

Item No. 1	Classification: Open	Date: 26 th May 2004	Meeting Name: Overview & Scrutiny Committee
Report title:		Establishment of Themed Scrutiny Sub-Committees for 2004/05	
Ward(s) or groups affected:		All	
From:		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 26th May 2004 Council Assembly will consider a report on constitutional issues for 2004/05. 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.

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:

Committee Size	Lib Dem	Labour	Cons.
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 2003/04

13. In 2003/04 the themed scrutiny sub-committees were established with the memberships set out as set out on the Council Assembly agenda for 26th May 2004. The terms of reference for scrutiny sub-committees 2003/04 were as set out in Appendix B.
14. Appendix C sets out the proposals for the terms of reference for scrutiny sub-committees for 2004/05, in line with consultation with party whips.

Reserve Members

15. 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

16. 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 2003/04

Held At

Town Hall
Peckham Road
London SE5 8UB.

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List of Appendices

Appendix A	Audit Trail
Appendix B	Terms of reference for scrutiny sub-committees 2003/04
Appendix C	Proposed terms of reference for scrutiny sub-committees 2004/05

APPENDIX A

Audit Trail

Lead Officer / Report Author	Shelley Burke, Head of Overview & Scrutiny
Version	Final
Dated	18 th May 2004
Key Decision?	No
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER	

Officer Title	Comments Sought	Comments Included
Borough Solicitor & Secretary	Yes	Yes
Executive Member	N/A	

Appendix B	Terms of reference for scrutiny sub-committees 2003/04
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Terms of Reference of the co-ordinating Overview & Scrutiny Committee

- (a) To appoint six themed Sub-Committees
- (b) To approve an annual overview and scrutiny work programme, including the programme of the sub-committees, to ensure that there is efficient use of the sub-committees' time, that the potential for duplication of effort is minimised and to manage scrutiny of the Council's Budget and Policy Framework;
- (c) Where matters fall within the remit of more than one Sub-Committee, to determine which of them will assume responsibility for any particular issue, and to resolve any issues of dispute between Sub-Committees;
- (d) To receive requests from the Executive and/or Council Assembly and Community Councils for reports from Sub-Committees and to allocate them if appropriate to one or more Sub-Committees;
- (e) To exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the executive;
- (f) To comment on Scrutiny reports that propose policy change or that have resource implications (as opposed to reports that comment on performance);
- (g) To put in place and maintain a system to ensure that referrals from Scrutiny to the Executive, either by way of report or for reconsideration, are managed efficiently;
- (h) To periodically review Overview and Scrutiny procedures to ensure that the function is operating effectively;
- (i) To report annually to Council Assembly on the previous year's Scrutiny activity;
- (j) To monitor the budget for additional Scrutiny research, and to determine funding requests from Sub-Committees in respect of particular reviews
- (k) To scrutinise matters in respect of Human Resources and the Council's role as an employer and corporate practice generally;
- (l) To scrutinise matters relating to customer access issues including: e-government, information technology and communications.

Environment and Community Support 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 environmental matters and community support and safety 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) The Council's community safety policies and development of related strategies;
- (h) The impact on community safety of other Council services and policies, and the services and policies of other agencies, such as the Police;
- (i) Community development
- (j) Social inclusion and the Council's specific initiatives to promote it.

Education, Youth & Leisure 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 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.

Regeneration and 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 regeneration and transport and in particular (but not limited to):

- a) Regeneration of communities in the area;
- b) Major regeneration programmes
- c) Development and review of the Council's UDP in consultation with all relevant scrutiny sub-committee.
- d) The Council's transport and parking policies;
- e) Development and review of the Council's Local Transport Plan and the Highway Maintenance Plan contained therein; and

Finance & Economic Development 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 finance and economic development ; 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 relating to the economic development of the borough and its constituent areas;
- e) The development of community councils.

