

OVERVIEW AND SCRUTINY COMMISSION

Agenda Item 7

Brighton & Hove City Council

Subject:	Overview and Scrutiny Commission Terms of Reference		
Date of Meeting:	3 June 2008		
Report of:	Director of Strategy and Governance		
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Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 To set out the Terms of Reference and Procedure Rules for the new Overview and Scrutiny Commission (OSC).

2. RECOMMENDATIONS:

(1) To note the report.

3. BACKGROUND INFORMATION

3.1 Following the adoption of the new Constitution on 15 May 2008, the Council has appointed an Overview and Scrutiny Commission (OSC) and five Overview and Scrutiny committees: Adult Social Care and Housing Overview and Scrutiny Committee (ASCHOSC), Children and Young People Overview and Scrutiny Committee (CYPOSC), Culture Tourism and Enterprise Overview and Scrutiny Committee (CTEOSC), Environment and Community Safety Overview and Scrutiny Committee (ECSOSC) and Health Overview and Scrutiny Committee (HOSC)

3.2 The main new scrutiny roles, to be carried out by both the OSC and the five Overview and Scrutiny Committees, include monitoring compliance with the Council's Forward Plan of key decisions and the budget and policy framework, and being involved in policy development at an early stage.

3.3 The OSC terms of reference and procedure rules (Constitution Part 6.1) are included at Appendix 1 to this report. A separate report on Overview and Scrutiny and the Council's Forward Plan appears elsewhere on this agenda.

3.4 The Council's Budget and Policy Framework Documents are listed at Appendix 2.

3.5 In addition to the roles also undertaken by the five Overview and Scrutiny Committees the OSC has a coordinating role for the overview and scrutiny function and its work programme.

3.6 OSC is responsible for reviewing and scrutinising all matters relating to the specific functions of the Leader of the Council, Finance and Central Services functions, and other matters including joint working with other authorities and performance monitoring.

3.7 OSC and each of the Overview and Scrutiny Committees have a responsibility to consider the plans and strategies within the Budget and Policy Framework that relate to their functions *prior* to their approval by full council.

3.8 In line with the new scrutiny provisions in the Local Government Act 2007 the OSC has extra functions with regard to scrutiny of partner authorities and partnership working. These are summarised at Appendix 3 below.

3.9 The Commission can itself, or on the recommendation of an Overview and Scrutiny Committee, determine whether or not to establish an in-depth time-limited Sub-Committee, a 'Select Committee' to investigate a particular issue related to the functions of the Council or other issues of concern.

3.10 An Overview and Scrutiny Committee may not establish a Select Committee without the approval of the OSC but it can make recommendations to OSC. (see Part 6.1 paragraph 4)

3.11 Short sharply focused scrutiny reviews (Ad Hoc Panels) may be carried out by the OSC and each Committee at their own instigation. None of the Committees nor the Commission should normally appoint more than one Panel at any one time. The Panels may be on specific matters that do not warrant a full Select Committee inquiry and should be covered within 3 meetings or less.

3.12 When a Member requests scrutiny, that Member should not serve on any scrutiny review of the matter although this would not preclude the Member providing information as a witness.

Work Programme

3.13 The OSC is responsible for setting its own objectives and work programme. The Overview and Scrutiny Committees agree their own work programmes in consultation with the OSC.

3.14 The OSC and each of the Overview and Scrutiny Committees have a responsibility to consider the plans and strategies within the Budget and Policy Framework that relate to their functions prior to their approval by Full Council.

3.15 Overview and Scrutiny work programmes may also include examination of items on the Council's Forward Plan.

3.16 Any Member of the OSC and each of the Overview and Scrutiny Committees may notify the Head of Scrutiny that he/she wishes an item to be included on the agenda for the next available meeting. The OSC or Overview and Scrutiny Committee will then determine if and how it wishes to pursue the suggested item. (See flow chart at Appendix 4)

3.17 The OSC and each of the Overview and Scrutiny Committees should also respond, when their work programme allows it, to requests from the Council and if it thinks appropriate, the Cabinet/Cabinet Committees to review particular areas of Council activity.

4. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

4.1 Additional staffing resources have been dedicated to supporting the scrutiny function, the Cabinet and the political parties.

Legal Implications:

4.2 The overview and scrutiny arrangements are in accordance with the relevant legislation.

Equalities Implications:

4.3 One of the functions of the OSC is to review and scrutinise all matters, Executive decisions and service provision relating to Equalities.

Sustainability Implications:

4.4 One of the functions of the OSC is to review and scrutinise all matters, Executive decisions and service provision relating to sustainability.

Crime & Disorder Implications:

4.5 None directly in relation to this report.

Risk and Opportunity Management Implications:

4.6 None directly in relation to this report.

Corporate / Citywide Implications:

4.7 Within the new Leader and Cabinet style Council Constitution the Overview and Scrutiny function is extended as set out in the report.

SUPPORTING DOCUMENTATION

Appendices:

1. Overview and Scrutiny Terms of Reference
2. List of Budget and Policy Framework documents
3. Scrutiny of Partnerships
4. Flowchart of scrutiny reviews

Background Documents:

15 May 2008 Council Constitution