

New committee structure from May 2013

Report to the Constitution Committee on 5 March 2013

1 Background

- 1.1 The Overview and Scrutiny Management Committee has considered proposals for a new scrutiny structure to become effective following the County Council election on 2 May 2013. The proposals have been developed in conjunction with the other overview and scrutiny committees and members from across the Council have had an opportunity to comment.
- 1.2 If the new structure is adopted before the election, members will be appointed to the new committees at the Annual Meeting in May. This will prevent the disruption caused by appointing members to the old committees and undertaking another round of appointments later in the year. It will also allow non-executive members to become involved in scrutiny at an early stage in the new Council.
- 1.3 At the meeting of the Constitution Committee on 7 November 2012, consideration of the new structure was deferred to allow a survey to be undertaken of members on the frequency of scrutiny committees and full Council meetings. Information was also requested on the number of committee seats available to non-executive members if the new scrutiny structure is adopted.
- 1.4 The report provides this information together with details of the proposed new scrutiny structure and suggestions for a new approach to Corporate Parenting.

2 Seats available to non-executive members

- 2.1 If the new scrutiny structure is adopted, a total of 98 committee seats are potentially available to non-executive members following the May 2013 election. The breakdown is as follows:

	<i>Seats</i>	<i>Number of meetings each year</i>
Overview and Scrutiny Management Committee	12	6
Health and Care Overview and Scrutiny Committee	9	6
Children and Families Overview and Scrutiny Committee	9	6
Environment and Communities Overview and Scrutiny Committee	9	6
Audit and Governance Committee	9	4
Police and Crime Panel	4	6
Planning Committee*	19 15	6
Appeal Panels – Access to Education*	18 pool of 15 members	At least monthly (3 member panels)
Constitution Committee	9	6
Pensions Committee*	6	5
Adoption Panel*	1	Weekly
<i>Total</i>	98	

* The members of these committees are statutorily required to receive training before they are able to sit on them in a decision making capacity.

- 2.2 Seats on all of the above bodies will be allocated according to the political balance of the Council. The number of seats on the Planning Committee and the Appeals Committee have been reduced to reflect the smaller size of the Council (53 versus 63 members).
- 2.3 The following committees have not been included as they only meet very occasionally: Commons and Rights of Way Committee, Safety and Licensing Committee and Traffic Regulation Order Committee. It is worth noting, however, that the members of these committees are statutorily required to attend training before they are able to sit on them.
- 2.4 In addition to the seats available on committees, it is also worth noting that the most effective work undertaken by non-executive members is on scrutiny task groups that undertake ‘narrow and deep’ reviews of particular areas. These task groups are open to all non-executive members and not just those who sit on particular committees.

3 Frequency of meetings

- 3.1 There was no overall consensus on the number of scheduled scrutiny committees each year. Twenty seven members responded to the survey and the majority (18) thought that six meetings of each scrutiny committee was about right. Thirteen of the 27 members supported reducing the number of scheduled meetings of each scrutiny committee to four per year with additional meetings being arranged as necessary. Twelve members did not support reducing the number of scheduled scrutiny committee meetings.
- 3.2 There was little support for reducing the number of scheduled full Council meetings from the current number of seven each year.
- 3.3 A summary of the results of the survey including comments from members is available on request from Democratic Services.

4 New scrutiny structure

- 4.1 The new scrutiny structure reduces the number of overview and scrutiny committees from six to four.
- 4.2 In summary, it is proposed that the Overview and Scrutiny Management Committee takes on the strategic performance and budget monitoring role of the Budget and Performance Scrutiny Committee. The Environment Scrutiny Committee would be renamed Environment and Communities Scrutiny Committee and take on a wider remit including the fire and rescue service, trading standards and libraries.
- 4.3 The Health, Community and Care Scrutiny Committee (*renamed Health and Care Scrutiny Committee*) and Children and Young People Scrutiny Committee (*renamed Children and Families Scrutiny Committee*) would continue largely unchanged.
- 4.4 Under the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, it is full Council that has the power to review and scrutinise matters relating to the planning, provision and operation of the health service. It is proposed that the Council delegates these powers to the Health and Care Overview and Scrutiny Committee. However, under the regulations the 'referral powers' to the Secretary of State on substantial variations to services will remain with full Council. This means that the Health and Care Overview and Scrutiny Committee will need to make a recommendation to full Council if they believe that a referral is appropriate.
- 4.5 The new Audit and Governance Committee falls within the family of overview and scrutiny committees in the constitution. However, the committee's terms

of reference have recently been agreed by full Council and it is therefore not covered within this report.

