

<b>Item No.</b>	<b>Classification:</b> Open	<b>Date:</b> 21st May 2003	<b>Meeting Name:</b> Overview and Scrutiny Committee
<b>Report title:</b>		Establishment of Themed Scrutiny Sub-Committees for 2003/04	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Chief Executive (Borough Solicitor & Secretary)	

## RECOMMENDATIONS

### Establishment of Scrutiny Sub-Committees

1. That in accordance with Overview & Scrutiny Procedure Rules, the themed scrutiny sub-committees be appointed by Overview and Scrutiny Committee.

*Note: The Committee should agree the size, composition and terms of reference of the sub-committees.*

### Reserve Members

2. That Committee agrees the number of reserve members serving on themed scrutiny sub-committees as follows:
  - Reserve Members for the Councillor Members of a committee – each political group is entitled to have a number of reserves, being one fewer reserve than they have seats on the committee, subject to a minimum of one.

### Appointment of Chairs and Vice-Chairs

3. That Overview and Scrutiny Committee considers whether it wishes to appoint Chairs and Vice-Chairs for the themed scrutiny sub-committees.

## BACKGROUND INFORMATION

4. On 21<sup>st</sup> May 2003 Council Assembly will consider a report on constitutional issues for 2003/04. This meeting will establish the Overview and Scrutiny Committee and appoint a Chair and Vice-Chair. Arising from this decision, the Overview and Scrutiny Committee is invited to establish themed scrutiny sub-committees. The recommendations in this report reflect the status quo based on the current arrangements.

## KEY ISSUES FOR CONSIDERATION

### Proportionality

#### General Advice

5. Seats on committees and sub-committees must be allocated in accordance with the four principles of proportionality contained in sections 15, 16 and 17 of the Local Government and Housing Act 1989. When making appointments, Council Assembly appointing Committees, and Committees appointing Sub-committees have a duty to give effect to the following principles, as far as is reasonably practicable.
  1. That not all the seats on a Committee or Sub-Committee are allocated to the same political group;
  2. That the majority group must have the majority of seats on each Committee or Sub-Committee;
    - *As no one group has an overall majority on the Council, this principle is not relevant to the current allocation*
  3. Subject to (1) and (2) above, it must be ensured that the proportion of each political group's seats of the total number of seats on "ordinary committees" reflects as closely as possible their proportion of seats on full Council; and
    - *The ordinary committees are Appointments, Development Control, and Licensing. The total number of seats on these 3 committees must be allocated as proportionately as is reasonably practicable.*
    - *The Overview and Scrutiny Committees is appointed under section 21 of the Local Government Act 2000, and is not an ordinary committee.*
  4. Subject to (1) to (3) above, the proportion of each political group's seats on each Committee and Sub-Committee reflects as closely as possible their proportion of seats on full Council.
    - *This rule applies to all committees, sub-committees and joint committees, except for Standards Committee and Community Councils.*

#### Scrutiny Sub-Committees

6. Sub committees are not "ordinary" committees and are each considered individually for the purposes of proportionality. So far as it is reasonably practicable to do so, the seats on each committee should bear the same proportion to the number of the seats on the committee, as is borne by the number of members of that group to the council as a whole.

7. The most proportionate allocation will depend on the number of members of the committee. A table below shows the most proportionate arrangement for individual committees:

<b>Committee Size</b>	<b>Lib Dem</b>	<b>Labour</b>	<b>Cons.</b>
Nine Members	4	4	1
Eight	4	3	1
Seven	3	3	1
Six	3	3	0
Five	2	2	1
Four	2	2	0

8. The most proportionate composition of an individual committee of six members has 3 Liberal Democrat and 3 Labour members. If, as has happened in the past, all scrutiny committees are to have six members, no Conservative members would have a place on any scrutiny sub-committee, which would mean that the rules on proportionality produced a disproportionate result overall. Members have varied the number of members on committees to prevent that.
9. Members can always agree an allocation that is disproportionate, provided no Member votes against. For example, Members could, provided there is no dissent, agree that the membership of the scrutiny sub-committees should be proportionate overall.
10. The constitution specifies that the appointment and composition of themed scrutiny sub-committees be considered by the first meeting of the Overview and Scrutiny Committee.

