



City of Westminster

General Purposes Committee Report

Item No:	
Date:	27 March 2006
Classification:	For General Release
Title of Report:	Review of Overview and Scrutiny Structures
Report of:	Director of Legal and Administrative Services
Wards involved:	None
Policy context:	Management of the Council
Financial summary:	There are no additional financial implications arising directly from this report
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1. Summary of this Report

- 1.1 In July 2001 the City Council adopted new political management arrangements (ie the Leader/Cabinet model), effective from 1 September 2001, following consultation on the three models prescribed by the Government. The new arrangements included the establishment of an Overview and Scrutiny Committee structure.
- 1.2 The Overview and Scrutiny Committee structure has been revised from time to time since 2001 in the light of operational experience and to reflect changes to the Council's organisational structure.
- 1.3 The IDeA International Peer Review of the City Council which took place last summer recommended that the City Council look again at ways to enhance the effectiveness of the Overview and Scrutiny function. The proposals set out in this report seek to address this and to make Overview and Scrutiny in Westminster more relevant, more transparently independent of the Executive and more able to achieve its potential of raising the performance of public services in Westminster.

2. Recommendations

- 2.1 That the Council be recommended to establish the following Committees, with terms of reference and constitutions as set out in Appendix A, with effect from the Annual Meeting of the Council on 17 May 2006 to replace the existing Overview and Scrutiny Committee/Sub-Committee structure and that Article 6 of the Constitution be amended accordingly:

Westminster Scrutiny Commission
Built Environment Overview and Scrutiny Committee
Health and Community Services Overview and Scrutiny Committee
Resources and Corporate Services Overview & Scrutiny Committee
Children's Services Overview & Scrutiny Committee

- 2.2 That the Council be recommended to approve the revised Overview and Scrutiny Rules of Procedure as set out in Appendix B.
- 2.3 That the Council be recommended to approve the revised Budget and Policy Framework Procedure Rules as set out in Appendix C.
- 2.4 That it be noted, based on the existing proportional split of Members, that the proportional number of seats on each of the new Overview and Scrutiny Committees would be as follows:

Scrutiny Commission	4:1
Built Environment	7:2
Health and Community Services	7:2
Resources and Corporate Services	7:2
Children's Services	7:2

(NB: A report reviewing the allocation of seats on all Council Committees will be submitted to the Annual Meeting of the Council on 17 May 2006.)

- 2.5 That the protocol, set out in Appendix F, for the provision of research and support for the revised Overview and Scrutiny structures and processes be endorsed as a draft at this stage for the purposes of further development in consultation with the Westminster Scrutiny Commission.
- 2.6 That the Council be recommended to establish, with effect from the Annual Meeting on 17 May 2006, an Audit and Performance Committee with the constitution and terms of reference set out in Appendix D.
- 2.7 That the Council be recommended to adopt, with effect from the Annual Meeting on 17 May 2006, the revised terms of reference for the General Purposes Committee set out in Appendix E.
- 2.8 That the proposed programme of meetings for 2006/07 for the Westminster Scrutiny Commission, the Overview and Scrutiny Committees and the Audit and Performance Committee be prepared by the Director of Legal and Administrative Services in consultation with the Chief Whips.
- 2.9 That the review arrangements for the new structure, set out in paragraph 3.5 (xiv), be endorsed.
- 2.10 That the Committee consider the guidance in respect of the use of the Party Whip, set out in paragraph 3.5 (xii) of the report, and indicates if it wishes Officers to report further on changes to the Constitution in this respect.
- 2.11 That the Director of Legal and Administrative Services in consultation with the Chairman of the General Purposes Committee be given delegated authority to make minor changes to Overview and Scrutiny processes and procedures at the request of the Westminster Scrutiny Commission in respect of matters where a decision of the Council is not required.

3. Background Information

- 3.1 Last year's IDeA International Peer Review drew attention to the fact that whilst the Council's Overview and Scrutiny arrangements had been reviewed several times previously, they were still considered by many not to be working well and that there needed to be fewer better resourced scrutiny boards. In particular the Review Team considered that the large number of Overview and Scrutiny Committees created a lack of clarity over their respective roles and there was an issue around the extent to which the work of the Committees was resourced and valued within the organisation. The Review Team's recommendation was that the Council should look again at ways in which to enhance the effectiveness of the Overview and Scrutiny Committees and that Chairmen should ensure that their committees were maximising the effectiveness of their annual budget allocation. The proposals in this report seek to address these issues.

3.2 According to the Government, scrutiny in local government has four key roles:

- Overview – holding the Executive to account
- External review – holding a range of other agencies including local partners to account for public services delivered locally
- Policy development – digging down beneath the surface of an issue to challenge assumptions and suggest improvements in the way it gets dealt with
- Performance review – considering the performance of the Council against targets and assessing the extent to which it is meeting best value

In all cases, one of the key functions of scrutiny Members² is to put themselves in the shoes of the public and service users and ask the questions that members of the public would wish to have answered.

