

CULTURE TOURISM AND ENTERPRISE OVERVIEW AND SCRUTINY COMMITTEE

Agenda Item 4

Brighton & Hove City Council

Subject: Terms of Reference and Procedure Rules
Date of Meeting: 19 June 2008
Report of: The Director of Strategy and Governance
Contact Officer: Name: *Julia Riches* Tel: 29-1084
E-mail: Julia.riches@brighton-hove.gov.uk
Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The report sets out the Terms of Reference and Procedure Rules for the new Culture, Enterprise and Tourism Overview and Scrutiny Committee (CTEOSC).

2. RECOMMENDATIONS:

- (1) To note the report.

3. BACKGROUND INFORMATION

3.1 Terms of Reference

Following the adoption of the new Constitution on 15 May 2008, the Council has appointed an Overview and Scrutiny Commission and five further Overview and Scrutiny committees. The terms of reference for the Culture, Enterprise and Tourism Overview and Scrutiny Committee are as follows:

To perform the Overview and Scrutiny function in relation to all matters, Executive decisions and service provision connecting to the Enterprise and Employment and in particular:-

- Major Projects
- Economic Regeneration
- Culture, Arts and Heritage
- Tourism and Marketing
- Libraries and Museums
- Events
- Leisure, Sports and Recreation.

3.2 Specific responsibilities of Overview and Scrutiny Committees

All Overview and Scrutiny Committees have their responsibilities set out in Part 6 of the Constitution. They will have the following duties:

- To be aware of the forward plan and other anticipated decisions of the Cabinet/Cabinet Committees and council services;
- To develop focused programmes of work and identify the most appropriate means of progressing such work;
- To scrutinise and make recommendations to the Cabinet/Cabinet Committees/Cabinet Member and any relevant Council Committees in relation to issues arising from its work programme;
- To monitor the decisions taken by or on behalf of the Cabinet and the activities of service areas;
- To receive requests from Councillors and suggestions from officers of the council and co-optees for particular areas to be scrutinised;
- To propose to the Overview and Scrutiny Commission any Select Committee reviews (see point 3.3 below) including the terms of reference and membership of the Select Committee with a proposed scrutiny brief and resource requirement;
- To establish ad-hoc review Panels as necessary (see point 3.8 below);
- To exercise the right to 'call-in' and review decisions taken by or on behalf of the Executive (see point 3.10 and Appendix 1 below);
- To have an overview of the practice and policy of the relevant service areas;

- To identify areas of service practice and implementation of a policy that cause concern to members of the public and councillors and identify what action should be taken;
- To receive internal and external inspection reports on the services and challenge the action plans drawn up in response to problems that have been identified; monitor progress in implementing the action plans.

3.3 Select Committee reviews

The CTEOSC may decide that it wishes to establish a task-orientated, time-limited Sub-Committee to investigate a particular issue within its remit. These 'Select Committees' can review in depth, investigate and report on particular topics related to the functions of the Council or issues of public concern.

3.4 Once the Committee has identified an area for possible Select Committee investigation, it must draw up the proposed terms of reference, duration and membership of the proposed Select Committee and submit it to the Overview and Scrutiny Commission for a decision. The Commission, having regard to the recommendations of the committee (or any other initiating scrutiny committee) will then decide whether or not to approve the appointment of the Select Committee.

3.5 In considering whether or not any matter should be agreed for a Select Committee Review the Commission will have regard to the following issues:

- The importance of the matter raised and the extent to which it relates to the achievement of the Council's strategic priorities, the implementation of its policies or other key issues affecting the well being of the City or its communities;
- Whether there is evidence that the decision-making rules in Article 11 of the constitution have been breached; that the agreed consultation processes have not been followed; or that a decision or action proposed or taken is not in accordance with a policy agreed by the Council;
- The potential benefits of a review, especially in terms of possible improvements to future procedures and/or the quality of Council services;
- What other avenues may be available to deal with the issue and the extent to which the Councillor or body submitting the request has

already tried to resolve the issue through these channels (e.g. a letter to the relevant Executive Member, the complaints procedure, enquiry to the Chief Executive, or Chief Officer, or a Council question etc);

- The proposed scrutiny approach (a brief synopsis) and resources required, resources available and the need to ensure that the Overview and Scrutiny process as a whole is not overloaded.

