

Title of Report:	Council Governance
Report to be considered by:	Council
Date of Meeting:	3 March 2011
Forward Plan Ref:	C2199

Purpose of Report:

1. To propose a change in the Council's current scrutiny structures with effect from 1 April 2011 and, as a consequence, to amend the previously approved timetable of meetings.
2. To update Council in relation to the Localism Bill and the timetable for the introduction of any new governance structures (Committee System).

Recommended Action:

1. That the Council's current scrutiny governance structures be amended from one Overview and Scrutiny Management Commission and five Select Committees to one Overview and Scrutiny Management Commission with effect from 1 April 2011.
2. That the previously approved timetable of meetings for 2011/12 be amended to reflect the changes to the Council's scrutiny structures.
3. That the Council notes the position in relation to the timetable for the introduction of any new governance structures (Committee system).
4. That Council be asked to write to the Local Government Association requesting them to lobby the coalition Government in relation to amending the current Localism Bill to enable Local Authorities to introduce new governance structures (eg Committee system) without the need to wait until after the next local elections following the passing of the Localism Bill.

Reason for decision to be taken:

1. To accord with the decision of the Executive on 8 November 2010 in relation to staffing reductions, particularly within Policy and Communication.
2. To comply with the Council's Constitution in relation to Motions.

Other options considered:

N/A

Key background documentation:

Part 11 report to the Executive on 8 November 2010.
Localism Bill 2010

The proposals will also help achieve the following Council Plan Theme:

CPT16 - Excellent Performance Management

The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by:
Continuing to have a robust and effective scrutiny function.

Portfolio Member Details	
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Date Portfolio Member agreed report:	20 January 2011

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Implications

- Policy:** These proposals accord with the Executive's decision on 8 November 2010 in relation to staffing reductions particularly in relation to Policy and Communication and in accordance with the Council's constitution in relation to Motions.
- Financial:** This proposal results in a revenue saving of £36,000.
- Personnel:** N/A
- Legal/Procurement:** The proposals in this report comply with the Local Government Act 2000 in relation to the need to have a scrutiny governance structure as part of its overall decision making structures.
- Property:** N/A
- Risk Management:** N/A
- Equalities Impact Assessment:** N/A

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		√
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by Overview and Scrutiny Commission or associated Task Groups within preceding six months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	

Executive Summary and Report

1. Introduction

- 1.1 At its meeting on 8 November 2010 the Executive agreed a “package” of savings proposals which included a proposal from the Head of Policy and Communication to reduce the Council’s scrutiny governance structures from one Overview and Scrutiny Management Commission and five Select Committees (see Appendix A) to one Overview and Scrutiny Commission with effect from 1 April 2011. This was, in fact, the scrutiny structure that the Council operated prior to the current structure being introduced on 12 May 2009.
- 1.2 In addition, the Council, at its meeting on 23 September 2010, considered two Motions calling for work to be undertaken on the possible introduction of a Committee System to replace the current Executive arrangements. These Motions were tabled in the light of a commitment by the Coalition Government to include provisions within the Localism Bill allowing Councils to revert back to a Committee System rather than the current Executive arrangements.

2. Proposals

- 2.1 It is proposed that the terms of reference for the new Overview and Scrutiny Management Commission be as set out in Appendix B.
- 2.2 It is proposed that the Overview and Scrutiny Commission continues to meet two weeks after the Executive and that the Commission be responsible for:
- (i) The scrutiny of “local health service provision” is currently a requirement under Section 7 of the Health and Social Care Act 2001. This function was previously covered by the Healthier Select Committee.
 - (ii) The scrutiny of crime and disorder issues in accordance with Section 19 of the Police and Justice Act 2006. This function was previously covered by the Safer Select Committee.
- 2.3 The new Health White Paper entitled “Equity and excellence: Liberating the NHS” will require Local Authorities to establish “Health” and Wellbeing Boards whose role will be to join up the commissioning of local NHS services, social care and health improvement. This will allow local authorities to take a strategic approach on promoting integration across health and adult social care, children’s services (including safeguarding) and the wider local authority agenda.
- 2.4 Councils will be free to decide how they take forward scrutiny of the health service under this new framework.
- 2.5 The Council will need to amend the previously approved timetable of meetings for 2011/12 if it agrees to the proposed changes in the scrutiny structure. Governance and Audit Committee, at its meeting on Monday 14 February 2011 supported these proposals.

