

CONSTITUTION WORKING PARTY		
<b>Title</b>	<b>REVIEW OF THE SCRUTINY FUNCTION</b>	
<b>Key Decision</b>	<b>No</b>	<b>Item No. 6</b>
<b>Ward</b>	<b>All</b>	
<b>Contributors</b>	<b>Executive Director for Resources</b>	
<b>Class</b>	<b>Part 1</b>	<b>Date: 17 FEBRUARY 2010</b>

### Reason for Urgency

The report needs to be submitted to this meeting to ensure that the arrangements are in order before the new administration in May 2010 and to enable work programming to continue. The report was late owing to the need to complete internal consultations. The Chair is asked to agree that this item should be taken as a matter of urgency.

### **1. Background and Purpose**

On March 19 2009 this Working Party received a report on the work of the Housing Select Committee and one of the resolutions agreed was to request officers to examine the entire Scrutiny Committee structure and report back at the end of the municipal year so that members could determine what, if any, modifications to the structure could be recommended to the Council.

This report examines the operations of the five permanent and one time limited select committee over the past four years and invites members to review the existing structure and decide whether revisions to the structure are required. In particular members are asked to determine the role of the Housing Select Committee which has existed for the last two years as a time limited select committee.

### **2. Recommendations**

That the Working Party:

(1) Endorses the continuation of the five permanent select committees.

(2) Considers the future of the Housing Select Committee and reports accordingly to the Overview and Scrutiny Committee.

### **3. Scrutiny Committee Structure and Activity**

*The Overview & Scrutiny Committee (O&SC)*

- 3.1 The O&SC is currently made up of the 47 Councillors not in the Cabinet. It is constitutionally bound to meet at least once a year to appoint its sub-committees. Other than the "Business Panels", these sub-committees are known as Select Committees. Every member of the O&SC must serve on at least one of its sub-committees. In addition O&SC can set up at least 2 additional select committees annually to cover specific points of inquiry.
- 3.2 The O&SC has the scope for providing both the overview of all the work carried out across the scrutiny function and the potential for playing a role in the strategic development of the function.
- 3.3 The O&SC function has developed its activities over the last four years to include an annual scrutiny & review of the Mayor and his Cabinet members work. This has begun in the last year to be extended to cover the Chief Executive and Executive Directors too.

*The Business Panel and Education Business Panel*

- 3.4 Membership of the Business Panel is reserved to: the chair and vice-chair of the O&SC; the chair of each respective select committee; and 3 or the smallest number higher of Councillors required to ensure the political composition of the Council is reflected. The Business Panel regularly meets to review the key decisions of the political executive except on those key decisions relating wholly or partly to any education functions. The review of executive decisions in relation to education are the responsibility of the Education Business Panel. The Education Business Panel differs from the Business Panel insofar as it also comprises two Diocesan representatives and three parent governors. The respective Panels fulfil duties of O&SC in relation to responsibilities for call-in.
- 3.5 The Business Panel also has a key role in relation to the co-ordination and approval of the work programme of the respective select committees established by the O&SC. The Panel also plays an important role in the allocation of matters to be addressed which may fall between two or more select committees for consideration. Comments and recommendations may also be made to the executive in relation to the contents or proposed contents of those documents which make up the Council's policy framework.
- 3.6 When the respective Business Panels meet to consider the decisions of the executive they may:
  - take no action, in which case the decision becomes effective on the conclusion of the Business Panel at which the matter was considered; or
  - refer the matter back to the decision maker for reconsideration; or

- refer the matter to full Council, if it appears that the decision which the executive has taken is contrary to the policy framework, or contrary to or not wholly consistent with the budget.