4.6 At the meeting of the Overview and Scrutiny Management Committee held on 2 October 2012, the chairman, Cllr Rob Garnham, noted that the proposed structure built on the success of the Council's current arrangements whilst taking account of:

- a) The new operating model that splits commissioning from the delivery of services.
- b) The reduction in the number of councillors from 63 to 53 in May 2013.
- c) The introduction of the Police and Crime Panel.
- d) Reducing staff resources in Democratic Services and across the Council.

4.7 It should be noted that whilst a number of members have indicated support for the new structure, the proposals are not universally supported. Some members have raised specific concerns, most notably relating to the wide remit of the Health and Care Overview and Scrutiny Committee.

4.8 Please find the following documents attached to the report:

Annex 1 - Cllr Garnham's report to the Overview and Scrutiny Management Committee on 2 October 2012

Annex 2 – an extract from the minutes of the Overview and Scrutiny Management Committee held on 2 October 2012

Annex 3 – the changes required to the constitution if the new scrutiny structure becomes effective following the May 2013 election.

4.9 Decision

- a) *To consider whether to make a recommendation to the Council to adopt the new scrutiny structure to become effective following the May 2013 election. The constitution changes indicated at annex 3 will need to be adopted at that time.*
- b) *To consider whether the number of scheduled scrutiny committee meetings should be reduced to four each year with additional meetings being arranged as necessary. In reality, at least six meetings are likely to be needed but a requirement to hold at least four meetings would provide more flexibility if most of the work is being undertaken through scrutiny task groups.*

5 New approach to Corporate Parenting

- 5.1 The Council has had a Corporate Parenting Committee since 2009 but the members of the committee believe that this is no longer the best approach for addressing the needs of children in care. The committee suggests that a new approach is developed that provides better engagement with looked after children, allows partners including district councils to be more involved, promotes the role of all county councillors as corporate parents and strengthens the advisory role of the lead cabinet member for Children's Services.
- 5.2 Members believe that the existing Corporate Parenting Committee should be disbanded and replaced by a standing Corporate Parenting Group established by the lead cabinet member for Children's Services. This would include county councillors and representatives from the district councils, health, education and local business.
- 5.3 The role of the group should be to agree a strategy for improving outcomes for looked after children and care leavers. This includes improving engagement with looked after children and young people and foster carers in the care system, promoting the importance of health and wellbeing, improving educational attainment and identifying greater opportunities to support care leavers into work.
- 5.4 Scrutiny of performance would be through reports to the Children and Young People Overview and Scrutiny Committee (or equivalent). Members of the Corporate Parenting Committee are also anxious that every full Council agenda includes a standing item for corporate parenting. This could take the form of a short update from the lead cabinet member for Children's Services with more detailed presentations being made from time to time by officers.
- 5.5 The Corporate Parenting Committee will be producing a report making recommendations to the new Council on how this important agenda should be addressed. This will include recommendations for individual elected members in their role as a corporate parent. The member induction programme following the May 2013 election will include a specific session on corporate parenting and this will provide an opportunity to brief members.

5.6 Decision

If the approach suggested is supported, to recommend to the Council that the following changes to the constitution are made following the May 2013 election:

- a) *To remove section 3.10 of part 3 of the constitution relating to the role, duties and membership of the Corporate Parenting Committee.*

- b) *To include a standing item of business on all ordinary meetings of the Council to allow the lead cabinet member for Children's Services to report on corporate parenting issues. This will require an appropriate addition to procedural rule 2 ("ordinary meetings") in part 4 of the constitution.*