3.3 In reviewing the City Council's existing arrangements and drawing up proposals for change, it is important to consider what has worked well in terms of Overview and Scrutiny to date. Generally it has been more successful in the following circumstances:

- Where there has been in-depth consideration of a topic at single-agenda or themed item meetings;
- Where Members have prescribed roles/areas of responsibility and take time to think about these in between meetings;
- Where there is liaison between Cabinet Members and Overview and Scrutiny Chairmen about emerging issues which it would be fruitful to scrutinise or where the Cabinet Members would value pre-decision input;
- Where Members sit on committees that match their interests and take time to engage with the subject;
- Where contributions can be converted into positive improvements which are clearly seen;
- Where there is active scrutiny of Cabinet Members eg through (i) twice-yearly question and answer sessions with Cabinet Members focusing on their six monthly objectives and (ii) Cabinet Members attending Overview and Scrutiny Committees regularly as observers and being able to give updates on current issues and matters raised at previous meetings;
- Where invited witnesses who take the trouble to attend are given feedback about any actions taken that arise from the evidence they have given.

3.4 The following changes are proposed with the aim of improving the contribution which Overview and Scrutiny makes towards the work and aims of the Council.

3.5 (i) **Establishment of Westminster Scrutiny Commission (WSC)**

- (a) A major change proposed is to create an over-arching body to manage the scrutiny process to be known as the Westminster Scrutiny Commission ("WSC"). The Membership of the WSC would be the Chairmen of the four new Overview and Scrutiny Committees and a representative of the Minority Party (4:1). (NB: proportionality will be subject to review at the ~~forthcoming~~ Annual Council meeting on 17 May 2006). The WSC would elect its own Chairman and Vice-Chairman.
- (b) The WSC would have the following functions/responsibilities:-
- scrutinising the work of the Leader of the Council, including twice yearly public Question and Answer sessions with him/her,
 - acting as the guardians of the Overview and Scrutiny process and budget, including having responsibility for the continuous improvement of the Overview and Scrutiny process;
 - meeting quarterly to consider the forward work programme of scrutiny and consulting the Cabinet on emerging, particularly cross-cutting, issues which it would be useful to scrutinise
 - allocating tasks to Committees not specifically included in their terms of reference

The intention is for the WSC to "own" the scrutiny function on behalf of the Council, independent of the Executive. At the same time it is important for Overview and Scrutiny to work closely with the Executive and procedures designed to help Overview and Scrutiny and the Executive to build on their working relationship are set out in the revised Overview and Scrutiny Rules of Procedure at Appendix B and reflected in the revised draft Protocol at Appendix F. These provide for each Committee to receive on an annual basis a joint report from the relevant Cabinet Members and Chief Officers setting out those issues which they would like the relevant Overview and Scrutiny Committee to consider including in its work programme, although the suggestions made are not intended to be prescriptive. The Overview and Scrutiny Committees will consider their work programmes in June/July each year and then submit them to the WSC for approval following which each Overview and Scrutiny Committee will be responsible for delivering its work programme.

(ii) **New Overview and Scrutiny Committees**

The Council originally had six Overview and Scrutiny Committees which broadly reflected the departmental areas of responsibility. Although internal departmental structures have evolved since 2001, there have been relatively minor changes to Overview and Scrutiny structures, principally the creation of one new Committee and three

Sub-Committees. Committees currently meet between five and eight times a year.

In view of the comments from the Peer Review team about the drawback of having a large number of Committees/Sub-Committees it is proposed to replace the current number (x9) with the following:

Overview and Scrutiny Committee	Remit
Westminster and Scrutiny Commission	To be responsible for the Overview and Scrutiny function. To agree work programmes; to scrutinise the work of the Leader; to approve the annual report of Overview and Scrutiny activity
Built Environment	To cover the “order”, “enterprise” and “renewal” agenda, including the remit of the Cabinet Members for Street Environment, Community Protection, Planning, Economic Development and Transport and the Lead Member for the Small and Minority Business Council
Health and Community Services	To Cover the “Opportunity” agenda, including the remit of the Cabinet Members for Adult Services, Health, Housing, Leisure and Lifelong Learning but not <u>the direct provision of</u> Adult Education and the Lead Members for Disability and Equalities
Resources and Corporate Services	To cover all aspects of Council organisation and Finance including external funding, Property, Human Resources, IT, Customer Service, Communications, including the remit of the Cabinet Members for Finance and Support Services, Customer Service and the Lead Member for WorkSmart
Children’s Services	Covers the remit of the Cabinet Member for Children’s Services and responsibility for <u>the direct provision of</u> Adult Education which is within the remit of the Cabinet Member for Leisure and Lifelong Learning