3.6 If the Commission agrees to establish a Select Committee it will have sub-Committee status and the political balance rules will apply. The Membership will be nominated by the Commission. No member may, however, be involved in scrutinising a decision in which he/she has been involved. As a guide, the Commission will not normally allow more than one Select Committee Review to be carried out at any one time.

3.7 Select Committee rules

When a member requests for a matter to be scrutinised, that Member should not normally be appointed as a Member of the Select Committee scrutinising the issue. However, this would not preclude the member giving evidence to the Select Committee. There are also no provisions for substitute members to attend Select Committee (or Ad-hoc panel) meetings.

3.8 Ad-hoc Overview and Scrutiny Panels

The CTEOSC may appoint Ad-hoc panels to carry out short, sharply focused pieces of scrutiny work. These may be on specific issues that do not warrant a full Select Committee inquiry and should be covered within 3 meetings or less. The committee should not appoint more than one Ad-hoc panel at a time.

3.9 Ad-hoc panels do not have sub-committee status, but will normally be cross-party. The CTEOSC will appoint the members to the Panel, but as with Select Committees, the requesting member will not normally be a member of the panel, nor may any member be involved in scrutinising a decision they have been involved in. No substitutes are allowed.

3.10 Call-in procedures

Call-in is the process by which Overview and Scrutiny Committees can recommend that a decision made (in connection with executive functions) but not yet implemented be reconsidered by the body which made the decision, or recommend that the full Council consider whether that body should reconsider the decision. The rules governing call-in are fundamentally unchanged in the new constitution. The details are contained in Appendix 1 to this report.

3.11 Quorum

As per the Council's procedure rules, a quarter of members must be present in order for the committee to be quorate.

3.12 Work programme

The CTEOSC is responsible for setting its own objectives and work programme. A separate report sets out the options for the committee in deciding its work programme. This may include examination of items on the Forward Plan. The committee does, however, have a responsibility to consider any of the 19 plans in within the Budget and Policy Framework that relate to its work *prior* to their approval by Full Council (see point 3.15 below).

3.13 Any Member 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 committee will then determine if it wishes to pursue the suggested item and in what manner.

3.14 The committee 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.

3.15 Policy Review and Development

The CTEOSC has a function to scrutinise policy outcomes and advise on policy development within its remit. The Cabinet shall "normally" consult overview and scrutiny before formulating the final proposals for policies that are part of the Budget and Policy Framework. The Cabinet will take into account any response from an overview and scrutiny committee and relevant stakeholders in drawing up firm proposals for submission to Full Council.

3.16 Submission of reports

Once the committee has formed recommendations on any matter, it will prepare a final report and submit it to the Chief Executive for consideration by the relevant Cabinet Member or Cabinet Meeting or the Council if appropriate (if, for example, the recommendation would require a departure from or change to the agreed Budget and Policy Framework). The Executive Member or Cabinet shall consider the report within six weeks of it being submitted to the Chief Executive or at its next meeting, whichever is the later, and shall prepare a response to the findings, including any action proposed.

3.17 Matters excluded from scrutiny

Overview and Scrutiny Committees should not normally scrutinise individual decisions made in respect of development control, licensing, registration, consents and other permissions. In particular, they are not an alternative to the normal appeals procedures.

4. CONSULTATION

4.1 No consultation was required for the compilation of this report.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

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

Legal Implications:

5.2 The Overview and Scrutiny arrangements are in accordance with the relevant legislation.

Equalities Implications:

5.3 The Overview and Scrutiny function takes equalities implications into account.

Sustainability Implications:

5.4 The Overview and Scrutiny function takes sustainability implications into account.

Crime & Disorder Implications:

5.5 The Overview and Scrutiny function takes crime and disorder implications into account.

Risk and Opportunity Management Implications:

5.6 None have been considered in the compilation of this report, although risk and opportunity management implications were considered as part of the process of compiling the new Constitution.

Corporate / Citywide Implications:

5.7 Within the new Leader and Cabinet style Council constitution the Overview and Scrutiny role is extended as set out in the report.

SUPPORTING DOCUMENTATION

Appendices:

1. Call-in in the new constitution.

Documents in Members' Rooms:

There are none.

Background Documents:

1. The Council's Constitution (May 2008).