- 3.7 “Call-in” is the formal procedure of referring the matter back to the decision maker to reconsider their decision. Over the past four years this has been exercised by the Business Panel on just 5 occasions. Call-in was exercised twice in 2006/07. The first call-in was in July 2006 on the former Utilities Dairies Site. The second call-in was also in July 2006 and related to the Review of Alternative Sites for Secondary Schools. The respective matters were reconsidered by the Mayor and his decision was to rescind his initial decision on the Utilities Dairies Site and to uphold his decision on the Review of Alternative Sites for Secondary Schools while promising to brief leaders of all parties at relevant stages on the appointment of the independent consultant.
- 3.8 Call-in was exercised once in 2007/08. This related to the decision on the New School Approval Process. The Education Business Panel were concerned that the financial implications contained in the officer report were incorrect and asked that the Mayor consider revised financial implications.
- 3.9 Call-in was exercised twice in 2008/09. The first related to the decision to the Transfer of Building Services to Lewisham Homes. The Business Panel were concerned about the weighting attributed to the options outlined in the officer report and the concerns expressed by the Unions. The second call-in related to the decision to Dispose of the Rotary Day Centre, Addington Grove, SE26. However, on reconsideration of the second matter the Mayor rescinded his decision in respect of the disposal and requested that officers consult with the community and report back on possible options for the future use of Rotary Day Centre.
- 3.10 Business Panel and the call-in function are just one aspect of Overview & Scrutiny holding the political executive to account. Policy proposals and organisational performance are to be reviewed at the respective select committees established by O&SC. Senior officers are available to support the Business Panel and select committees providing reports and responses on policy and organisational performance. The Mayor or members of his Cabinet are occasionally invited to attend such select committees on specific items or more routinely in some cases to provide regular updates on progress on matters relating to the select committee’s interests.
- 3.11 Several Select Committees have supported the functions of overview & scrutiny across the Council’s business including the management of important statutory powers in relation to health scrutiny and latterly scrutiny powers relating to crime reduction. Though initially established as body of five select committees for the 2006-2010 administration time limited committees have been established to cover specific issues related to Housing. The functions

and a selection of activities for which the respective committees have been responsible are outlined below:

- 3.12 *Healthier communities select committee.* This select committee was established to fulfil O&SC functions in relation to both adults services and the provision of service and performance of health bodies. The select committee has statutory powers in relation to the scrutiny of health care services locally under the Health and Social Care Act 2001.
- 3.13 Business covered by the Healthier Communities Select Committee has included in-depth investigations into the health inequalities experienced by both men and women in Lewisham and identification of actions that might be taken to reduce these inequalities; responding to statutory NHS Consultations on the reconfiguration of Community Opportunites Services in Lewisham, the development of GP led Healthcare centres and the wide ranging proposals contained in the proposed reconfiguration of children, maternity and acute hospital services in the A Picture of Health proposals for Outer South East London.
- 3.14 *Children and young people select committee.* This select committee was established to fulfil all OSC functions as they relate to social care of children and young people up to the age of 19 years. The select committee has focused on Tackling childhood obesity; Improving educational attainment, Early years and the foundation stage; Provision for children with Special Educational Needs and Safeguarding, information sharing and child protection.
- 3.15 *Sustainable development select committee.* This select committee is responsible for examining issues in relation to the protection of the environment; economic development, business support, employment and training; the formulation of Council's planning policies and local plans (but excluding planning control and building control functions); highways, parking, traffic and transport; urban regeneration; public health and the environment (including waste disposal, street cleaning); consumer protection; cemeteries and crematoria.
- 3.16 The select committee has covered a wide range of strategic and operational interests in relation to its responsibilities. It routinely considers exception reports on priority areas such as waste collection and recycling and has undertaken f in-depth investigations into Empty Properties; Home Insulation; Climate Change; Alternatives to Individual Car Use; and Sustainability and the Building Schools for the Future Programme.
- 3.17 *Public Accounts Committee (PAC).* This select committee's responsibility is to provide comment and recommendations to the political executive in respect of the actual and proposed Council budget and to hold the executive to account in relation to its performance in respect of all budgetary matters. The committee also has an important role in the evaluation and recommending of

the best financial management and procurement practice across the authority. The committee is to monitor and review the Council's audit plan and receive reports on those audits and reviews conducted by the Council's internal and external auditors and/or inspectorates.