- (a) From time to time it is important to scrutinise external agencies, recent examples are Thames Water and the Postal Service. Rather than have a separate Overview and Scrutiny Committee with the responsibility for external scrutiny it is proposed to include provision within the terms of reference for each of the new Committees to undertake external scrutiny. The WSC will be given responsibility for allocating such scrutinies as and when they become necessary. It is recognised that from time to time these and other scrutinies issues will need to be allocated to an Overview and Scrutiny Committee at short notice. A procedure covering this eventuality is included in the revised Overview and Scrutiny procedural rules.
- (b) The City Council has a duty under the Local Authority Overview and Scrutiny Committees (Health Scrutiny Functions) Regulations 2002 to appoint one or more Overview and Scrutiny Committees to review and scrutinise matters relating to the Health Service. Currently this function is carried out, in the main, by the Health Sub-Committee (a Sub-Committee of the Health Housing, Health and ~~Social~~ Care Services O&S Committee). Under the proposals now put forward this function is included in the terms of reference of the Health and Community Services Overview and Scrutiny Committee and it would be open to this Committee, if it so wishes, to allocate Health Service scrutiny to a permanent task group.
- (iii) The proposed new Overview and Scrutiny Committees would have five scheduled meetings per year. They will not, therefore, be able to be cover comprehensively all areas within their terms of reference and the intention is for them to focus on more strategic scrutiny i.e. the main strategies around each service area, and to delegate detailed scrutiny work to task groups. These task groups would be formally constituted Sub-Committees and therefore be subject to the rules relating to proportionality and access to information.
- (iv) From a resources and capacity point of view, Members and Officers will only be able to cope with a finite number of task groups and so the WSC will need to agree an overall programme of scrutiny activity taking this into account. It would be a matter for each of the Overview and Scrutiny Committees to decide how many task groups were established at any one time bearing in mind the available resources (both in terms of the Committee's budget and Member and Officer time) and the WSCs overall agreed programme. Some task groups might need to meet only once or twice on a single issue whilst others could be constituted on a longer term basis on a specific subject area where there is a requirement for ongoing scrutiny. Each Overview and Scrutiny Committee would be responsible for managing its workload under the auspices of the WSC.

- (v) Membership of task groups could be drawn from the relevant Overview and Scrutiny Committee or from the Council as a whole (excluding the Cabinet). Chairmanship of Tasks Groups would be shared among the Membership.
- (vi) As is the case now, Committees (and their task groups) will be able to hold their meetings at appropriate external venues although the additional costs involved (eg for room hire etc) will be met from the Overview and Scrutiny budget.
- (vii) As a result of other priorities and pressures, performance monitoring has, arguably, not received as much attention under the arrangements introduced in 2001 as it did under the previous committee structure. ~~When this was one of the tasks of the service based Operational Sub-Committees of the previous Service Committees. The~~ proposal now put forward is for the new Audit and Performance Committee to receive each quarter a Council-wide performance monitoring report. The Committee will be able to refer any areas warranting ~~more~~ detailed scrutiny to the relevant Overview and Scrutiny Committee. Cabinet Members should also feel able to ask for a scrutiny of issues which arise from their own monitoring processes.
- (viii) The current quarterly performance monitoring reports of departmental performance plans will continue to be produced and circulated to the relevant Overview and Scrutiny Committee Members but not included on the Committee agenda, unless the Committee wishes this for any reason. It will of course be open to any Member of the relevant Overview and Scrutiny ~~C~~committee to ask for a particular issue from the monitoring report to be included as an agenda item.
- (a) As referred to above task groups are proposed to be established to deal with detailed scrutiny. Each task group would be required to submit a report on its findings, with suggested actions, to the relevant Overview and Scrutiny Committee. If adopted by the Overview and Scrutiny Committee the report would then be referred to the Cabinet or the relevant Cabinet Member, with recommendations as appropriate, with the response reported back to the Overview and Scrutiny Committee. Whilst Officer input to reports will be obtained prior to their submission it is expected that these reports will be presented in the name of the Overview and Scrutiny Committee.
- (b) The task groups will be formally constituted Sub-Committees and be bound by the rules relating access to information

procedures etc. The meetings will be minuted. However it is not considered necessary for the minutes of these meetings to be particularly detailed as, upon completion of its task, each group will report fully on its findings, as referred to in (a) above. This report will include any necessary supporting evidence obtained during the scrutiny process.

