

REPORT OF THE ACTING CHIEF EXECUTIVE AND CITY SOLICITOR

TERMS OF REFERENCE OF OVERVIEW AND SCRUTINY COMMITTEES

1. Purpose of Report

1. As part of the improvement plan for scrutiny to consider proposals for the future role and operation of the Review Committees, to better reflect the priorities of the council and partners, to prepare for the changes and demands of the Local Government and Public Involvement in Health Act, and to make changes to their Terms of Reference to provide more strategic focus and enhance their impact.

2. Description of Decision

The Cabinet recommends the Council to approve the proposed changes to the terms of reference to the Review Committees, and for the Constitution to be revised accordingly.

3. Background

- 3.1 Review Committees were established in 2002 as an integral part of the Council's new democratic arrangements. The committees have been operating busy work programmes since then based on Terms of Reference agreed in 2002 and amended in 2005. Significant drivers for change have occurred, however, since then, including development of improved citizen and outcomes focus at City wide and local level and a refreshed Sunderland Strategy and new Local Area Agreement. Proposals within the Local Government and Public Involvement in Health Act for review and scrutiny of key local public service providers and councillor calls for action.
- 3.2 The council's most recent Corporate Assessment (CPA) made the following recommendations regarding scrutiny, that:

'In defining its overall ambitions for the area the Council needs to improve the role of scrutiny as an effective and consistent challenge mechanism, both to the Council and partners. It should do this by adopting a strategic approach, designing scrutiny work programmes to include regular and systematic review of delivery against community ambitions and the underlying priorities.'
- 3.3 The forthcoming Comprehensive Area Assessment (CAA) will constitute an assessment of the likelihood and risks of failure to achieve the key priorities for the area, and whilst the scrutiny function itself will not be reviewed under CAA a scrutiny process that operates effectively in a partnership context, focussing on the key objectives in the Local Strategic Plan and the LAA will play a significant role both as a source for the CAA and ensuring the area is well abreast of the key issues likely to feature in it.

4. Current Position

- 4.1 Amendments made in 2005 anticipated legislative requirements for the appointment of Directors of Children's Services and Adult Social Services, and, so far as possible at that time, reflected the organisational changes necessary, with the establishment of the Children's Trust, and Local Safeguarding Children's Board, and changes to the establishment, within the Children's Services and Health Housing and Adult Services Directorates.
- 4.2.1 As a further step to embedding a more strategic approach it is now appropriate to consider revising and refreshing the Terms of Reference for the Committees to secure the future focus of overview and scrutiny in Sunderland is clearly aligned with the agreed priorities for the City.
- 4.2.2 The basis of the proposed approach to overview and scrutiny requires a shared understanding between all Members and Officers that the purpose of overview and scrutiny is to act as "a critical friend" by holding decision makers (Members, Officers and Partners) to account in achieving delivery of services and outcomes for the community, and to support them in developing policy and smarter practice approaches to improve community experience. The task of overview and scrutiny also includes both a performance monitoring and an advisory role, and opportunity to promote local democratic accountability in its widest sense. Members of the public should be able to clearly understand the role of the Committees, engage with them in their work and see demonstrable outcomes for the community as a result.
- 4.2.3 It is also appropriate and necessary to keep the working practices of the Committees under review in the full current context of developments in the Council's community leadership role, the role of the Sunderland Partnership, with its opportunities to influence the full range of services that impact on the City's communities, emerging responsibilities for the Councillor Call for Action and experiences of operating overview and scrutiny since 2002. This includes new opportunities opened up through health scrutiny, scrutiny initiated in the community, scrutiny of partner agencies and area scrutiny. The current arrangement whereby a 'whole life' approach is taken to health issues has served the Council well, hence a similar thematic approach to other areas of policy and performance is proposed.

5. Councillor Call for Action

- 5.1 New provisions for empowering local councillors to refer ward matters to a scrutiny committee through a Councillor Call for Action (CcfA), will be put in place in the new municipal year when the relevant provisions of the Local Government Public Involvement in Health Act 2007 ("the 2007 Act") are implemented. Precise timings are not known as guidance on the detail of requirements is awaited and not now expected until Autumn 2008. Government has, however, indicated that local authorities should be implementing the provisions as early as possible.

- 5.2 A Police Green Paper is imminent and is expected to further define the call for action on crime and disorder matters. It is not yet clear whether the crime and disorder CcfA and the general CcfA will be introduced at the same time or in two stages. The Regional Improvement Partnership has set funding aside to resource CcfA.
- 5.3 The CCfA is designed to address issues of community safety and local concern. It is not designed to address strategic issues. Councillors will filter cases that they receive to ensure that it is being used appropriately i.e. that all other options have been pursued before referral to the scrutiny committee. In the case of local crime and disorder matters, that will be the scrutiny committee with a crime and disorder remit. All other issues would be referred to the most relevant Review Committee, on the basis of their terms of reference.

6. Petitions

- 6.1 New proposals for petitioning will also impact on overview and scrutiny. The 2007 Act has placed a duty on local authorities to respond to petitions providing they have sufficient level of support (trigger not yet defined but thought likely to be 250 signatures). The proposals place a duty on local authorities to respond to petitions relating to the functions of the Authority or to other public services with which they share delivery responsibilities through local area agreements. If the Council does not investigate or residents feel the response is inadequate, the community can ask a local councillor to trigger a scrutiny hearing as a Councillor call for action.

It will be necessary to consider ways of avoiding a two-tier approach to petitions, since the number of signatories does not necessarily determine its importance.

- 6.2 Procedures will need to be developed to deal with these at Committee and to support members once further guidance is available.
- 6.3 It is proposed that each Review Committee will deal with petitions falling within their terms of reference.

