

CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE

Agenda Item 44

Brighton & Hove City Council

Subject: Work Programme Report
Date of Meeting: 20 January 2010
Report of: The Director of Strategy and Governance
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Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report contains general information on Overview & Scrutiny Committee work programmes.
- 1.2 Also included is the work programme for CYPOSC to be discussed by members (see **Appendix 1**).

2. RECOMMENDATIONS:

- 2.1 That members:
 - (1) note the general information on Overview & Scrutiny work programmes;
 - (2) agree which reports need to be included in the CYPOSC work programme for 2010 (attached as **Appendix 1** to this report).

3. BACKGROUND INFORMATION

- 3.1 Each Overview & Scrutiny (O&S) committee is required to have its own work programme, setting out the committee's schedule for the current council year (Constitution Part 6:2.2). Setting a work programme in advance in this way facilitates effective planning by council officers, and should ensure that all reports to O&S Committees are delivered on time and are of a high quality.

- 3.2 One of the duties of the Overview & Scrutiny Commission (OSC) is to “co-ordinate the work of the Overview & Scrutiny Committees” (Constitution Part 6:2.1.1) so as to ensure that “there is efficient use of the Committees’ time and that the potential for duplication of effort is minimised” (Constitution Part 6:3.1). In order for the OSC to carry out this task effectively, it is important that each individual O&S committee maintains its own coherent, readily comprehensible work programme.
- 3.3 O&S committees are responsible for determining their own work schedules, providing these accord with the Committee Terms of Reference; and subject to co-ordination and monitoring by the OSC (as detailed in point 3.2 above).
- 3.4 However, it is incumbent upon O&S committee members to ensure that Overview & Scrutiny is as effective as possible. To this end, members should seek to ensure that items placed on committee work programmes are:
- (i) significant issues;
 - (ii) issues where there is a genuine opportunity for O&S to make a positive contribution;
 - (iii) dealt with at the appropriate time (i.e. when there is the greatest opportunity for O&S to ‘add value’);
 - (iv) aligned with the council’s corporate priorities, and with its commitments to promoting democracy, encouraging social inclusion etc.
- 3.5 O&S committees are, as noted above, free to develop their own work programmes. However, members may also wish (and may in some instances obliged) to consider work programme ideas from other sources. These sources include:
- 3.5(a) **Plans or strategies which comprise part of the Council’s Budget and Policy Framework.** The council’s constitution requires the Executive to consult with O&S before formulating its final proposals for these plans and strategies. The Executive must take account of any O&S response in drawing up firm proposals to be submitted to Full Council (Constitution Part 4:4.2.(b)).
- 3.5(b) **Other plans and strategies.** Members of the Council’s Cabinet and senior officers in the council’s directorates may choose to consult with O&S concerning the development of plans and strategies which do not form part of the Budget and Policy framework, but are nonetheless considered to be of particular importance (including, but not limited to, items which feature on the Council’s Forward Plan).

- 3.5(c) **Items put forward by other members.** Any member of the Council may place a written question to the Leader of the Council, Cabinet members or Chairmen of any Committee or Sub-Committee (including O&S committees). Such questions should be included on the agenda of the next suitable committee meeting, where members will determine how best to deal with them (Constitution Part 3: 9.2).
- 3.5(d) **Public Questions.** Members of the public may submit questions to O&S committees no fewer than 8 working days before a scheduled committee meeting. Providing a question is relevant to the work of the committee, is not vexatious, and is not substantially similar to a question which the committee has recently debated to its satisfaction, it will be added to the agenda for the appropriate meeting.
- 3.5(e) **Referrals from other Council bodies/committees.** Any Council body or committee may choose to refer items to the appropriate O&S committee for consideration.
- 3.5(f) **Referrals from Outside Bodies.** Other organisations (e.g. The Older People’s Council, the Youth Council, LAA partners, neighbouring Local Authorities etc) may refer items to O&S committees for consideration.
- 3.5(g) **Referrals from Outside Bodies with statutory powers of referral.** In some instances, external bodies may have a statutory power/obligation to refer items to O&S committees for consideration. These include:
- (i) **Local Involvement Networks (LINKs).** LINKs were granted powers of referral by the Local Government and Public Involvement in Health Act (2007). LINKs can refer items to any local O&S committee responsible for aspects of adult health and social care and/or children’s health issues. In the context of Brighton & Hove, this means that the Brighton & Hove LINK has a statutory power of referral to the Health Overview & Scrutiny Committee (HOSC), the Adult Social Care and Housing Overview & Scrutiny Committee (ASCHOSC), and the Children and Young People Overview & Scrutiny Committee (CYPOSC).
 - (ii) **NHS trusts.** NHS trusts are required by the Health and Social Care Act (2001) to refer plans for ‘substantial variations or developments’ of local healthcare services to the appropriate HOSC(s).
- 3.5(h) **Councillor Call for Action.** This is a power which was introduced in the Local Government and Public Involvement in Health Act (2007). It enables ward Councillors to bring items of local concern, which could not be resolved via other avenues, to the appropriate O&S committee for investigation.

