



CONSTITUTION COMMITTEE – 12 JUNE 2013

REPORT OF THE CHIEF EXECUTIVE

PROPOSED CHANGES TO THE STRUCTURE OF OVERVIEW AND SCRUTINY BODIES

Purpose

1. The purpose of this report is to seek approval of the Committee to submit proposed changes in the structure of Overview and Scrutiny Bodies to the County Council for approval.

Background

2. Article 15 of the County Council's Constitution gives the Chief Executive a duty to monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. It requires that changes to the document should only be approved by the full County Council after consideration of the proposal by the Chief Executive and the Constitution Committee or, in the case of Financial Procedure Rules, Contract Procedure Rules and Members' Code of Conduct, the recommendations of the Corporate Governance Committee.

Review of Scrutiny Arrangements

3. Towards the end of the last Council, discussions were held with the Leaders of all three political groups and with Scrutiny Commissioners regarding the operation of the Overview and Scrutiny bodies which were established in 2009. The outcome of those discussions were that after some initial teething trouble the new system had bedded down and delivered well, particularly in the area of policy review and policy development through the operation of scrutiny review panels. There were, however, been a number of issues/concerns raised by members about the current structure and these are listed below.
 - (i) The role and remit of the Scrutiny Commission was too wide and as such it found it difficult to give adequate attention to the range of activity falling within its remit. Environment and Transport issues dominated the work of the Commission to the detriment of others

- (ii) The standing Panel on Budget and Performance worked well particularly in terms of monitoring the performance and budgets of the County Council and to a lesser extent partnership performance. The demise of the Local Area Agreement and central targets meant that the information now available is varied as the County Council and its partners seek to establish a new performance management framework reflecting the agreed local priorities;
 - (iii) There was a disconnect between the work of the Budget and Performance Panel looking at performance issues and service committees looking at service delivery and this led to duplication of effort.
 - (iv) The role of the Scrutiny Commission in relation to the budget process was somewhat unclear.
 - (v) The workload of the Adults Communities and Health Scrutiny Committee was too broad given its remit over health bodies;
 - (vi) Partnership and external body scrutiny, with the exception of health scrutiny, has been somewhat patchy.
4. In planning for the new Council and the future shape and role of overview and scrutiny, members indicated the need to have regard to the following:
- (i) There have been significant changes to the health sector, with Public Health becoming part of the County Council. Alongside this, the Health and Wellbeing Board is now an executive committee of the Council charged with responsibility of amongst other things ensuring the Adult Social Care and Health work closely in joint planning and commissioning
 - (ii) Establishment of a local Healthwatch with a key role as the champion for patients and carers who access health and social care services with a reporting relationship to the Care Quality Commission;
 - (iii) The election of a Police Crime Commissioner (PCC) in November 2012 and the establishment of a Police and Crime Panel (comprising in the main executive members with the Crime and Disorder portfolios in their respective authorities) with the responsibility for scrutinising the Police and Crime Commissioner.
 - (iv) Major changes in the Children and Young People's service with the likelihood that the majority, if not all schools, becoming Academies and hence independent of the County Council. The existing role of the Local Education Authority will be greatly curtailed as will its direct powers over schools.

- (v) Increased joint working between the County Council and its partners. The Leicestershire Together Partnership has established a themed cross cutting Commissioning Boards to manage the design and delivery of the LT Boards (and hence key partners) agreed priorities. The six Commissioning Boards are:

| | |
|----------------------------|-------------------|
| Health and Wellbeing Board | Safer Communities |
| CYPS | LEP |
| Troubled Families | Environment |

5. Recognising that the results of the County Council election would, of course, affect the shape of any new structure given that the political balance rules would apply it was agreed that new structure would not be implemented before the election but that shortly thereafter discussions be held at Leader level to agree proposals to be put forward to the new Council. These have now taken place.

Proposed New Structure and Membership of Scrutiny Bodies

6. Attached at Appendix A is a proposed new structure which seeks to address the issues outlined above. The new structure involves the establishment of two additional scrutiny committees (as compared to the current structure) and the abolition of the Budget and Performance Panel. The new structure also proposes that the previous role of Deputy Commissioners be dispensed with. The number of members proposed for the Scrutiny Commission and Scrutiny Committees is set out below:-

Scrutiny Commission (11 members)

- Chairman – Leader of the Main Opposition Party;
- 3 Commissioners – Leader of the minority Opposition and 2 Administration Members;
- 4 Chairmen of Scrutiny Committees;
- 3 other members (to achieve the political balance).

Scrutiny Committees (9 members)

- Chairman and Vice Chairman;
- 7 other members to achieve political balance.

(Co-opted church and parent representatives will need to be appointed to the Children and Families Overview and Scrutiny Committee).

7. The proposed terms of reference for the new Overview and Scrutiny Bodies are attached at Appendix B. Appendix C sets out the consequential amendments to the Constitution arising from the changes now proposed.

Member Remuneration

8. The proposals have been considered by the Council's Independent Remuneration Panel in the context of the impact on the Members' Allowances Scheme. The Panel's report is the subject of a separate report to the Committee's meeting.

Recommendation

- (a) That the County Council be recommended to approve the proposed scrutiny structure set out in Appendix A to this report;
- (b) That the County Council be recommended to approve the proposed changes to the Constitution as set out in Appendices B and C to this report;

Background Papers

The Constitution of Leicestershire County Council.

Circulation under Local Issues Alert Procedure

None.

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Equal Opportunities Implications

None.