- (c) Whilst the Overview and Scrutiny process is independent and should not be the subject of undue pressure from the Executive to endorse specific reports or courses of action or not to have an involvement in others, it is, of course, important that the work of Overview and Scrutiny contributes positively to the aims and objectives of the Council as a whole. Accordingly, provision has been included in the Overview and Scrutiny procedure rules requiring the relevant Chief Officers and Cabinet Members to report jointly to the Overview and Scrutiny Committee ~~these subjects on which on areas/topics~~ they would like to see scrutinised. It will remain open for the Overview and Scrutiny Committee, and the WSC, to decide whether to accommodate these in the work programmes.
 - (d) The Council has previously amended the rules relating to the exemption to call-in by the Lord Mayor in urgent circumstances. These are defined in the Constitution as "...any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests". In order to protect the integrity of the office of Lord Mayor it is proposed to remove the power to exempt call-in in the circumstances outlined from the Lord Mayor and provide for the Chief Executive to do so, in consultation with the Leader of the Council. There is already provision in the Constitution for the Chief Executive to exercise this power in the absence of the Lord Mayor.
 - (e) Arising from the proposals on structures now put forward, a review has also been undertaken of the Budget and Policy Framework Procedure Rules as these impact on the Overview and Scrutiny Committee process. The rules have been simplified and ~~are~~ under the revised rules the relevant Chief Officer has the responsibility for identifying any reports on matters which form part of the budget and policy framework in the annual report to Overview and Scrutiny Committees. This has been addressed in paragraph 7(ii) of the proposed revised Overview and Scrutiny Procedure rules.
- (ix) Co-opted Members**
- (a) The Overview and Scrutiny Committee(s), or any task group(s), which carry out the Overview and Scrutiny function in respect of education is required to have amongst its voting membership the Parent Governor and Diocesan Board Co-optees.

Accordingly provision has been made for them to be co-opted to the Children Services Overview and Scrutiny Committee (which will also be responsible for Adult Education Scrutiny). Similarly, they will need to be co-opted, with voting rights, to any task group dealing with an education matter. In the case of task groups the parent Committee shall be entitled to appoint to these to reflect the proportionality of seats on the Council. The co-opted Members only have voting rights on education matters.

- (b) It is proposed that it should be open ~~to~~for the Overview and Scrutiny Committees to appoint (non-voting) co-optees to task groups. The Committee is reminded that ~~in~~ order for any co-opted Members to have voting rights the Council would need to agree a scheme for this purpose and the General Purposes Committee has previously agreed that this is not required.

(x) Audit and Performance

- (a) Under the current Overview and Scrutiny structure responsibility for scrutiny of audit and performance falls to the Audit and Performance Sub Committee, ~~(a Sub-Committee)~~ of the Finance and Support Services Overview and Scrutiny Committee. However recent CIPFA guidance recommends local authorities to establish ~~an~~ Audit Committees as a full committee of the Council which is independent of both the executive and overview and scrutiny functions. Although this is guidance rather than a prescriptive requirement, CIPFA ~~takes~~ the view that where authorities already have audit committees as part of their scrutiny structures and choose to continue this practice they should be prepared to justify their approach and to demonstrate how the audit committee function is independently and effectively discharged under such arrangements. CIPFA sees the role of scrutiny as reviewing policy and challenging whether the executive has made the right decisions to delivering policy goals and, whichever form of executive and scrutiny model is followed, the audit committee needs to be separate, organisationally and practically from both these functions. This is also in line with the comments received in response to the Council's use of resources audit and is regarded to be good practice under the Corporate Performance Assessment (CPA) arrangements.
- (b) The CIPFA guidance also suggests that the Chairman of the Audit Committee should not be a member of the Executive and advises against too much cross membership with the Executive/Overview and Scrutiny functions. It is proposed to establish, with effect from the Annual Meeting, a new Audit and Performance Committee of five Members, with the range of responsibilities set out in the proposed terms of reference attached as Appendix C.

(xi) Resources

- (a) The budget provision for Overview and Scrutiny for 2006/07 is £52,000. Whilst it is anticipated that this will be broadly shared equally amongst each of the four new Committees the actual allocation will be a matter for the WSC. This has been reflected in the revised Overview and Scrutiny procedure rules. From time to time it will be necessary to obtain approval for the use of the budget between scheduled meetings of the WSC. An urgency procedure to cover this eventuality is included in the revised Overview and Scrutiny procedure rules.
- (b) At the time the responsibility for supporting the Overview and Scrutiny function transferred to the Cabinet and Committee Secretariat, a protocol was put in place for the support arrangements, including the approach to commissioning policy and research. This protocol has been expanded to reflect the revised arrangements set out in this report and is attached as Appendix F. It is presented as a draft which can be further developed in consultation with the WSC. As regards support on policy and research, it is acknowledged that there has been a feeling from Members that Committees have lacked adequate independent (ie independent from Council Departments) research support. Given budgetary constraints there is not a great deal of scope for providing this other than through utilising the Overview and Scrutiny budget. Under the existing protocol the Cabinet, Committee and Scrutiny Secretariat have the role of commissioning on behalf of the Chairman/Committee and co-ordinating briefings from service departments, including the Policy and Performance team in the Policy and Communications Directorate or externally, ie by utilising the O&S budget. The officer view is that the commissioning and co-ordinating role should be easier to perform and achieve better results in the context of a planned work programme of reviews by Committee (overseen by the WSC) as envisaged under the proposals as opposed to the current relatively unplanned and open ended situation. The Secretariat will seek to give a greater profile to this co-ordinating and commissioning role in any event in an attempt to overcome Members perceptions in this respect.
- (c) Under the proposed new structure there is likely to be a significant increase in the time spent on Council business by those Members who serve as Chairmen of the Overview and Scrutiny Committees. The new structure will place much heavier responsibility on the Chairmen to manage the whole process of Overview and Scrutiny as members of WSC and be