- 3.5(i) **Councillor Call for Action in relation to Crime and Disorder.** The Police & Justice Act (2006) introduced a power for ward Councillors to refer crime and disorder matters to a Crime and Disorder Committee (CDC). In Brighton & Hove, the Environment and Community Safety Overview & Scrutiny Committee (ECSOSC) has been designated the council's statutory CDC. Ward Councillors may therefore refer crime and disorder issues to ECSOSC.
- 3.5(j) **Scrutiny of Petitions.** The Local Democracy, Economic Development and Construction Bill (2008/9) currently going through parliament contains provision which will require local authority O&S committees to consider matters relating to Petitions to Council (i.e. in instances where petitioners feel that they have not received an adequate response to their representations). It is not yet clear how this will effect O&S in Brighton & Hove.
- 3.6 The above list is not intended to be prescriptive; Overview & Scrutiny has an important role to play in encouraging closer working between various parts of the council; between the council and its key city partners; and in fostering better relationships between the council and local residents. Any suggestion for the work programme which may help achieve these goals should therefore be given serious consideration, whether or not it accords with the formal means of referral listed above.

4. THE FORMAT OF WORK PROGRAMMES

- 4.1 O&S work programmes should:
- (a) List all items for scrutiny in the current council year;
 - (b) Indicate the date when an item is to be considered;
 - (c) In instances where an item has not been requested by committee members, indicate where the item originated (e.g. referral from Cabinet, public question etc);
 - (d) Indicate a mode of enquiry (e.g. ad hoc panel, workshop, report for information etc);
 - (d) Provide any necessary additional information (i.e. why the O&S committee is looking at a particular item).
- 4.2 An updated copy of the work programme should be included in each committee agenda for information. (There should generally no need for members to agree the work programme at each meeting.) Items which have already been dealt with should remain on the work programme, with an indication of the date they were addressed and any action agreed. Therefore, anyone consulting an O&S committee work programme should be able to tell at a glance what work the committee has already undertaken in the current year and what work it is planning to undertake.

- 4.3 There is an obvious utility in committees agreeing and keeping to an annual work programme. However, it may well be necessary to add items to the work programme throughout the year (e.g. in response to unanticipated events etc). In general it should be possible to add individual items at the Chairman's discretion. However, if very significant changes to the work schedule are required, it may be necessary to ask committee members to agree a revised work programme.

5. THE CYPOSC WORK PROGRAMME

- 5.1 A copy of the CYPOSC work programme is attached as **Appendix 1** to this report, and members are asked to formally approve this draft.

6. CONSULTATION

- 6.1 No formal consultation has been undertaken in compiling this report

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no financial implications to this report. Issues relating to O&S committee work programmes may impact upon the allocation of resources within the Scrutiny team, but this will relate to the existing Scrutiny budget and will not involve additional funding.

Legal Implications:

- 5.2 The legal implications are addressed in the body of the text.

Equalities Implications:

- 5.3 O&S committee work programmes should be formulated with equalities issues in mind.

Sustainability Implications:

- 5.4 Members should consider whether the draft committee work programme adequately reflects the importance of sustainability issues to the committee's Terms of Reference.

Crime & Disorder Implications:

- 5.5 Members should consider whether the draft committee work programme adequately reflects the importance of crime and disorder issues to the committee's Terms of Reference.

Risk and Opportunity Management Implications:

- 5.6 Members should consider whether risk and opportunity management issues have adequately been addressed in formulating the draft committee work programme.

Corporate / Citywide Implications:

- 5.7 O&S committee work programmes should reflect corporate and citywide priorities.

SUPPORTING DOCUMENTATION

Appendices:

1. The CYPOSC work programme

Documents in Members' Rooms:

None

Background Documents:

None