

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

13 MARCH 2008

**REPORT OF CORPORATE
MANAGEMENT TEAM**

COUNCIL DECISION

Corporate & Social Inclusion - Lead Cabinet Member - Councillor Laing

Proposed Revision to Select Committee Structure and Terms of Reference

1. Summary

To consider a proposed revision to the Council's Constitution in respect of the structure and terms of reference of the Council's Select Committees; with a view to transferring responsibility for Adult Services from its current remit to the Corporate and Social Inclusion Select Committee and extending the Select Committee remit elsewhere to allow for increased flexibility for those Committees to respond to corporate priorities, where required.

2. Recommendations

1. It is recommended that Scrutiny responsibility for Adult Services be removed from the Adult Services & Health Select Committee and transferred to the remit of the Corporate and Social Inclusion Select Committee, and Article 6 of the Council's Constitution be amended accordingly.
2. The proposed extension of the remit of the Select Committees identified at **Appendix 2** be approved and Article 6 of the Council's Constitution be amended accordingly.

3. Reasons for the Recommendations/Decision(s)

As part of the Executive Scrutiny Committee's responsibility for the prioritisation, co-ordination and monitoring of scrutiny work programmes and activities, it is proposed that responsibility for the scrutiny of Adult Services be removed from the remit of the existing Adult Services & Health Select Committee to allow that Committee to concentrate solely on its responsibilities for review and scrutiny of local health issues and the health service. This follows an increasing workload for the Committee in this regard, with a resultant lack of capacity to be able to carry out any scrutiny of Adult Services.

In addition, in recognition of the need to introduce greater flexibility to allow Select Committees to respond to Council priorities, it is proposed that their existing remits be extended, as indicated, to allow their consideration of other matters considered appropriate by the Executive Scrutiny Committee.

4. Members' Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

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RECOMMENDATIONS

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DETAIL

1. As part of its discussions at its recent Away Day, the Executive Scrutiny Committee gave consideration to a number of Scrutiny Structure and Constitutional issues arising from its review of scrutiny activities over the past year; with a view to considering whether any improvements could be introduced into scrutiny arrangements for the future. Reference was made at the meeting to the existing terms of reference of the Executive Scrutiny Committee and Select Committees, as set out in Article 6 of the Council's Constitution and attached at **Appendix 1..**
2. The Committee noted the inability of the Adult Services & Health Select Committee in being able to fulfil its responsibilities for the scrutiny of Adult Services as a result of its workload being taken up entirely in scrutinising local health issues and the health service. It was therefore felt that given the likely development of this workload in accordance with regulations under Section 7 of the Health & Social Care Act 2001 and Section 31 of the Health Act 1999, there was no alternative other than to request Council to consider amending the Constitution to allow scrutiny responsibility for Adult Services to be removed from the Adult Services & Health Select Committee and transferred to the remit of the Corporate and Social Inclusion Select Committee. The broad remit of this Committee; together with its emphasis towards social inclusion, offering itself to be the most appropriate Committee for assuming this responsibility.

3. In addition, the Executive Scrutiny Committee also considered its responsibilities to prioritise, develop and co-ordinate the scrutiny work programme, ensuring that there was efficient use of the Select Committees' time, whilst being mindful of the emerging corporate priorities. The Committee suggested that there was a need to introduce greater flexibility to allow Select Committees to respond to Council priorities where required, by extending their remits beyond their own thematic area so as to be in a position to be able to consider requests from the Executive Scrutiny Committee to carry out a scrutiny review of 'any other matter considered to be appropriate that reflects the corporate priorities'. This was considered especially important given the potentially increasing workload of Select Committees arising from new legislative requirements and referrals. A more flexible approach would help to create capacity within the work programme.
4. The effects of both of the proposals outlined in paragraphs 3 and 4 above, should they be approved, are highlighted in bold in **Appendix 2** together with the inclusion of responsibility for the Housing & Community Safety Committee in connection with the discharge of their crime and disorder functions under the Police and Justice Act 2006 approved by Council on 5th March 2008 (Cabinet-14th February 2008-Min 138 refers).

FINANCIAL IMPLICATIONS

5. There are no financial implications arising from the proposals.

LEGAL IMPLICATIONS

6. The proposal constitutes a suggested change to Article 6 of the Council's Constitution.

RISK ASSESSMENT

7. The proposed revisions to the Council's Constitution are categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

COMMUNITY STRATEGY IMPLICATIONS

8. Service Delivery (Enhance Local Democracy).

CONSULTATION INCLUDING WARD/COUNCILLORS

9. Further to its discussion at the Executive Scrutiny Away Day, a report on the proposal is to be submitted to the Executive Scrutiny Committee on 4th March 2008.

Name of Contact Officer: Nigel Hart
Post Title: Team Leader-Democratic & Member Services
Telephone No. 01642 526193
Email Address: nigel.hart@stockton.gov.uk

Background Papers

Executive Scrutiny Away Day papers-27th February 2008

Ward(s) and Ward Councillors:

Not Applicable

Property

Not Applicable