is no specific statutory requirement to scrutinise this area of work, the work-load is already significant and getting bigger. This committee will continue to appoint co-opted faith representatives in accordance with the Local Government Act 2000.
- 11.9 The fourth committee brings together all of the ASDVs and technical areas such as Environment, Planning, and those that currently rest with the Communities Committee. This committee will fulfil the Council's statutory responsibilities in relation to flood risk management.

12.0 Future method of Working

- 12.1 Overview and Scrutiny has made the biggest impact through task and finish work. This is the policy development role outlined above. Task and Finish groups are time consuming for members and support officers. Reviews normally take between 6-9 months to reach completion. For this reason, the number of reviews that each committee can undertake is limited. In order to retain this discrete policy development role, Work programmes need to be succinct and manageable.
- 12.2 Committees will still need to fulfil their responsibility to hold Cabinet to account. This can be achieved by taking more opportunities to undertake intensive spotlight reviews along the lines of the recent health review of North West Ambulance Service (NWAS). Again, this requires a disciplined approach to work planning. However, flexibility is the key and Committees should make full use of the range of modes of operation available to them such as 'select committee' style meetings, task-and finish groups: spotlight reviews; public hearings etc. Formal committee settings should be used only when appropriate to the task, and 'items for information' should only be included when there is a demonstrable case for doing so.

13.0 Frequency of Meetings

- 13.1 The number of meetings in the current calendar requires a lot of support from service departments. Better work planning will remove the need for as many meetings and will free officers to provide dedicated intensive support to a small number of reviews. As Scrutiny should always add value, fewer, more intensive reviews, should ensure that is always the case. With the

exception of Health Adult Social Care and Communities which will meet on a monthly basis, committees will meet formally on a bi-monthly basis, six times per year as they do now.

- 13.2 The use of mid-point meetings should be discontinued in favour of all Member briefings where this is considered appropriate. This will enable information on important matters to be disseminated to a wider group of Members. It is suggested above that each committee should meet formally six times per year on an eight weekly cycle. If additional meetings are needed for specific briefings, these can be arranged on an ad hoc basis.

14.0 The Way Forward

- 14.1 As outlined above, many believe that Overview and Scrutiny is most effective when undertaking task and finish reviews. Since the inception of the Council in 2009, there have been twenty two task and finish reviews, covering such diverse topics as Home to School Transport, Fostering Services, Car Park Management, Assistive technology, Domestic Violence and Apprenticeships.

- 14.2 This body of work has been well received and illustrates that Overview and Scrutiny Members have the necessary skills to deal with complex policy issues. The policy development role will become even more important as the Council strives to make efficiency savings over the coming years. Overview and Scrutiny can play an integral role in transforming service provision.

15.0 Allocation of Places and Political Representation

- 15.1 Currently, there are 55 places available across 6 committees. The new structure below produces 51 places across 4 committees. Three committees have 12 members each. The exception is Health and Adult Social Care and Communities which is proposed to have 15 Members. This is in recognition of the heavy workload of the committee and should provide greater opportunities for that committee to undertake more detailed work by drawing from a bigger pool of members.
- 15.2 As Members are aware, Overview and Scrutiny Committees are subject to proportionality rules. Therefore any change to the number of places available on Overview and Scrutiny Committees will inevitably lead to some adjustments having to be made Council's committee structure. The details of these changes will be covered by a separate report to Council.

15.3

Proposed Overview and Scrutiny Structure

<p style="text-align: center;">CORPORATE (RESOURCES) 12 Members</p> <p><i>Portfolios:</i> <i>Leader</i> <i>Corporate Policy and Legal Services</i> <i>Finance and Assets</i></p>

<p style="text-align: center;">ENVIRONMENT AND REGENERATION (PLACES) 12 Members</p> <p><i>Portfolios:</i> <i>Housing and Planning</i> <i>Regeneration</i> <i>Highways and</i> <i>Infrastructure</i></p>	<p style="text-align: center;">CHILDREN AND FAMILIES (PEOPLE) 12 members</p> <p><i>Portfolio:</i> <i>Children and Families</i></p>	<p style="text-align: center;">HEALTH AND ADULT SOCIAL CARE AND COMMUNITIES (PEOPLE) 15 Members</p> <p><i>Portfolios:</i> <i>Communities and</i> <i>Health</i> <i>Adult Care and</i> <i>Integration</i></p>
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16.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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