- 3.18 PAC has routinely scrutinised the Council's Statement of Accounts; Management, Capital and Revenue Budget Monitoring; The Budget Strategy, Savings and Growth proposals; the Council's Management Report and the Annual Complaints Report. The detailed reviews undertaken by PAC have included A Review of the Community Services Directorate; Accountability and Value for Money delivered by Strategic Partnerships; Voluntary Sector Grant Funding; the Council's Obligation to Leaseholders and the School's Forum and the Dedicated Schools Grant.
- 3.19 *Safer, stronger select Committee* The select committee has responsibility for fulfilling all overview & scrutiny functions in relation to the discharge by responsible and other partner authorities of their crime and disorder functions contained in the Police & Justice Act 2006. The select committee also reviews & monitors the council's work with the voluntary & community sector, council performance in relation to social inclusion and equalities and making proposals for the further development of the council's work in these respective areas of business.
- 3.20 The select committee's work has included a review of Voter Turnout in Lewisham; Neighbourhood Wardens; Safer Neighbourhood Teams; Preventative measures being taken in relation to youth crime; the Council's Grant funding programme. Work on the Council's policy initiatives has included work on the Comprehensive Equalities Scheme and the council's statutory schemes covering Race, Gender and Disability.
- 3.21 In 2006 a time limited *sub-committee* was formed to consider specific issues related to Housing. The committee reported its findings in September 2007 and recommended that the O&SC consider how additional scrutiny of specific issues related to housing be undertaken.
- 3.22 A further commitment was made to a time limited Housing sub-committee in March 2008 with a remit to consider issues related to housing. In March 2009 a time limited Housing sub-committee was established, with an increased focus on implementation of the Decent Homes Standard.

#### **4. Scrutiny Committee Membership**

- 4.1 The current memberships of Scrutiny Committees are as follows:

**Children & Young People Select Committee** (Labour 5, Liberal Democrat 3, Green 1, Socialist Party 1)

Councillor Julia Fletcher, Councillor Pete Pattisson,

Councillor Jenni Clutten, Councillor Ami Ibitson, Councillor John Paschoud, Councillor Marion Nisbet, Councillor Jackie Addison, Councillor Stephen Padmore, Councillor Romaine Phoenix, Councillor Ian Page.

**Healthier Communities Select Committee** (Labour 5, Liberal Democrat 3, Green 1, Socialist Party 1)

Councillor Chris Maines, Councillor Andrew Milton  
Councillor Jenni Clutten, Councillor Sylvia Scott, Councillor Alan Hall  
Councillor Edward Mark, Councillor Ami Ibitson, Councillor Jarman Parmar, Councillor Romaine Phoenix, Councillor Chris Flood.

**Housing Select Committee** (Labour 5, Liberal Democrat 3, Green 1, Socialist Party 1)

Councillor Brian Robson, Councillor David Edgerton, Councillor Ami Ibitson, Councillor Eva Stamirowski, Councillor Alan Hall, Councillor Sylvia Scott, Councillor Sam Owolabi-Oluyole, Councillor Darren Johnson, Councillor Ian Page and one vacancy (Liberal Democrat).

**Public Accounts Select Committee** (Labour 5, Liberal Democrat 3, Green 1, Conservative 1)

Councillor Alex Feakes, Councillor Chris Maines, Councillor Sven Griesenbeck, Councillor Stephen Padmore, Councillor John Muldoon  
Councillor Paul Maslin, Councillor Madeliene Long, Councillor Alan Hall  
Councillor David Britton, Councillor Ute Michel.

**Safer & Stronger Communities Select Committee** (Labour 5, Liberal Democrat 3, Green 1, Conservative 1)

Councillor Duwayne Brooks, Councillor Godfried Gyeachie, Councillor Dan Houghton, Councillor Jarman Parmar, Councillor Madeliene Long, Councillor Jackie Addison, Councillor Eva Stamirowski, Councillor Alan Till, Councillor Hilary Downes, Councillor Dean Walton.

