



County Council

**Open Report on behalf of David O'Connor, Executive Director Performance and Governance**

Report to:	<b>County Council</b>
Date:	<b>17 May 2013</b>
Subject:	<b>Review of Scrutiny Arrangements</b>

**Summary:**

The end of the previous Council term provided an opportunity to review the arrangements for Overview and Scrutiny at the County Council and to determine if any adjustments were required to the way scrutiny is delivered. Such a review was particularly timely given imminent changes to the responsibilities of this Council and the reorganisation of the National Health Service. This report summaries proposed changes to the scrutiny structure and seeks the approval of the Council to implement these changes.

**Recommendation(s):**

1. To approve the amendments to Article 6 of the Constitution as set out in Appendix C.

## **1. Background**

### **Existing Overview and Scrutiny Structure**

Attached to this report at Appendix A is the existing Overview and Scrutiny structure and at Appendix B is a proposed revision to this structure. A 'light-touch' review seemed appropriate given the success of the existing structure and the Council's intention to become a commissioning council in the new Council term and the impact that may have on the work of overview and scrutiny.

As part of the Review process, consultation took place with the Scrutiny Team, the Democratic Services Manager, the Chairman of the Overview and Scrutiny Management Committee, Scrutiny Chairmen and Vice-Chairmen, the Overview and Scrutiny Management Committee, Group Leaders and the Corporate Management Board. This report and the recommendations contained within it reflect the outcomes of the consultation process.

## **A Changing Environment**

The activities that the Council undertakes have developed over the last four years as the needs of the community have changed and the Council has had to adapt to a significant reduction in funding from central government. In addition the Council became responsible for delivering Public Health Services from 1 April 2013 and this date also saw a radical change in the governance of the National Health Service and the resulting introduction of the Health and Wellbeing Board. Overview and Scrutiny therefore needs to position itself so that it can continue to be an effective force for scrutiny and improvement.

## **Recommended Changes**

### All relevant scrutiny committees

Over the last four years the work of scrutiny has developed and the activities undertaken by each scrutiny committee have become more focussed. It is recommended to amend the Terms of Reference for all relevant scrutiny committees to reflect the increased focus on scrutiny of quarterly performance, major programmes and projects and customer satisfaction.

### Overview and Scrutiny Management Committee

Over the last four years the Committee has dealt with a number of significant, cross-cutting issues and it is recommended that the Terms of Reference for the Committee should include the capacity to undertake similar scrutiny in future.

### Adults Scrutiny Committee

The Committee has previously developed a protocol for working with the Local Involvement Network (LiNK) and it is recommended that a new protocol for working is established between the Adults Scrutiny Committee and the new Healthwatch Lincolnshire organisation which replaces the LiNK.

### Children and Young People Scrutiny Committee

It is recommended that the responsibilities of the Committee under the Terms of Reference should read as "Education and Schools" and "Children's Services". The term Children's Services is recommended given the breadth of work undertaken in this area.

### Economic Scrutiny Committee

The recommendation is to expand the remit of this Committee to include Council services including libraries, heritage, sport and adult non-vocational education that fall under the "Culture" heading and are currently considered by the Communities Scrutiny Committee. This will bring together scrutiny of all lifelong learning and allow a single committee to consider the Council's heritage offer, tourism and economic development. It is recommended that this Committee becomes known as the Economy and Culture Scrutiny Committee.

### Communities Scrutiny Committee

With the removal of the “Culture” element from the remit of the Communities Scrutiny Committee it is recommended that this Committee should also consider the work of Public Health. The preventative and protective nature of Public Health would sit well with other elements of the Council’s work that seek to protect the community e.g. Fire and Rescue, Emergency Planning, Trading Standards, Community Safety and Youth Offending. It is recommended that the name of this Committee should also be changed to the Public Safety Scrutiny Committee to more accurately reflect its remit.

### Health Scrutiny Committee for Lincolnshire

With the restructuring of local health bodies and the introduction of new health regulations, amendments are required to the terms of reference for the Health Scrutiny Committee for Lincolnshire. In particular, the Committee will become responsible for scrutinising the output of the newly-established Health and Wellbeing Board for Lincolnshire.