#### Appointments to Seats

11. Section 16(1) of the Local Government and Housing Act 1989 provides that it is the duty of the authority or committee so to exercise their power to make appointments to a body as to give effect “to such wishes about who is to be appointed to the seats on that body which are allocated to a particular political group as are expressed by that group”
12. There is no requirement that a seat allocated to a particular group can only be filled by a member of that group. Therefore groups have the discretion to allocate seats as they wish, including to a member of another group.

#### **Scrutiny Sub-Committees in 2002/03**

13. In 2002/03 the themed scrutiny sub-committees were established with the memberships set out Appendix B in 2002/03. The terms of reference for these sub-committees are set out in Appendix C.

## **Reserve Members**

14. Committee and Community Council Procedure Rule 2.1 allows for Reserve Members on sub-committees. Overview and Scrutiny Committee is recommended to agree the following formula for allocation of reserves:

- Each political group is entitled to have a number of reserves, being one fewer reserve than they have seats on the committee, subject to a minimum of one.

Overview and Scrutiny Committee may wish to consider whether these arrangements are sufficient for scrutiny sub-committees.

## **Appointment of Chairs and Vice-Chairs**

15. Overview and Scrutiny Committee may appoint the Chairs and Vice-Chairs of the scrutiny sub-committees directly or the appointments may be delegated to the first meeting of the relevant sub-committees.

### **Background Papers**

Constitutional Issues 2002/03

### **Held At**

Town Hall  
Peckham Road  
London SE5 8UB.

### **Contact**

020 7525 7236

## **List of Appendices**

Appendix A -	Audit Trial
Appendix B	List of scrutiny sub-committees in 2002/03
Appendix C -	Terms of reference for scrutiny sub-committees 2002/03

## APPENDIX A

### Audit Trail

<b>Lead Officer</b>	Deborah Holmes, Borough Solicitor & Secretary	
<b>Report Author</b>	Ian Millichap, Constitutional Support Manager (Executive)	
<b>Version</b>	Final	
<b>Dated</b>	13.05.03	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Borough Solicitor & Secretary	Yes	Yes
<b>Executive Member</b>	N/A	
<b>Date final report sent to Constitutional Support Services</b>	13 <sup>th</sup> May 2003	

<b>Appendix B</b>	<b>List of scrutiny sub-committees in 2002/03</b>
-------------------	---

### SCRUTINY SUB-COMMITTEE No. 1 – HOUSING & REGENERATION

Summary of Functions	Status	Membership	How often it Meets	Politically Proportionate
To review and/or scrutinise decisions made or actions take in connection with the discharge of any of the Council's functions as they relate to stable and inclusive communities including regeneration of communities, management of Council's housing stock, housing partnerships and social inclusion.	Scrutiny Committee	8 Councillors	Monthly	Yes

Allocation 2002/03 (No. of Reserves in brackets)	Proposed Allocation 2003/4 (No. of Reserves in brackets)	Appointments to Committee	Nominations Received 2003/04
Labour - 3 (2) Liberal Democrats – 4 (3) Conservatives – 1 (1)	Unchanged	Chair Vice Chair	

**SCRUTINY SUB-COMMITTEE No. 2 – COMMUNITY SUPPORT & SAFETY**

<b>Summary of Functions</b>	<b>Status</b>	<b>Membership</b>	<b>How often it Meets</b>	<b>Politically Proportionate</b>
To review and/or scrutinise decisions made or actions take in connection with Community Safety, the Crime & Disorder Strategy and other crime related strategies, Community Development and the impact on community safety of other Council services and policies of other agencies.	Scrutiny Committee	6 Councillors	Monthly	Yes

<b>Allocation 2002/03 (No. of Reserves in brackets)</b>	<b>Proposed Allocation 2003/4 (No. of Reserves in brackets)</b>	<b>Appointments to Committees</b>	<b>Nominations Received 2003/04</b>
Labour - 3 (2) Liberal Democrats – 3 (2) Conservatives – 0 (n/a)	Unchanged	<b>Chair</b> <b>Vice Chair</b>	



### SCRUTINY SUB-COMMITTEE No. 3 – EDUCATION, YOUTH & LEISURE

Summary of Functions	Status	Membership	How often it Meets	Politically Proportionate
To review and/or scrutinise decisions made or actions take in connection with the discharge of any of the Council's functions, including education, training, museums, art galleries, leisure activities and youth services.	Scrutiny Committee	8 Councillors	Monthly	Yes