accountable for the allocation of Member and officer time. To operate the system effectively will require more liaison with Cabinet Members and Officers and an awareness of the work of a number of Cabinet Members and Officers at a time. To recognise this it is appropriate that there should be an increase in the special responsibility allowance (SRA) paid to Chairmen and a report setting out amendments to the Members Allowances Scheme to provide for the SRA to be set at 75% of the SRA paid to Cabinet Members is elsewhere on this agenda.

(xii) Government Guidance

- (a) When considering significant changes to the Overview and Scrutiny Structure both the Committee and the Council need to have regard to the guidance issued by the Government much of which is statutory guidance. Such statutory guidance does not necessarily need to be followed but regard must be had to it and good reasons must exist for departure from such guidance. This guidance is indicated by a ✓ against the relevant paragraph in Appendix G.

- (b) Included in the statutory guidance is reference to the use of the Party Whip. At the time of drawing up the Council's Constitution effective from September 2001, the former Policy and Resources Committee considered the following statutory guidance which related to the Party Whip:

“Overview and Scrutiny Committees are to hold decision makers to account. To do so effectively will require a change in the way members have traditionally questioned decisions. Although this is a matter for political parties to consider, both locally and nationally, the government believes whipping is incompatible with overview and scrutiny and recommends that whipping should not take place”.

- (c) The Committee noted the omission from the Council's constitution of any declaration on whipping arrangements for the reasons set out in the report before the Committee.

- (d) The guidance in the modular Constitution also suggests that it may be helpful for councils to define the phrase “the party whip”. It could be taken to mean.

“Any instruction given by or on behalf of a political group to any Councillor who is a member of that group as to how that Councillor shall speak or vote on any matter before the Council or any Committee or Sub-

Committee, or the application or threat to apply any sanction by the group in respect of that Councillor should he/she speak or vote in any particular matter”.

- (e) As this is statutory guidance, the City Council must have regard to it, but it is not bound to follow the guidance and may depart from it provided it has good reason to do so. Notwithstanding the guidance it would be an unusual departure from past practice for councils to seek to regulate via their constitutional arrangements the way in which party groups apply the whip in relation to council business. The Government advice itself acknowledges that this is a matter for the political parties both nationally and locally. Moreover, the question of defining “the party Whip” may be problematic and lead to confusion as to whether a declaration should or should not be made since, for example, party loyalty and/or discipline may manifest itself in a more subtle way than a formal instruction. If declarations regarding whipping are to be required provision could be made for it to be done at meetings alongside declaration of interests.

- (f) Informal soundings by officers of leading members have ~~not~~ suggested that a ban on the party whip in relation to overview and scrutiny would ~~not~~ be supported, and the same applies to the suggested paragraphs for the modular Constitution requiring declarations of the party whip to be made when it applies. Indeed, in the absence of a ban, if there was an obligation to declare when the whip had been applied, there could be a tendency for the whip to be applied on a more routine basis, so as to avoid highlighting the existence of the whip in particular cases.

(xiii) Timetable of Meetings – 2006/07

Based on the new Committees proposed in this report a ~~proposed~~ ~~suggested~~ programme of meetings will be drawn ~~up~~ and published following consultation with the ~~Chief Party~~ Whips.

(xiv) Review Arrangements

- (a) The proposals set out in this report represent the most significant changes to the Overview and Scrutiny Committee ~~s~~Structure since ~~its inception the new political management arrangements were introduced~~ in September 2001. In these circumstances it is appropriate to build in provision to review their operation. It is proposed, that the review be conducted

by the Westminster Scrutiny Commission ~~during the course before the end~~ of the first year of operation ~~on a six/nine monthly basis~~. Depending on ~~the~~ nature of any issues arising ~~from the review~~, changes can then be programmed to address these.

- (b) Minor matters, for example procedural changes will be implemented immediately where possible under the delegation to the Director of Legal and Administrative Services in consultation with the Chairman of the General Purposes Committee. Significant changes to the Constitution or Standing Orders will be reported for decision to the General Purposes Committee for recommendation to the Council as necessary.

