

CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 14th July 2011
Report of: Borough Solicitor
Subject/Title: Overview and Scrutiny Committees – Terms of Reference

1.0 Purpose of Report

- 1.1 To make a recommendation to Council to adopt new Terms of Reference for the new structure of six Overview and Scrutiny Committees.

2.0 Recommendations

- 2.1 That

- (1) the proposed terms of reference for the six Overview and Scrutiny Committees as set out in the Appendix be recommended to Council for approval and part 3 of the Council's Constitution in relation to Scrutiny Committees be amended accordingly; and
- (2) the responsibility for undertaking pre-decision scrutiny work as expressed in paragraph 10.5 below be incorporated into the General Responsibilities of all Scrutiny Committees as contained in part 3 of the Council's Constitution and the Borough Solicitor be authorised to amend the Constitution accordingly.

3.0 Reasons for Recommendations

- 3.1 Clear terms of reference enable committees to prepare work effective programmes.

4.0 Wards Affected

- 4.1 N/A

5.0 Local Ward Members

- 5.1 N/A

6.0 Policy Implications (including Climate Change/Health)

- 6.1 N/A

7.0 Financial Implications (Authorised by the Borough Treasurer)

7.1 NA

8.0 Legal Implications

8.1 None

9.0 Risk Assessment

9.1 There are no identifiable risks.

10. Background and Options

10.1 At its Annual Meeting on 18th May 2011, Council increased the number of Overview and Scrutiny Committees from 5 to 6 by dividing the functions of the former Health and Adult Social Care Committee and thereby creating two new committees: Health and Wellbeing Overview and Scrutiny Committee and Adult Social Care Overview and Scrutiny Committee.

10.2 The two new Committees considered draft terms of reference in June and the Scrutiny Chairmen's group met with the Leader of the Council on 14th June 2011 to review the terms of reference of all 6 committees in light of the changes made by the Leader in respect of the portfolio responsibilities of each of the Cabinet Members.

10.3 The Scrutiny Chairmen's Group's aspiration was to ensure that each portfolio was aligned to one Overview and Scrutiny Committee. This was achieved in all cases apart from two specific matters. The first relates to the operational delivery of leisure and cultural services which falls under the Environment Portfolio Holder. This would under normal circumstances be in the terms of reference of the Environment and Prosperity Scrutiny Committee but the Chairmen's group wished to maintain links between the operational and strategic delivery of Leisure and cultural strategy, the latter of which sits in the Health and Wellbeing Portfolio. The group considered that these two matters should be dealt with by the Health and Wellbeing Committee.

10.4 Secondly, Development Management and Building Control, which both sit in the Safer and Stronger Portfolio, were considered by the group to have strong links with matters contained in the terms of reference of the Environment and Prosperity Committee, and these two matters now appear in the Environment and Prosperity Committee's terms of reference.

10.5 The Appendix contains proposed new terms of reference for all six committees which reflect the discussions held with the Leader of the Council. The Appendix also contains an extract from the Constitution setting out the general responsibilities of all Scrutiny Committees. The Scrutiny Chairmen's Group recently discussed the need for the general responsibilities set out in Section 3 of the Constitution to be amended to

make clear that Scrutiny Committees have the right to undertake pre-decision scrutiny work as part of their work programme.

- 10.6 Members will be aware that following the Government's decision to 'pause' the passage of the Health Bill through Parliament, some significant changes to the makeup of the proposed Health and Wellbeing boards have emerged, which suggests that in 2013 they will become formal committees of upper tier local authorities. If this proposal is implemented, it will have an impact on the responsibilities of the Health and Wellbeing Overview and Scrutiny Committee and a further review of that Committee's terms of reference would be required to address issues that emerge in the new Act.

11.0 Access to Information

Background Documents: None

For further information:

Officer: Mark Nedderman Senior Scrutiny Officer

Tel No: 01270 686459

Email: mark.nedderman@cheshire.gov.uk