- 2.6 In relation to the possibility of introducing a new form of Governance (Committee system) it is clear that the Localism Bill 2010 is unlikely to become legislation before December of this year or even early in 2012. Furthermore, the Bill, as drafted, (Chapter 4 - page 45) says that the Council has to first pass a resolution saying that it wishes to change its governance structures and articulate what these will look like (it would therefore have had to draft new terms of reference for the various committees, reflect these changes in any new constitution etc) and then it can only move to operate these new structures at the next ordinary election of Councillors, in our case 2015.
- 2.7 Based on the above information, it was not proposed that any work be undertaken on possible new structures associated with any new Committee based decision making model at this stage. However, the Committee agreed to recommend to Council that the Local Government Association be approached and asked to lobby the coalition Government in relation to amending the current Localism Bill to enable Local Authorities to introduce new governance structures (eg Committee system) without the need to wait until after the next local elections following the passing of the Localism Bill.

Appendices

Appendix A - Current Scrutiny Structure

Appendix B - Proposed Terms of Reference of the Overview and Scrutiny Commission

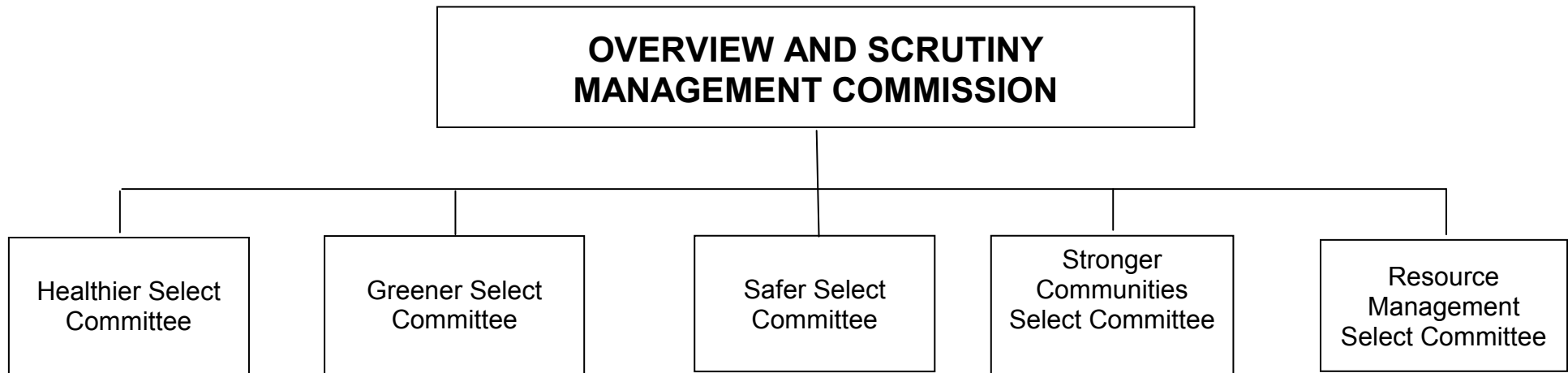
Consultees

Local Stakeholders: N/A

Officers Consulted: Corporate Board, CMT,

Trade Union: N/A

Current Scrutiny Structure



Proposed New Scrutiny Structure



Proposed Terms of Reference for the Overview and Scrutiny Commission

The Overview and Scrutiny Commission will:

1. Have overall responsibility for the management, co-ordination and development of the scrutiny function through which the decisions taken by the Executive and by committees and officers of the Council are scrutinised and the use of resources/provision of services are reviewed.
2. Be aware of the 'forward plan', the forward work programme and other anticipated decisions of the Executive and council services
3. Monitor the decisions taken by or on behalf of the Executive and the activities of service areas;
4. Exercise the right set out in the Procedure Rules to call in and recommend for reconsideration any decisions made but not yet implemented by or on behalf of the Executive, Leader, Executive Member or Officer;
5. Receive requests from members of the public, Councillors, officers of the Council, co-optees, the West Berkshire Partnership or other organisations for particular topics to be scrutinised and determine the appropriate action.
6. Appoint task-orientated, time-limited overview and scrutiny task groups to review in depth, investigate and report on a particular topic with such terms of reference and duration as it considers appropriate to that topic.
7. Consider and formally agree the reports of all task groups and submit them to the Executive and/or relevant agencies for response and action,
8. Establish and develop effective working relationships between the Overview and Scrutiny Commission the West Berkshire Partnership, the Executive and its members, committees and sub-committees of the Council and its officers.
9. Have responsibility for the development and co-ordination of the overview and scrutiny of partnerships (Health and Social Care Act 2001 and Police Justice Act 2006) and external bodies in accordance with the Local Government Public Involvement in Health Act 2007.
10. Have responsibility for progressing and monitoring the overall objectives of the overview and scrutiny function
11. Agree terms of reference and work programmes of task groups and other time limited groups, (for example those dealing with Community Calls for Action), and monitor their progress.
12. Undertake overview and scrutiny work, in its own right, as deemed appropriate.
13. To manage petitions referred to it in accordance with the Council's Scheme and the Local Government, Economic Development and Construction Act 2009.
14. To manage Councillor Call for Action in accordance with the Local Government Public Involvement in Health Act 2007.