**Sustainable Development Select Committee** (Labour 5, Liberal Democrat 3, Green 1, Conservative 1)

Councillor Brian Robson, Councillor Philip Peake, Councillor Mark Bennett, Councillor Robin Cross, Councillor Alan Till, Councillor Sam Owolabi-Oluyole, Councillor John Paschoud, Councillor Alan Smith  
Councillor Sue Luxton, Councillor Hilary Downes.

**Overview and Scrutiny Business Panel** (Labour 5, Liberal Democrat 3, Green 1, Conservative 1)

Councillor John Russell, Councillor Alex Feakes.

Councillor Julia Fletcher, Councillor Sylvia Scott, Councillor Sue Luxton  
Councillor Alan Hall, Councillor Ami Ibitson, Councillor Jarman Parmar  
Councillor Ron Stockbridge, Councillor David Britton.

**Overview & Scrutiny (Education) Business Panel** (Labour 5, Liberal Democrat 3, Green 1, Conservative 1)

Councillor John Russell, Councillor Alex Feakes.  
Councillor Julia Fletcher, Councillor Sylvia Scott, Councillor Sue Luxton  
Councillor Alan Hall, Councillor Ami Ibitson, Councillor Jarman Parmar  
Councillor Ron Stockbridge, Councillor David Britton.

## 5. Chairs and Vice Chairs of Select Committees

5.1 The following proportional allocation was used in the determination for both Chairs and Vice-Chairs of Select Committees:

<u>Lab.</u>	<u>Lib. Dem.</u>	<u>Green</u>	<u>Cons.</u>	<u>Soc.</u>
3	2	1	-	-

5.2 The current Chairs and Vice-Chairs are as follows:

### **Children & Young People Select Committee**

Chair Councillor Julia Fletcher (Liberal Democrat)  
Vice-Chair Councillor John Paschoud (Labour)

### **Healthier Communities Select Committee**

Chair Councillor Sylvia Scott (Labour)  
Vice-Chair Councillor Chris Maines (Liberal Democrat)

### **Housing Select Committee**

Chair Councillor Ami Ibitson (Labour)  
Vice-Chair Councillor Alan Hall (Labour)

### **Public Accounts Select Committee**

Chair Councillor Alex Feakes (Liberal Democrat)  
Vice-Chair Councillor Stephen Padmore (Labour)

### **Safer & Stronger Communities Select Committee**

Chair Councillor Jarman Parmar (Labour)  
Vice-Chair Councillor Dean Walton (Green)

### **Sustainable Development Select Committee**

Chair            Councillor Sue Luxton (Green)  
Vice-Chair    Councillor Brian Robson (Liberal Democrat)

## **6. Terms of reference of Scrutiny Committees**

6.1 The terms of reference for Scrutiny Committees are as follows

### *Housing Select Committee (time-limited)*

To fulfil all overview and scrutiny functions in relation to the discharge by the authority of its housing functions. This shall include the power to:-

- review and scrutinise decisions made or other action taken in connection with the discharge of the Council of its housing function
- make reports or recommendations to the authority and/or Mayor and Cabinet with respect to the discharge of these functions
- make recommendations to the authority and/or Mayor and Cabinet proposals for housing policy
- review initiatives put in place by the Council with a view to achieving the Decent Homes standard, making recommendations and/or report thereon to the Council and/or Mayor and Cabinet
- establish links with housing providers in the borough which are concerned with the provision of social housing

### *Public Accounts Select Committee*

- To make reports and recommendations to the Council or the Executive which promote the better custodianship of the Council's finances and to make recommendations for best financial practice across the authority.
- To investigate the possibilities for improving the Council's financial management practice and to make reports and recommendations to Executive or Council as appropriate.
- To encourage the highest standards of financial custodianship where necessary overseeing training activity for all members in this area.
- To consult on and to comment on and make recommendations to the Executive in respect of the actual and proposed contents of the Council's budget and without limiting the general remit of the

committee, to hold the Executive to account for its performance in respect of all budgetary matters.