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 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 in particular (but not limited to):

- (a) Management of the Council's housing stock;
- (b) Development of partnerships with external organisations to meet housing need and regenerate unsatisfactory housing;
- (c) Improvement of private sector housing;
- (d) Relationships with the Housing Corporation and Registered Social Landlords in the Borough;
- (e) Relationships with stakeholder groups in the borough;
- (f) Grants and loans to owner occupiers, tenants landlords, and/or developers;
- (g) Homelessness and re-housing;
- (h) Special needs housing.

Appendix C	Proposed terms of reference for scrutiny sub-committees 2004/05
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Terms of Reference of the Overview & Scrutiny Committee

- (a) To appoint five Sub-Committees
- (b) To approve an annual overview and scrutiny work programme, including the programme of the sub-committees, to ensure that there is efficient use of the sub-committees' time, and that the potential for duplication of effort is minimised;
- (c) to manage scrutiny of the Council's Budget and Policy Framework;
- (d) Where matters fall within the remit of more than one Sub-Committee, to determine which of them will assume responsibility for any particular issue, and to resolve any issues of dispute between Sub-Committees;
- (e) To receive requests from the Executive and/or Council Assembly and Community Councils for reports from Sub-Committees and to allocate them if appropriate to one or more Sub-Committees;
- (f) To exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive;
- (g) To comment on Scrutiny reports that propose policy change or that have resource implications (as opposed to reports that comment on performance);
- (h) To put in place and maintain a system to ensure that referrals from Scrutiny to the Executive, either by way of report or for reconsideration, are managed efficiently;
- (i) To periodically review Overview and Scrutiny procedures to ensure that the function is operating effectively;
- (j) To report annually to Council Assembly on the previous year's Scrutiny activity;
- (k) To monitor the budget for additional Scrutiny research, and to determine funding requests from Sub-Committees in respect of particular reviews;
- (l) To scrutinise matters in respect of Human Resources and the Council's role as an employer and corporate practice generally;
- (m) To scrutinise matters relating to customer access issues including: e-government, information technology and communications.

Education and Youth 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 education and youth 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 and Childcare Strategic Development Plan and the Adult Learning Plan;
- (e) Review of the contractor's Annual Plan, including revised delivery targets for the following year;
- (f) Budget and performance matters relating to the Education Department.

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 Community Strategy as it relates to health;
- (k) Reviewing HImP;
- (l) Collaborative working with health agencies in the area;
- (m) Reviewing health reconfigurations;
- (n) Assessing the impact of the Council's and other agencies services on the health of the boroughs residents;
- (o) Reviewing the integration of social services and health;

- (p) Budget and performance matters relating to the Social Services Department.

Housing 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 in particular (but not limited to):

- a) Management of the Council's housing stock;
- b) Development of partnerships with external organisations to meet housing need and regenerate unsatisfactory housing;
- c) Improvement of private sector housing;
- d) Relationships with the Housing Corporation and Registered Social Landlords in the Borough;
- e) Relationships with stakeholder groups in the borough;
- f) Grants and loans to owner occupiers, tenants landlords, and/or developers;
- g) Homelessness and re-housing;
- h) Special needs housing;
- i) Budget and performance matters relating to the Housing Department.

Regeneration and Resources 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 regeneration and resources and in particular (but not limited to):

- a) Regeneration of communities in the area;
- b) Major regeneration programmes;
- c) Development and review of the Southwark Plan (the UDP) in consultation with all relevant scrutiny sub-committees;
- d) Matters relating to the economic development of the borough and its constituent areas;
- e) Overview of the Best Value process;
- f) Issues relating to performance and service delivery generally and specifically in the Regeneration Department;
- g) Matters relating to budget, finance and asset management generally and specifically in the Regeneration Department ;
- h) The development of Community Councils.

Environment and Community Support 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 environmental matters and community support and safety 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) The Council's community safety policies and development of related strategies;
- h) 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;
- i) Development of the Council's position statement on libraries;
- j) The Council's transport and parking policies;
- k) Development and review of the Council's Local Transport Plan and the Highway Maintenance Plan contained therein;
- j) Budget and performance matters relating to the Environment and Leisure Department.