



Meeting:	Council
Date:	20 January 2021
Classification:	For General Release
Title:	Constitutional Issues: Establishment of New Policy and Scrutiny Committees
Wards Involved:	Not Applicable
Financial Summary:	There are no financial implications
Report of:	Director of Law
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1. Executive Summary

- 1.1 This report seeks approval for the reorganisation of the Policy and Scrutiny Committees. The reasons for this are set out in the body of the report.

2. Recommendations

- 2.1 That Council be recommended to agree the reorganisation of the Policy and Scrutiny Committees with the terms of reference and proportionality as set out in Appendix A.

3. Reasons for Decision

- 3.1 To ensure the effective scrutiny of the newly reorganised Cabinet Member portfolios made in response to the challenges faced by the Covid-19 pandemic.

4. Background, including Policy Context

- 4.1 The Leader of the Council has undertaken a reorganisation of Cabinet Member posts which took effect from the 1st January 2021. With the reduction in Cabinet positions to 8 the reorganisation will allow the Council to deliver its City for All priorities and respond to the various challenges facing Westminster in 2021 as we support the city to recover from pandemic and economic uncertainty. There will also be a minor realignment of responsibilities to facilitate this reduction to eight Cabinet Members.

- 4.4 It is therefore proposed to establish the following new Policy and Scrutiny Committees to carry out the Policy and Scrutiny functions in respect of matters relating to all those duties within the terms of reference of the Cabinet Members listed in paragraph 4.9:
- Adults and Public Health Policy and Scrutiny Committee
 - Finance, Smart City and City Management Policy and Scrutiny Committee
 - Business and Children's Policy and Scrutiny Committee
 - Communities, Regeneration and Housing Policy and Scrutiny Committee
- 4.5 The new Policy and Scrutiny Committees will have the same proportionality as exists previously namely 5 majority party members and 3 minority party members.
- 4.6 In accordance with standing orders relating to committees, the membership will be appointed by the Chief Executive in accordance with the wishes of the Political Groups. As is customary, the Leader of the Council will not nominate the chairman of the committee, this will be determined by the committee itself at its first meeting.
- 4.7 The proposals in this report accord with the principles of the Committee proportionality agreed by the Council. There will be a further full review reported to the next Annual Council meeting.
- 4.9 The new proposed reporting of Cabinet Members is as follows:

Policy and Scrutiny	Cabinet Member
Westminster Scrutiny Commission	Councillor Rachael Robathan, Leader of the Council
Adults and Public Health	Councillor Tim Mitchell, Cabinet Member for Adult Social Care and Public Health
Finance, Smart City and City Management	Councillor Paul Swaddle, Cabinet Member for Finance and Smart City Councillor Melvyn Caplan, Cabinet Member for City Management
Business and Children's	Councillor Matthew Green, Cabinet Member for Business, Licensing and Planning Councillor Tim Barnes, Cabinet Member for Young People and Learning
Communities, Regeneration and Housing	Councillor Heather Acton, Cabinet Member for Communities and Regeneration Councillor David Harvey, Cabinet Member for Housing

5. Legal Implications

These are set out in section 4 of the report.

6. Other Implications

There are no other implications.

7. Consultation

The General Purposes Urgency Sub-Committee along with the Majority and Minority Whips have all been consulted on the proposals and no objections have been received.

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APPENDIX A

WESTMINSTER SCRUTINY COMMISSION

CONSTITUTION

6 Members of the Council (4 nominated by the Majority Party and 2 by the Minority 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 Constitution.
- (b) To carry out the Policy and Scrutiny function in respect of matters within the remit of the Council's non-executive Committees and Sub-Committees, which are within the broad remit of the Committee, in accordance with the Policy and Scrutiny procedure rules.
- (c) To be responsible for the management and co-ordination of the Policy and Scrutiny function.
- (d) To assign tasks to the most appropriate Policy and Scrutiny Committee, where the issue does not sit within the terms of reference of a particular Policy and Scrutiny Committee.
- (e) To scrutinise the work of the Leader of the Council including at public Question and Answer session(s).
- (f) To approve the Annual Report of Policy and Scrutiny activity, as required under the Constitution.

COMMUNITIES, REGENERATION AND HOUSING POLICY AND SCRUTINY COMMITTEE

CONSTITUTION

8 Members of the Council (5 Majority Party Members and 3 Minority Party Members).

TERMS OF REFERENCE

- (a) To carry out the Policy 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 Communities and Regeneration and the Cabinet Member for Housing.
- (b) To carry out the Policy and Scrutiny function in respect of matters within the remit of the Council's non-executive Committees and Sub-Committees, which are within the broad remit of the Committee, in accordance with paragraph 13 (a) of the Policy and Scrutiny procedure rules.
- (c) Matters within the broad remit of the Cabinet Members referred to in (a) above which are the responsibility of external agencies.
- (d) Any other matter allocated by the Westminster Scrutiny Commission (WSC).
- (e) 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.
- (f) To scrutinise the duties of the Lead Members which fall within the remit of the Committee or as otherwise allocated by the Westminster Scrutiny Commission.
- (g) To scrutinise any Bi-borough proposals which impact on service areas that fall within the Committee's terms of reference.
- (h) To oversee any issues relating to Performance that fall within the Committee's terms of reference.
- (i) To have the power to scrutinise those partner organisations whose services fall within the Committee's terms of reference.
- (j) To consider any Councillor Calls for Action referred by a Ward Member to the Committee.

