

Subject: Work Programme Report
Date of Meeting: 14 July 2009
Report of: The Acting Director of Strategy and Governance
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Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report contains general information on Overview & Scrutiny Committee work programmes.
- 1.2 Also included are draft work programmes for all of the Overview & Scrutiny Committees to be discussed by members (see **Appendices**).

2. RECOMMENDATIONS:

- 2.1 That members:
 - (1) Note the general information on Overview & Scrutiny work programmes;
 - (2) Agree to standardise the presentation of work programmes as outlined in paragraph 4 below;
 - (3) Comment on the work programmes as in the **Appendices**.

3. BACKGROUND INFORMATION

- 3.1 Each Overview & Scrutiny (O&S) committee is required to have its own work programme, setting out the committee's schedule for the current council year (Constitution Part 6.1, para 3.2). Setting a work programme

in advance in this way facilitates effective planning by council officers, and should ensure that all reports to O&S Committees are delivered on time and are of a high quality.

- 3.2 One of the duties of the Overview & Scrutiny Commission (OSC) is to “co-ordinate the work of the Overview & Scrutiny Committees” (Constitution Part 6.1, para 2.1.1) so as to ensure that “there is efficient use of the Committees’ time and that the potential for duplication of effort is minimised” (Constitution Part 6.1, para 3.1). In order for the OSC to carry out this task effectively, it is important that each individual O&S committee maintains its own coherent, readily comprehensible work programme.
- 3.3 O&S committees are essentially autonomous bodies, responsible for determining their own work schedules (Constitution Part 6.1, para 12.2), providing these accord with the Committee Terms of Reference; and subject to co-ordination and monitoring by the OSC (as detailed in point 3.2 above).
- 3.4 However, it is incumbent upon O&S committee members to ensure that Overview & Scrutiny is as effective as possible. To this end, members should seek to ensure that items placed on committee work programmes are:
- (i) significant issues;
 - (ii) issues where there is a genuine opportunity for O&S to make a positive contribution;
 - (iii) dealt with at the appropriate time (i.e. when there is the greatest opportunity for O&S to ‘add value’);
 - (iv) aligned with the council’s corporate priorities;
 - (v) coordinated with work being undertaken with the Council’s partners.
- 3.5 O&S committees are, as noted above, free to develop their own work programmes. However, members may also wish (and may in some instances be obliged) to consider work programme ideas from other sources. These sources include:
- 3.5(a) **Plans or strategies which comprise part of the Council’s Budget and Policy Framework.** The council’s constitution requires the Executive to consult with O&S before formulating its final proposals for these plans and strategies. The Executive must take account of any O&S response in drawing up firm proposals to be submitted to Full Council (Constitution Part 4.4, para 2(b)).
- 3.5(b) **Other plans and strategies.** Members of the Council’s Cabinet and senior officers in the council’s directorates may choose to consult with

O&S concerning the development of plans and strategies which do not form part of the Budget and Policy framework, but are nonetheless considered to be of particular importance (including, but not limited to, items which feature on the Council's Forward Plan).

- 3.5(c) **Items put forward by other members.** Any member of the Council may place a written question to the Leader of the Council, Cabinet members or Chairmen of any Committee or Sub-Committee (including O&S committees). Such questions should be included on the agenda of the next suitable committee meeting, where members will determine how best to deal with them (Constitution Part 3.2, rule 9.2).
- 3.5(d) **Public Questions.** Members of the public may submit questions to O&S committees no fewer than 5 working days before a scheduled committee meeting. Providing a question is relevant to the work of the committee, is not vexatious, and is not substantially similar to a question which the committee has recently debated to its satisfaction, it will be added to the agenda for the appropriate meeting (Constitution Part 9.9).
- 3.5(e) **Referrals from other Council bodies/committees.** Any Council body or committee may choose to refer items to the appropriate O&S committee for consideration.
- 3.5(f) **Referrals from Outside Bodies.** Other organisations (e.g. The Older People's Council, the Youth Council, LAA partners, neighbouring Local Authorities etc) may refer items to O&S committees for consideration.
- 3.5(g) **Referrals from Outside Bodies with statutory powers of referral.** In some instances, external bodies may have a statutory power/obligation to refer items to O&S committees for consideration. These include:
- (i) **Local Involvement Networks (LINKs).** LINKs were granted powers of referral by the Local Government and Public Involvement in Health Act 2007. LINKs can refer items to any local O&S committee responsible for aspects of adult health and social care and/or children's health issues. In the context of Brighton & Hove, this means that the Brighton & Hove LINK has a statutory power of referral to the Health Overview & Scrutiny Committee (HOSC), the Adult Social Care and Housing Overview & Scrutiny Committee (ASCHOSC), and the Children and Young People Overview & Scrutiny Committee (CYPOSC).
 - (ii) **NHS trusts.** NHS trusts are required by regulations made under the National Health Service Act 2006 to refer plans for 'substantial variations or developments' of local healthcare services to the appropriate HOSC(s).