Allocation 2002/03 <i>(No. of Reserves in brackets)</i>	Proposed Allocation 2003/4 <i>(No. of Reserves in brackets)</i>	Appointments to Committees	Nominations Received 2003/04
Labour - 3 (2) Liberal Democrats – 4 (3) Conservatives – 1 (1) Independent – 4 (0)	Unchanged	<b>Chair</b> <b>Vice Chair</b>	

### SCRUTINY SUB-COMMITTEE No.4 – ENVIRONMENT & TRANSPORT

Summary of Functions	Status	Membership	How often it Meets	Politically Proportionate
To review and/or scrutinise decisions made or actions take in connection with the discharge of any of the Council's functions, including parks, environmental management, recycling, energy conservation, air quality, transport and parking.	Scrutiny Committee	6 Councillors	Monthly	Yes

Allocation 2002/03 <i>(No. of Reserves in brackets)</i>	Proposed Allocation 2003/4 <i>(No. of Reserves in brackets)</i>	Appointments to Committees	Nominations Received 2003/04
Labour - 3 (2) Liberal Democrats – 3 (2) Conservatives – 0 (n/a)	Unchanged	<b>Chair</b> <b>Vice Chair</b>	

**SCRUTINY SUB-COMMITTEE No. 5 –HEALTH AND SOCIAL CARE**

<b>Summary of Functions</b>	<b>Status</b>	<b>Membership</b>	<b>How often it Meets</b>	<b>Politically Proportionate</b>
To review and/or scrutinise decisions made or actions take in connection with the discharge of any of the Council's functions, including residential/ day care, social work, youth offending and health.	Scrutiny Committee	6 Councillors	Monthly	Yes

<b>Allocation 2002/03 (No. of Reserves in brackets)</b>	<b>Proposed Allocation 2003/4 (No. of Reserves in brackets)</b>	<b>Appointments to Committees</b>	<b>Nominations Received 2003/04</b>
Labour - 3 (2) Liberal Democrats – 3 (2) Conservatives – 0 (n/a)	Unchanged	<b>Chair</b> <b>Vice Chair</b>	

**SCRUTINY SUB-COMMITTEE No. 6 – FINANCE & GENERAL PURPOSES**

<b>Summary of Functions</b>	<b>Status</b>	<b>Membership</b>	<b>How often it Meets</b>	<b>Politically Proportionate</b>
To carry out Scrutiny functions in respect of Best Value, Performance & Service Delivery, the Budget, Finance and Asset Management, Human Resources, Customer Access, Consultation and other matters allocated by the Overview and Scrutiny Committee, in particular those which reflect the Finance and Service Delivery portfolios.	Scrutiny Committee	6 Councillors	Monthly	Yes

<b>Allocation 2002/03 (No. of Reserves in brackets)</b>	<b>Proposed Allocation 2003/4 (No. of Reserves in brackets)</b>	<b>Appointment to Committees</b>	<b>Nominations Received 2003/04</b>
Labour - 3 (2) Liberal Democrats – 2 (2) Conservatives – 1 (1)	Unchanged	Chair Vice Chair	

<b>Appendix C</b>	<b>Terms of reference for scrutiny sub-committees 2002/03</b>
-------------------	---

#### Community Support & Safety Scrutiny Sub-Committee

To fulfil all the functions of a Scrutiny Sub-Committee set out in the general terms of reference as they relate to community support and safety and in particular (but not limited to):

- (a) The Council's community safety policies;
- (b) Partnership working of the Council in respect of community safety;
- (c) Development and review of the Council's Crime and Disorder Reduction Strategy;
- (d) Other crime related strategies that might be in place from time to time (e.g. Youth Crime Strategy);
- (e) The impact on community safety of other Council services and policies, and the services and policies of other agencies, such as the Police;
- (f) Community development.

#### Education, Youth & Leisure Scrutiny Sub-Committee

To fulfill all the functions of a Scrutiny Sub-Committee set out in the general terms of reference as they relate to education, youth and leisure and in particular (but not limited to):

- (a) All of the functions of the Council as an Education authority under the Education Acts, School Standards and Framework Act 1998 and all other relevant legislation in force from time to time;
- (b) All functions of the Council in so far as they relate to the provision of opportunities for education, training and learning outside the school environment including pre-school, adult and community learning;
- (c) The impact of other Council functions on education in the borough, including Council sponsored initiatives in the areas of regeneration, housing and social services; and the policies and initiatives of other statutory and voluntary organisations;
- (d) Development of the Council's Education Development Plan and the Early Years Development and Childcare Plan and the Adult Learning Plan;
- (e) Review of the contractor's Annual Plan, including revised delivery targets for the following year;
- (f) Provision and management of museums, art galleries, theatres, archives and local history activities, libraries, leisure centres, swimming pools, parks and open spaces, allotments and other like facilities;
- (g) Development of the Council's Annual Library Plan;
- (h) Leisure; and
- (i) Youth Services and Youth Policy.