FINANCE, SMART CITY AND CITY MANAGEMENT POLICY AND SCRUTINY COMMITTEE

CONSTITUTION

8 Members of the Council (5 Majority Party Members and 3 Minority Party Members, but shall not include a Member of the Cabinet.

TERMS OF REFERENCE

- (a) To carry out the Policy 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 Finance and Smart City and the Cabinet Member for City Management.
- (b) To carry out the Policy and Scrutiny function in respect of matters within the remit of the Council's non-executive Committees and Sub-Committees, which are within the broad remit of the Committee, in accordance with paragraph 13 (a) of the Policy and Scrutiny procedure rules.
- (c) Matters, within the broad remit of the Cabinet Members referred to in (a) above which are the responsibility of external agencies.
- (d) Any other matter allocated by the Westminster Scrutiny Commission.
- (e) 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.
- (f) To scrutinise the duties of the Lead Members which fall within the remit of the Committee or as otherwise allocated by the Westminster Scrutiny Commission.
- (g) To scrutinise any Bi-borough proposals which impact on service areas that fall within the Committee's terms of reference.
- (h) To oversee any issues relating to Performance that fall within the Committee's terms of reference.
- (i) To have the power to scrutinise those partner organisations that are relevant to the remit of the Committee.
- (j) To consider any Councillor Calls for Action referred by a Ward Member to the Committee.

BUSINESS AND CHILDREN'S POLICY AND SCRUTINY COMMITTEE

CONSTITUTION

8 Members of the Council (5 Majority Party Members and 3 Minority Party Member), but shall not include a Member of the Cabinet.

4 co-opted Members with voting rights i.e. 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 Policy 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 Business, Licensing and Planning and the Cabinet Member for Young People and Learning.
- (b) To carry out the Policy and Scrutiny function in respect of matters within the remit of the Council's non-executive Committees and Sub-Committees, which are within the broad remit of the Committee, in accordance with paragraph 13 (a) of the Policy and Scrutiny procedure rules.
- (c) 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 scrutinise matters relating to the provision of Health Services within Westminster, including the consideration of any reports referred by the local Health Watch.
- (d) To scrutinise the duties of the Lead Members which fall within the remit of the Committee or as otherwise allocated by the Westminster Scrutiny Commission.
- (e) To scrutinise any Bi-borough proposals which impact on service areas that fall within the Committee's terms of reference.
- (f) Any other matter allocated by the Westminster Scrutiny Commission.
- (g) 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.
- (h) To oversee any issues relating to Performance within the Committee's terms of reference.
- (i) To have the power to scrutinise those partner organisations that are relevant to the remit of the Committee.

- (j) To consider any Councillor Calls for Action referred by a Ward Member to the Committee.

ADULTS AND PUBLIC HEALTH POLICY AND SCRUTINY COMMITTEE

CONSTITUTION

8 Members of the Council (5 Majority Party Members and 3 Minority Party Members), but shall not include a Member of the Cabinet.

TERMS OF REFERENCE

(a) To carry out the Policy 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 Adult Social Care and Public Health.

(b) To carry out the Policy and Scrutiny function in respect of matters within the remit of the Council's non-executive Committees and Sub-Committees, which are within the broad remit of the Committee, in accordance with paragraph 13 (a) of the Policy and Scrutiny procedure rules.

(c) Matters within the broad remit of the Cabinet Members referred to in (a) above which are the responsibility of external agencies.

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

(e) 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.

(f) To scrutinise the duties of the Lead Members which fall within the remit of the Committee or as otherwise allocated by the Westminster Scrutiny Commission.

(g) To scrutinise any Bi-borough proposals which impact on service areas that fall within the Committee's terms of reference.

(h) To oversee any issues relating to Performance within the Committee's terms of reference.

(i) To have the power to scrutinise those partner organisations under a duty to that are relevant to the remit of the Committee.

(j) To consider any Councillor Calls for Action referred by a Ward Member to the Committee.

(k) To discharge the Council's statutory responsibilities under Section 7 and 11 of the Health and Social Care Act 2001 with regard to any planned substantial developments and variations to NHS services.

(l) To oversee strategic and accountability issues within local health commissioners and providers.