- 3.5(h) **Councillor Call for Action.** This is a power which was introduced in the Local Government and Public Involvement in Health Act 2007. It enables ward Councillors to bring items of local concern, which could not be resolved via other avenues, to the appropriate O&S committee for investigation.
- 3.5(i) **Councillor Call for Action in relation to Crime and Disorder.** The Police & Justice Act 2006 introduced a power for ward Councillors to refer crime and disorder matters to a Crime and Disorder Committee (CDC). In Brighton & Hove, the Environment and Community Safety Overview & Scrutiny Committee (ECSOSC) has been designated the council's statutory CDC. Councillors may therefore refer crime and disorder issues to ECSOSC in cases where previous attempts to resolve the matter through standard channels, including the Community Safety Forum, have not succeeded.
- 3.5(j) **Scrutiny of Petitions.** The Local Democracy, Economic Development and Construction Bill, as currently drafted, would require the council to deal with petitions from local people in prescribed ways. This includes the option of referring the petition to an overview and scrutiny committee, which can then make a report or recommendation in the usual way. Further, a petition organiser may request an overview and scrutiny committee to review the adequacy of steps taken or proposed to be taken in response to a petition. Officers will report separately to the O & S Commission on these provisions once they are confirmed and the timescale for implementation is known.
- 3.6 The above list is not intended to be prescriptive; Overview & Scrutiny has an important role to play in encouraging closer working between various parts of the council; between the council and its key city partners; and in fostering better relationships between the council and local residents. Any suggestion for the work programme which may help achieve these goals should therefore be given serious consideration, whether or not it accords with the formal means of referral listed above.

4. THE FORMAT OF WORK PROGRAMMES

- 4.1 O&S work programmes should:
- (a) List all items for scrutiny in the current council year;
 - (b) Indicate the date when an item is to be considered;
 - (c) In instances where an item has not been requested by committee members, indicate where the item originated (e.g. referral from Cabinet, public question etc);

- (d) Indicate a mode of enquiry (e.g. ad hoc panel, workshop, report for information etc);
 - (e) Indicate why the O&S committee is looking at a particular item – e.g. pre-decision policy development, performance monitoring, scrutiny of area of concern.
- 4.2 An updated copy of the work programme should be included in each committee agenda for information. (There should generally no need for members to agree the work programme at each meeting.) Items which have already been dealt with should remain on the work programme, with an indication of the date they were addressed and any action agreed. Therefore, anyone consulting an O&S committee work programme should be able to tell at a glance what work the committee has already undertaken in the current year and what work it is planning to undertake.
- 4.3 There is an obvious utility in committees agreeing and keeping to an annual work programme. However, it may well be necessary to add items to the work programme throughout the year (e.g. in response to unanticipated events etc). In general it should be possible to add individual items at the Chairman’s discretion. However, if very significant changes to the work schedule are required, it may be necessary to ask committee members to agree a revised work programme.

5. WORK PROGRAMMES

- 5.1 A copy of the work programmes from all Committees are attached as **Appendices** to this report.

6. CONSULTATION

- 6.1 No formal consultation has been undertaken in compiling this report.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no financial implications to this report. Issues relating to O&S committee work programmes may impact upon the allocation of resources within the Scrutiny team, but this will relate to the existing Scrutiny budget and will not involve additional funding.

Legal Implications:

- 7.2 The O & S Commission's authority to co-ordinate the work of the council's O & S committees is detailed in paragraph 3.2. Relevant parts of the council's constitution and any relevant legislation or government bills are referred to at appropriate points in the report.

Equalities Implications:

- 7.3 O&S committee work programmes should be formulated with equalities issues in mind.

Sustainability Implications:

- 7.4 Members should consider whether the draft committee work programme adequately reflects the importance of sustainability issues to the committee's Terms of Reference.

Crime & Disorder Implications:

- 7.5 Members should consider whether the draft committee work programme adequately reflects the importance of crime and disorder issues to the committee's Terms of Reference.

Risk and Opportunity Management Implications:

- 7.6 Members should consider whether risk and opportunity management issues have adequately been addressed in formulating the draft committee work programme.

Corporate / Citywide Implications:

- 7.7 O&S committee work programmes should reflect corporate and citywide priorities.

SUPPORTING DOCUMENTATION

Appendices:

O&S Committee Work Programmes

Documents in Members' Rooms:

None

Background Documents:

None