7. Terms of Reference:

- 7.1 It is proposed that a broader approach to revision of the terms of reference should now be developed, aligning the subject focus of five of the Committees to the five key priorities of the Sunderland Strategy, with the Policy and Co-ordination Committee taking a clear overarching role, ensuring that the work of the Committees focuses on the priority areas and targets identified in the Sunderland Strategy and the Local Area Agreement and that the work of all six Committees consistently addresses those areas of performance requiring detailed examination.

- 7.2 This would provide a clear framework for the Committees' role, working with the Executive to review and develop policy and at the same time monitoring progress of implementation against Council and partnership priorities.
- 7.3 The proposal creates a clear link from the work of the Committees directly into the strategic golden thread running through the decision-making structures of the Council and community, by embedding review arrangements within the performance management structure, and will provide a basis for review and scrutiny developing into evolving areas of partnership arrangements, and support the spreading of awareness of the role of review amongst key stakeholders including Sunderland residents, communities of interest, partners and officers at a range of levels.
- 7.4 This approach linked to strategic and LAA priorities is proposed to allow a clear themed focus on the outcomes for the people of Sunderland, and allow for cross-cutting examination of issues, with the potential for linking areas of knowledge and expertise that would not ordinarily be brought together, so increasing the likelihood of the Committees identifying novel approaches and solutions to the issues they consider.
- 7.5 The approach allows each committee to monitor progress within the context of its specialist knowledge of the area under consideration, but leaves scope for the committees to take a cross-cutting approach where this may add value and lead to innovation.
- 7.6 The Sunderland Strategy priorities on which it is proposed five of the six Committees base (but not limit) their work programmes are as follows. The current closest equivalent Committee is indicated in brackets;

Prosperous City (Policy and Co-ordination):

Creating an enterprising and productive city with a strong and diverse economy, providing jobs and careers for future generations - a global city where everyone has the opportunity to contribute to and share in the Region's prosperity.

Healthy City (Health and Wellbeing):

Creating a city where everyone can be supported to make healthy life and lifestyle choices - a city that provides excellent health and social care services for all who need them. Everyone in Sunderland will have the opportunity to live long, healthy, happy and independent lives.

Safe City (Regeneration and Community)

Creating a city where people feel, and are, safe and secure where they can enjoy life without the concerns of being a victim of crime or being harmed.

Learning City (Children's Services):

Creating a city with a thriving learning culture that supports personal fulfilment by ensuring that everyone can access their learning in a cohesive, inclusive city committed to social justice, equality and prosperity, and ensuring learning in Sunderland supports the city's economic prosperity and enabling individuals to thrive in the global economy.

Attractive and Accessible City (Environmental and Planning) (Culture and Leisure)

Creating a city that celebrates and protects its natural and built environment, its, a place that is recognised inside and outside the city as an attractive and accessible place to live, work, study and visit. The physical environment will support everyone in the city to achieve their aspirations, now and in the future.

It is envisaged that Environmental and Planning would continue to deal with the strategic planning, transport and coast protection, and the statutory role in respect of the heritage elements of this priority, in accordance with its existing terms of reference.

The Culture and Leisure Review Committee would deal with the marketing and tourism, leisure and other heritage elements consistent with its terms of reference. Coordinating Committee will consider and lead on broad policy developments, such as Area Arrangements.

Partnership and Area Issues

All Committees will take a role in the scrutiny of Partnership and Area issues and have a role in engaging with partners, external scrutiny, community and public engagement , engaging the media and area scrutiny.

8. Coordinating Role

- 8.1 The above structure of five cross-cutting themed Committees means that the Policy and Co-ordination Committee will need to undertake a stronger role in overseeing and co-ordinating overview and scrutiny work for the City, address and follow up on the most significant policy issues, such as revisions to Area arrangements, and monitor key issues arising out of the thematic approach.
- 8.2 It is proposed that this Committee's remit should also encompass the overall review of Council and partnership activity and ensure all significant issues, including performance issues, are brought forward for scrutiny, to investigate these or require the relevant themed Committee to enquire in depth, ensuring that work is not duplicated. With a strong focus on achieving better outcomes for the residents of the city, this committee will ensure better linkages between the Council and partners, with community partnerships and communities within the city.

- 8.3 This approach anticipates future demands for allocation and coordination of the work of the Committees in responding to the Councillor Call for Action, and developing Partnership and Area scrutiny.

9. Supporting the work of the Committees

- 9.1 As part of improvement planning a number of key areas have been identified to develop further support to scrutiny. At present an officer working group considers forward agendas together with the Forward Plan each month. Membership of this group requires review and reinforcement, to ensure the appropriate range of officers are attending, and that the meeting is consistently supported by all Directorates, to ensure nominated representatives are able to contribute information at a strategic level, and that this is underpinned by effective practical arrangements for the commissioning of reports and coordination of attendance and support to the committees. Additional support will also be provided by the Executive Management Team (EMT).
- 9.2 Further proposals will also be developed with regard to the roles of Cabinet members and further training will be offered to members.
- 9.3 To establish a baseline a survey is proposed using the evaluation framework developed by the Centre for Public Scrutiny as a basis for further development of the Overview and Scrutiny function of the Council.
- 9.4 Improving the effectiveness of Scrutiny is ultimately the responsibility of all elected members and officers. In addition, to the matters identified it will also be vital to foster a climate in which the role of the 'critical friend' is respected and can flourish.

10. Reasons for Decision

It is considered that the proposals will assist in developing the effectiveness of Scrutiny by focusing on the key issues on the Council's improvement agenda.

11. Consultation

All Review Committees will be formally consulted on the proposals in this report.

12. Alternative Options

The proposals are considered to be the optimum for the Council. It is not considered appropriate to defer the revisions as this would delay their potential to make an impact in this civic year.