4. Legal Implications

- 4.1 Section 21 of the Local Government Act 2000 requires the executive arrangements by a local authority to include provision of one or more Overview and Scrutiny Committees. In the statutory guidance the Secretary of State advises that all but the smallest local authorities should have more than one overview and scrutiny committee, and that they should meet frequently.
- 4.2 The Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 requires local authorities to appoint one or more Overview and Scrutiny Committees to review and scrutinise matters relating to the Health Services in the authorities area. The proposals in this report give this responsibility to the Health and Community Services Overview and Scrutiny Committee.
- 4.3 Whilst the requirement for Best Value reviews has ~~ve~~ been relaxed for "excellent" authorities some requirements remain and there is always the possibility of others being added in future. In view of this the responsibility for overseeing any best value ~~reviews-issues~~ has been retained in the proposed terms of reference for the new Overview and Scrutiny Committees.

5. Financial Implications

- 5.1 Provision of £52,000 is included within the 2006/07 budget for Overview and Scrutiny. Procedures for the release of these funds are included within the revised Overview and Scrutiny procedure rules.

6. Staff Implications

- 6.1 In view of the financial context in which the Council is operating and the priority to continue to improve frontline services, it is intended to support the revised structure from current staffing numbers which will limit the number of task groups, etc which can be serviced at any time.

7. Ward Member Consultation

- 7.1 This report has implications for all wards, and no Ward member consultation has been carried out.

If you have any questions about this report, or wish to inspect one of the background papers, please ring Mick Steward on 020 7641 3134, Email: msteward@westminster.gov.uk

Background Papers

- Report to the Policy and Resources Committee – 2 July 2001.
- Constitution.

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WESTMINSTER OVERVIEW AND SCRUTINY COMMISSION

Constitution

5 Members of the Council (.....appointed by the Majority Party andMinority Party), but shall not include a member of the Cabinet.

Terms of Reference

- (a) To carry out those duties assigned to the Westminster Scrutiny Commission as set out in the Overview and Scrutiny procedure rules.
- (b) To be responsible for the management and co-ordination of the Overview and Scrutiny function.
- (c) To assign tasks to the most appropriate Overview and Scrutiny Committee, where the issue does not sit within the terms of reference of a particular Overview and Scrutiny Committee.
- (d) To scrutinise the work of the Leader of the Council including twice yearly at a public Question and Answer session.
- (e) To agree the forward work programme of scrutiny from each of the Overview and Scrutiny Committees.
- (f) To approve for report to Council the Annual Report of Overview and Scrutiny activity, as required under the Constitution.

RESOURCES AND CORPORATE SERVICES OVERVIEW AND SCRUTINY COMMITTEE

Constitution

Nine Members of the Council (Majority Party Members and Minority Party Members), but shall not include a Member of the Cabinet.

Terms of Reference

- (a) To carry out the Overview and Scrutiny functions, as set out in Article 6 of the Constitution in respect of matters relating to all those duties within the terms of reference of the Cabinet Members for Finance and Support Services and those matters within the terms of reference of the Cabinet Member for Planning and Customer Service which relate to Customer Service.
- (b) Matters within the broad remit of the Cabinet Members referred to in (a) above which are the responsibility of external agencies.
- (c) Any other matter allocated by the Westminster Scrutiny Commission (WSC).
- (d) To have the power to establish ad hoc or Standing Sub-Committees as Task Groups to carry out the scrutiny of functions within these terms of reference.
- (e) To scrutinise the duties of the Lead Member for Business Process Re-engineering and any other Lead Member functions at the request of the WSC.
- (f) To oversee any issues relating to Best Value.

BUILT ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

Constitution

Nine Members of the Council (..... Majority Party Members and Minority Party Members), but shall not include a Member of the Cabinet.

Terms of Reference

- (a) To carry out the Overview and Scrutiny functions, as set out in Article 6 of the Constitution in respect of matters relating to all those duties within the terms of reference of the Cabinet Members for Community Protection and Licensing, Economic Development and Transport, Street Environment and those matters within the terms of reference of the Cabinet Member for Planning and Customer Service which relate to Planning.
- (b) Matters, within the broad remit of the Cabinet Members referred to in (a) above which are the responsibility of external agencies.
- (c) Any other matter allocated by the Westminster Scrutiny Commission (WSC).
- (d) To have the power to establish ad hoc or Standing Sub-Committees as Task Groups to carry out the scrutiny of functions within these terms of reference.
- (e) To scrutinise the duties of the Lead Member for Minority Business and any other Lead Member functions at the request of the WSC.
- (f) To oversee any issues relating to Best Value.

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HEALTH AND COMMUNITY SERVICES OVERVIEW AND SCRUTINY COMMITTEE

Constitution

Nine Members of the Council (Majority Party Members and Minority Party Members), but shall not include a Member of the Cabinet.

Terms of Reference

(a) To carry out the Overview and Scrutiny functions, as set out in Article 6 of the Constitution in respect of matters relating to all those duties within the terms of reference of the Cabinet Members for Adult Social Services, Housing and Leisure and Lifelong Learning (but not matters relating to Adult Education which shall be within the remit of the Children's Services Overview and Scrutiny Committee).

