

CHESHIRE EAST COUNCIL

Corporate Scrutiny Committee

Date of Meeting: 5 February 2013
Report of: Borough Solicitor
Subject/Title: Corporate Scrutiny Committee - New Arrangements

1.0 Report Summary

- 1.1 The purpose of the report is set out the arrangements for this committee in the context of the Council's new governance arrangements approved in December 2012.

2.0 Recommendation

That the new terms of reference be noted, the proposed working arrangements be approved, and consideration be given to the Committee's work programme.

3.0 Reasons for Recommendations

- 3.1 At its meeting on the 13 December 2012, Council resolved to reduce the number of Scrutiny Committees from six to three and introduced six policy development groups to sit under Cabinet to be responsible for policy development work, thereby freeing up the new scrutiny function to concentrate on retrospective scrutiny reviews.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 There are no identifiable policy implications

7.0 Financial Implications

- 7.1 There are no direct financial implications associated with this report.

8.0 Legal Implications

- 8.1 In accordance with the Local Government Act 2000 (as amended by the Localism Act 2011), Local Authorities operating under the Leader/ Cabinet model must make provision for the appointment of at least one Overview and Scrutiny Committee and sets out the powers of scrutiny committees including the right to investigate and make reports and recommendations on anything which is the responsibility of the executive..

9.0 Risk Management

- 9.1 There are no identifiable risks.

10.0 Background

- 10.1 The purpose of this report is to set out the new responsibilities of the committee in the context of the Council's new structure, to gain an understanding the committee's relationship with Policy Development Groups and the Cabinet and to have an appreciation of the scale of remit of the committee.
- 10.2 The Committee met informally on 10 January 2013 to give initial consideration to the committee's work programme and to reach agreement about the way the committee will operate, on topic selection, and how cabinet and senior officers will be engaged in the process.
- 10.3 Terms of Reference
- 10.4 In general terms, the committee will be engaged in retrospective activity. Although it may still set up task and finish groups, they would only be concerned with policy review. This is on the assumption that Policy Development Groups will be forward looking, dealing with policy development.
- 10.5 The terms of reference for the committee in the revised Constitution are as follows:
- The Corporate Scrutiny Committee will fulfil the functions of an Overview and Scrutiny Committee as they relate to the performance and functions of the Council and:*
- *in relation to the Budget and Policy Framework respond to any consultation which is required under the law or the Council's constitution;*
 - *may 'call in' any decision of cabinet in accordance with the Scrutiny procedure rules contained within section 4 of the constitution;*
 - *will scrutinise quarterly performance reports;*
 - *may scrutinise any Cabinet decisions;*

- *may scrutinise the effectiveness of any existing policies and retrospectively any new policies introduced by Cabinet;*
 - *deal with any matter referred to it in accordance with the Council's protocol on Councillor Call for Action.*
- 10.6 In practical terms, this means that the Committee may scrutinise any of the Council's functions with the exception of health matters which are the responsibility of Health and Wellbeing Scrutiny Committee and Community Safety matters which are the responsibility of the Community Safety Scrutiny Committee.
- 10.7 There are specific responsibilities to involve statutory co-opted members in connection with education matters. When dealing with education matters, local authority scrutiny committees have responsibility to allow co-opted members representing faith groups and parent governor representatives to attend, take part in proceedings and to vote on those matters. Historically, the Council has had two faith co-opted members representing the Church of England and Catholic dioceses, and two parent governor representatives. Parent governor co-opted members are appointed for between 2 and 4 years through an election process. The terms of office of parent governor representatives who previously sat on the Children and families have lapsed and colleagues in the Children and Families Directorate are currently in the process of electing new parent governor representatives. All four co-opted members must be invited to take part as fully voting co-opted members whenever the Committee is dealing with education matters.
- 10.8 At the informal meeting on 15 January, members had suggested the following:

Work Programme

- The Committee needs to have regard to the Council's new 3 year plan;
- The Committee needs to take advice from Cabinet/CMT;
- The programme should be manageable and deal with a small number of high level matters;
- Further advice is required about the Committee's involvement in the consultation on budget setting;
- The Committee should routinely review historic decisions taken by Cabinet to assess whether expected outcomes have been met.

Style of meeting

- Although opportunities to use task and finish groups are expected to be limited, the committee would not wish to rule them out at this stage.

- The committee will operate in a 'select committee's style but will operate in a co-operative non adversarial manner.

Holding to Account

- Participation by portfolio holders and officers will be by invitation only.

Review of Performance information

- At least quarterly and matters be drawn from performance reports for further investigation on an exception basis.

- Potential Work Programme Items

The Committee reviewed the work programme 'handover document' produced by the former Scrutiny Chairmen's Group prior to the introduction of the new arrangements. (See attached sheet). The Committee is asked to review that document.

11.0 Access to Information

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

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