Recently published Health Scrutiny Regulations indicate that the power to refer substantial variations or developments in health provision will now rest with the County Council as a whole and not with the Health Scrutiny Committee as was the case. Health Scrutiny Committee will be responsible for recommending issues to the County Council to refer.

In April 2013 Healthwatch Lincolnshire replaced the existing Lincolnshire Local Involvement Network (LINK). A member of the LINK sat on the Health Scrutiny Committee as a non-voting member and it is recommended that Healthwatch is invited to nominate a representative to sit on the Committee as a non-voting member.

### Highways, Transport and Technology Scrutiny Committee

As part of its remit, this Committee considers digital connection and how this complements other forms of communication across Lincolnshire. However, digital connection is a cross-cutting issue and has been more frequently considered at other scrutiny committees. The economic benefits of improved digital connection have been considered by the Economic Scrutiny Committee and the Implementing Superfast Broadband programme has been considered at the Overview and Scrutiny Management Committee.

It is recommended that this Committee no longer has “Technology” within its remit or title and that issues relating to digital connectivity are addressed by the proposed Economy and Culture Scrutiny Committee and the Overview and Scrutiny Management Committee as required.

### Strategic Planning Scrutiny Sub-Committee

This Sub-Committee was introduced following the review of overview and scrutiny in 2009. However, this Sub-Committee has never been convened as the various areas of business under its remit, such as the preparation of the Minerals and Waste Local Development Framework, the Local Transport Plan and the Economic Development Strategy, have been addressed by the relevant scrutiny committee. It is therefore recommended to delete this Sub-Committee.

### Value for Money Scrutiny Committee

As part of the monitoring of the Council's performance, the Value for Money Scrutiny Committee has initiated the quarterly review of customer satisfaction data. This approach has been adopted by all other relevant scrutiny committees with Value for Money Scrutiny Committee retaining an overview. It is recommended that this overview of Customer Satisfaction is added to the list of responsibilities falling under the remit of this Committee.

Attached at Appendix C to this report are the proposed revisions to Article 6 of the Council's Constitution in order to incorporate the above recommendations.

## **2. Conclusion**

A review of scrutiny arrangements is appropriate given the developments that have taken place within scrutiny itself, the changes that have taken place within the Council over the last four years and the reorganisation that has recently taken place within the health sector.

### **3. Legal Comments:**

Changes to the constitution to reflect the new scrutiny arrangements are the responsibility of the Council.

### **4. Resource Comments:**

There are no material financial implications arising from the acceptance of the recommendation in this report.

## **5. Consultation**

### **a) Has Local Member Been Consulted?**

n/a

### **b) Has Executive Councillor Been Consulted?**

Yes

### **c) Scrutiny Comments**

The Overview and Scrutiny Management Committee considered a report on the Review of Overview and Scrutiny at its meeting on 28 February 2013 where the above recommendations were supported.

The Committee was advised that Healthwatch Lincolnshire would have a remit which included adult social care and health services and that there would therefore be a relationship between Healthwatch and both the Adults Scrutiny Committee and Health Scrutiny Committee for Lincolnshire. A protocol would be established between the two committees and Healthwatch Lincolnshire to ensure that there is clear reporting into each committee.

The Committee considered the arrangements for scrutinising Public Health. The Committee was advised that scrutiny of Public Health will fall within the remit of the Public Safety Scrutiny Committee who will have overall responsibility for this area of work. Public Health is inherently cross-cutting and at times particular initiatives will have a direct impact on other Council services such as Children's Services or Adult Social Care. Where this is the case it was agreed that the relevant other scrutiny committee(s) impacted by a particular initiative should also have the opportunity to engage in the scrutiny process.

### **d) Policy Proofing Actions Required**

This report does not require Policy Proofing.

## **6. Appendices**

These are listed below and attached at the back of the report	
Appendix A	Existing Overview and Scrutiny Structure
Appendix B	Proposed Overview and Scrutiny Structure
Appendix C	Changes to Article 6 of the Council's Constitution

## **7. Background Papers**

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

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