- To receive reports as appropriate from the Audit Panel in respect of their overview of contract procedure rules and financial regulations
- To make recommendations and reports for consideration by the Executive or Council to improve procurement practice.
- To scrutinize the effectiveness of the Audit Panel

#### *Healthier Communities Select Committee*

- (a) To fulfil all of the Overview and Scrutiny functions in relation to the provision of service by and performance of health bodies providing services for local people. These functions shall include all powers given to the Council's Overview and Scrutiny Committee by the Health and Social Care Act 2001, NHS Act 2006, Local Government and Public Involvement in Health Act 2007 and regulations made under that legislation, and any other legislation in force from time to time.
- (b) To require the attendance of representatives of health bodies at meetings of the select committee to address it, answer questions and listen to the comments of local people on matters of local concern.
- (c) To fulfil all of the Council's Overview and Scrutiny functions in relation to social services provided for those 19 years old or older including but not limited to services provided under the Local Authority Social Services Act 1970, National Assistance Act 1948, Mental Health Act 1983, NHS and Community Care Act 1990, Health Act 1999, Health and Social Care Act 2001, NHS Act 2006 and any other relevant legislation in place from time to time.
- (d) To fulfil all of the Council's Overview and Scrutiny functions in relation to the lifelong learning of those 19 years or over (excluding schools and school related services).
- (e) To receive referrals from the Patient Involvement Network and consider whether to make any report/recommendation in relation to such referral (unless the referral relates solely to health services for those aged under 19 years of age, in which case the referral from the Patient Involvement Network should be referred to the Children and Young People Select Committee
- (f) Without limiting the remit of this Select Committee, its terms of reference shall include Overview and Scrutiny functions in relation to:-

- people with learning difficulties
- people with physical disabilities
- mental health services
- the provision of health services by those other than the Council
- provision for elderly people
- the use of S31 Health Act 1999 and Section 75 NHS Act 2006 flexibilities to provide services in partnership with health organisations
- lifelong learning of those aged 19 years or more (excluding schools and school related services)
- Community Education Lewisham
- Libraries
- other matters relating to Health and Adult Care and Lifelong Learning for those aged 19 years or over

- (g) Without limiting the remit of the Select Committee, to hold the Executive to account for its performance in relation to the delivery of Council objectives in the provision of adult services and health and lifelong learning.

**NB** In the event of there being overlap between the terms of reference of this select committee and those of the Children and Young People Select Committee, the Business Panel shall determine the Select Committee which shall deal with the matter in question.

*Children & Young People Select Committee*

- (a) To fulfil all Overview and Scrutiny functions as they relate to the social care of children and young people up to the age of 19 years including but not limited to the following activities:-
- (i) the social services functions of the Council under the Local Authority Social Services Act 1970, and all functions of the Council under the National Assistance Act 1948, the Mental Health Act 1983, Children Act 1989, the NHS and Community Care Act 1990, and all other relevant legislation in force from time to time
  - (ii) to invite representatives of other service providers to children and young people in the area to give account of their performance and to answer questions.
- (b) To fulfil the Council's overview and scrutiny functions in relation to the implementation of the Children Act 2004