### Environment & Transport Scrutiny Sub-Committee

To fulfil all the functions of a Scrutiny Sub-Committee set out in the general terms of reference as they relate to environment and transport and in particular (but not limited to):

- (a) Parks and open spaces;
- (b) Environmental Management;
- (c) Energy Conservation;
- (d) Recycling;
- (e) Waste management;
- (f) Development and review of the Council's Air Quality Management Action Plan; Recycling Plan; Waste Minimisation Strategy;
- (g) Development and review of the Council's UDP as it relates to environmental issues;
- (h) The Council's transport and parking policies;
- (i) Development and review of the Council's Local Transport Plan and the Highway Maintenance Plan contained therein; and
- (j) Development and review of the Council's UDP as it relates to economic development and transport issues.

### Finance & General Purposes Scrutiny Sub-Committee

To fulfil all the functions of a Scrutiny Sub-Committee set out in the general terms of reference as they relate to inquiries allocated by the co-ordinating Overview & Scrutiny Committee; and in particular to:

- (a) Overview of the Best Value process;
- (b) Issues relating to performance and service delivery generally;
- (c) Matters relating to budget, finance and asset management generally;
- (d) Matters in respect of Human Resources and the Council's role as an employer and corporate practice generally;
- (e) Matters relating to customer access issues including: e-government, information technology and communications;
- (f) Matters relating to consultation with local people in so far as they are not delegated to other Sub-Committees; and
- (g) Any other matter allocated by the Overview & Scrutiny Committee and in particular those which reflect the portfolios of Finance and Service Delivery.

## Health & Social Care Scrutiny Sub-Committee

To fulfil all the functions of a Scrutiny Sub-Committee set out in the general terms of reference as they relate to health and social care and in particular (but not limited to):

- (a) Residential and day care, family placements, domiciliary care, respite care;
- (b) Social work for children, young persons, elderly people, people with physical disabilities, people with mental health problems and learning difficulties and children with special needs;
- (c) Home care service, staffing and emergency response for elderly persons in sheltered housing, hospital social workers;
- (d) Fostering and adoption, family support service;
- (e) Funerals under the provision of the National Assistance Act 1948;
- (f) Transport service for client groups;
- (g) Youth offending services;
- (h) Meals production and distribution service;
- (i) Registration and inspection;
- (j) Assisting in the development of the Council's Children's Services Plan, and Community Care Plan;
- (k) Assisting in the development of the Community Strategy as it relates to health;
- (l) Reviewing HIMP;
- (m) Collaborative working with health agencies in the area;
- (n) Reviewing health reconfigurations;
- (o) Assessing the impact of the Council's and other agencies services on the health of the boroughs residents; and
- (p) Reviewing the integration of social services and health.

## Housing & Regeneration Scrutiny Sub-Committee

To fulfil all the functions of a Scrutiny Sub-Committee set out in the general terms of reference as they relate to housing and regeneration and in particular (but not limited to):

- (a) Regeneration of communities in the area;
- (b) Social inclusion and the Council's specific initiatives to promote it;
- (c) Management of the Council's housing stock;
- (d) Development of partnerships with external organisations to meet housing need and regenerate unsatisfactory housing;
- (e) Improvement of private sector housing;
- (f) Relationships with the Housing Corporation;
- (g) Grants and loans to owner occupiers, tenants landlords, and/or developers;
- (h) Homelessness and re-housing;
- (i) Special needs housing;
- (j) Assessing the impact of the Council's, and other agencies' services, in creating and maintaining stable and inclusive communities;
- (k) Economic development of the borough and its constituent areas;
- (l) Partnership working of the Council in respect of economic development;
- (m) Development and review of any economic development plan;
- (n) The impact on economic development of other council services and policies and the services and policies of other agencies (including those such as the LDA which are implementing London-wide policies); and
- (o) Development and review of the Council's UDP as it relates to economic development and transport issues.