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(b) Matters within the broad remit of the Cabinet Members referred to in (a) above which are the responsibility of external agencies and in particular to review and scrutinise matters relating to the provision of Health Services within Westminster.

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(c) Any other matter allocated by the Westminster Scrutiny Commission.

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(d) To have the power to establish ad hoc or Standing Sub-Committees as Task Groups to carry out the scrutiny of functions within these terms of reference.

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(e) To scrutinise the duties of the Lead Members for Disabilities and Equalities.

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(f) To oversee any issues relating to Best Value.

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CHILDREN'S SERVICES OVERVIEW AND SCRUTINY COMMITTEE

Constitution

Nine Members of the Council (.....Majority Party Members andMinority Party Members, but shall not include a Member of the Cabinet.

4 co-opted Members with voting rights ie one co-opted representative each from the Church of England and Roman Catholic Diocesan Education Boards and two Parent Governor Representatives. 2 co-opted Members without voting rights, ie 2 Headteachers of Westminster maintained schools.

NB: The voting rights of the co-opted only extend to matters relating to Education.

Terms of Reference

- (a) To carry out the Overview and Scrutiny functions, as set out in Article 6 of the Constitution in respect of matters relating to all those duties within the terms of reference of the Cabinet Member for Children's Services and those matters relating to the direct provision of Adult Education within the terms of reference of the Cabinet Member for Leisure and Lifelong Learning.
- (b) Matters, within the broad remit of the Cabinet Members referred to in (a) above which are the responsibility of external agencies.
- (c) Any other matter allocated by the Westminster Scrutiny Commission.
- (d) To have the power to establish ad hoc or Standing Sub-Committees as Task Groups to carry out the Scrutiny of functions within these terms of reference.
- (e) To oversee any issues relating to Best Value.

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AUDIT AND PERFORMANCE COMMITTEE

Constitution

5 Members of the Council, Majority Party Members and Minority Party Member but shall not include a Cabinet Member.

Terms of Reference

Audit Activity

1. To consider the head of internal audit's annual report including the auditor's opinion on the Council's control environment and a summary of internal audit and anti-fraud activity and key findings.
2. To consider reports, at regular intervals, which summarise:
 - the performance of the Council's internal audit and anti fraud service provider/s
 - audits and investigations undertaken and key findings
 - progress with implementation of agreed recommendations
3. To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
4. To consider specific reports as agreed with the external auditor.
5. To comment on the scope and depth of external audit work and to ensure it gives value for money.
6. To liaise with the Audit Commission over the appointment of the Council's external auditor.
7. To comment on the proposed work plans of internal and external audit.

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Regulatory Framework

8. To maintain an overview of the Council's Constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour.
9. To review any issue referred to it by the Chief Executive or a Director, or any Council body.

10. To monitor the effective development and operation of risk management and corporate governance in the Council.

11. To monitor Council policies on 'Raising Concerns at Work' and the antifraud and anti-corruption strategy and the Council's complaints process.

12. To oversee the production of the authority's Statement on Internal Control and to recommend its adoption.

13. To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.

14. To consider the Council's compliance with its own and other published standards and controls.

Accounts

15. To review the annual statement of accounts and approve these for publication (NB: This function will transfer from the General Purposes Committee). Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

16. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Performance Monitoring

17. To review and scrutinise the financial implications of external inspection reports relating to the City Council.

18. To receive the quarterly performance monitoring report and refer any issues which in the Committee's view require more detailed scrutiny to the relevant Overview and Scrutiny Committee.

19. To review and scrutinise personnel issues where they impact on the financial or operational performance of the Council including but not limited to agency costs, long-term sickness, ill health early retirements and vacancies; and

20. To review and scrutinise Stage 3 complaints made against the City Council and monitor progress.

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HEALTH AND COMMUNITY SERVICES OVERVIEW AND SCRUTINY COMMITTEE

Constitution

Nine Members of the Council (Majority Party Members and Minority Party Members), but shall not include a Member of the Cabinet.

Terms of Reference

- (m) — ~~To carry out the Overview and Scrutiny functions, as set out in Article 6 of the Constitution in respect of matters relating to all those duties within the terms of reference of the Cabinet Members for Adult Social Services, Housing and Leisure and Lifelong Learning (but not matters relating to Adult Education which shall be within the remit of the Children's Services Overview and Scrutiny Committee).~~
 - (n) — ~~Matters within the broad remit of the Cabinet Members referred to in (a) above which are the responsibility of external agencies and in particular to review and scrutinise matters relating to the provision of Health Services within Westminster.~~
 - (o) — ~~Any other matter allocated by the Westminster Scrutiny Commission.~~
 - (p) — ~~To have the power to establish ad hoc or Standing Sub-Committees as Task Groups to carry out the scrutiny of functions within these terms of reference.~~
 - (q) — ~~To scrutinise the duties of the Lead Members for Disabilities and Equalities.~~
- ~~To oversee any issues relating to Best Value.~~

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GENERAL PURPOSES COMMITTEE

1. CONSTITUTION

10 Members of the Council (8 Majority Party Members and 2 Minority Party Members).

2. TERMS OF REFERENCE

(1) MEMBERS ALLOWANCES

Making recommendations to the Council for the adoption or revision of a scheme of allowances for Members.

(2) HEALTH AND SAFETY

The City Council's functions under the Health and Safety at Work Act 1974 (except to the extent that these functions are discharged by the Council or an employer).

(3) FUNCTIONS IN RELATION TO ELECTIONS

Elections and Electoral Registration Matters.

(4) PROMOTION/OPPOSITION OF LEGISLATION/BYELAWS

(a) To make recommendations to the Council as to the promotion or opposition to legislation where considered appropriate.

(b) To recommend to Council the adoption, amendment or repeal of bylaws.

(5) APPROVAL OF ACCOUNTS

To approve the Council's statement of accounts, income and expenditure and balance sheet under the Accounts and Audit Regulations.

(6) CONSTITUTION AND STANDING ORDERS

To keep under review and make recommendations as to the Constitution and to recommend to the Council the adoption, repeal or amendment of Standing Orders. To make recommendations to the Council as to the appointment of Committees.

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(7) PAYMENTS OF COMPENSATION IN CASES OF MALADMINISTRATION

Approval of payments and benefits in cases of maladministration where these exceed Chief Officers delegated powers or the relevant Chief Officers refer the matter to the Committee.

(8) STAFF TERMS AND CONDITIONS

To determine the terms and conditions on which staff hold office (including procedures for their dismissal).

(9) OTHER MATTERS

(a) All other non-executive functions not delegated to any other committee.

(b) All other functions referred to in Schedule 2 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (i.e. "local choice" functions) not specifically allocated

(c) Other matters more specifically included in the terms of reference of the Committee's Sub-Committees.

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PROTOCOL COVERING THE OVERVIEW AND SCRUTINY FUNCTION IN WESTMINSTER

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1. Aim

- (i) The aim of Overview and Scrutiny in Westminster is, to add value to the Council leading to service improvements.

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2. Process

- (ii) Each Overview and Scrutiny Committee will submit in the June/July cycle to the Westminster Overview and Scrutiny Commission (WSC) its proposed work programme for approval.

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- (iii) The work programme will be developed with input from Members of the respective Overview and Scrutiny Committee who will give consideration to the joint report submitted by the Cabinet Member and Chief Officer.

- (iv) Once the work programme has been agreed by the WSC it will be for the Overview and Scrutiny Committees to formulate task groups to deliver the work programme.

- (v) At the conclusion of each task a report will be prepared, for the endorsement of the relevant Overview and Scrutiny Committee; and submitted to the Cabinet or relevant Cabinet Member for consideration. The decision of the Cabinet/Cabinet Member will be reported to the Overview and Scrutiny Committee.

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- (vi) At the end of the Annual Overview and Scrutiny cycle the WSC will prepare an Annual report setting out details of the main issues scrutinised during the previous year and the outcomes.

- (vii) It is important to ensure that scrutiny is independent of the Executive and that it should not be subject to undue pressure from Executive Members to agree specific reports or not to discuss certain topics. Call-ins are to be solely a matter for the Overview and Scrutiny Committees.

- (viii) All Cabinet Members to have observer status at Committees and have a formal public question and answer session twice per annum.

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3. Operational Administrative Support in Connection with the Organisation of Committee Business

- (i) This has been integrated into the existing work of the Cabinet and Committee Secretariat. Broadly, staff will ensure that all the necessary arrangements are made for the good conduct of Committee/Sub-Committee business.

4. Dealing with Ward Correspondence/General Support

In order to provide high quality support to Chairmen the following services will be offered:

- (ii) Management of engagements and diaries;
- (iii) Liaison with Departments on relevant issues including raising issues on behalf of Chairmen with Chief and Senior Officers;
- (iv) Liaison with the Cabinet Support team on matters of common interest;
- (v) Arranging meetings, both internally and externally, attending and taking action notes as necessary and ensuring follow-up action is carried out;
- (vi) Liaison with the Press Office on behalf of the Committee/Chairman on media issues, including clearance of draft press releases;
- (vii) Dealing with correspondence, telephone calls etc on behalf of the Chairman/Committee, having obtained information on draft response from departments as necessary;
- (viii) Dealing with ward case work, as required.

5. Support on Policy and Research

Commissioning on behalf of the Chairman/Committee and co-ordinating as necessary, high quality briefings; such briefings to be prepared by service Departments, including the Policy and Performance Team in the Policy and Communications Directorate, as appropriate, or externally using the budget available to each Committee for such purposes.

In addition, staff will carry out all administrative tasks necessary to ensure efficient operation of the service to the Committee/Sub-Committee, the Chairman and Members.

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