- (c) In so far as they relate to the provision of services for those under the age of 19 years, the exercise of all of the Council's powers under the Education Acts, School Standards and Framework Act 1998, Education Act 2002 and 2005, Education and Inspections Act 2006 and all other relevant Acts from time to time in force. Without limiting the generality of this, this shall include in particular schools and school related services.
- (d) The exercise of the powers of the Council is so far as they relate to people under 19 years of age in the provision of opportunities for education, training and learning outside the school environment including pre-school services.
- (e) In so far as they relate to children and young people under 19 years of age to make comments and recommendations to the Executive on the contents and proposed contents of the plans making up the Council's policy framework.
- (f) Without limiting the remit of the Select Committee, its terms of reference include the following matters:
- Child Protection covering provision for vulnerable children including children in need and children looked after, placements, foster care and adoption
  - Early Years provision
  - Special Needs provision
  - Schools and related services
  - Youth Service, including Connexions
  - Youth offending and challenging behaviour
  - Transitional services for those leaving care
  - Other matters relating to children and young people
- (g) To receive and consider referrals from the Patient Involvement Network in so far as they relate solely to people under 19 years of age. Otherwise such referrals will be made to the Healthier Communities Select Committee>
- (h) Without limiting the remit of the Select Committee to hold the Executive to account for its performance in relation to the delivery of Council objectives in the provision of services to children and young people.

**NB** In the event of there being overlap between the terms of reference of this select committee and those of the Healthier Communities Select Committee, the Business Panel shall determine the Select Committee which shall deal with the matter in question.

- (a) To fulfil all overview and scrutiny functions in relation to the discharge by responsible authorities of their crime and disorder function contained in the Police & Justice Act 2006, as amended from time to time, and all other relevant legislation. This shall include the power:
- (i) to review or scrutinise decisions made, or other action taken, in connection with the discharge by responsible authorities of their crime and disorder function,
  - (ii) to make reports or recommendations to the local authority or the executive with respect to the discharge of those functions; and
  - (iii) to make reports and/or recommendations to the local authority with respect to any matter which is a local crime and disorder matter in relation to a member of the authority. A local crime and disorder matter in relation to a member means a matter concerning crime and disorder (including in particular forms of crime and disorder involving anti social behaviour or other behaviour adversely affecting the environment), or the misuse of drugs, alcohol and other substances, which affect all or part of the electoral area for which the member is elected and any person who lives or works there.
- (b) make proposals to the Executive to promote equality of opportunity within the borough, including issues of discrimination based on race, ethnic origin, gender, disability, sexuality, age and/or class;
- (c) to recommend to the Executive, the Council or an appropriate committee proposals for policy development in relation to equalities issues;
- (d) to analyse policy options as necessary to inform the proposals to be made to the Executive or other appropriate committee;
- (e) to advise the Executive or other committee on all matters relating to equality of opportunity both in terms of policy, service provision, employment and/or access to public services;
- (f) to enhance and develop existing and innovative consultative and/or advisory work for equality of opportunity and to consider issues of inequality and discrimination across the borough;
- (g) to consider and recommend to the Executive, ways in which participation by disadvantaged and under-represented sections of the community might be more effectively involved in the democratic processes of local government;

- (h) to pilot methods of consultation and involvement and to report back to the Executive or appropriate committee on their effectiveness with recommendation if appropriate;
- (i) to establish links with and liaise with external organisations in the borough which are concerned with the promotion of equality of opportunity.

*Sustainable Development Select Committee*

- (a) To exercise all the functions and roles of the overview and scrutiny committee in relation to the following matters:
  - to examine issues relating to the protection of the environment including 'green' issues such as the conservation of natural resources, energy efficiency and conservation and/or the reduction of all types of pollution and make recommendations to the Mayor and Cabinet as appropriate;
  - to comment and consult on and make recommendations to the Mayor and Cabinet in relation to the following:
    - i. sustainable development, economic development, business support, employment and training;
    - ii. the formulation of the Council's planning policies, (including the preparation of the Council's Local Development Framework and other local plans for the use and development of land, but excluding planning control and building control functions;
    - iii. highways, parking, traffic and transport, urban regeneration and housing;
    - iv. public health and the environment including waste disposal, environmental health, street and market trading (but not the granting of licences and related matters);
    - v. public protection, refuse collection and disposal, street cleaning, consumer protection, cemeteries and crematoria;
- generally to examine the performance of the Mayor and Cabinet in relation to these matters.
- (b) to make proposals to the Executive to promote equality of opportunity within the borough, including issues of discrimination

based on race, ethnic origin, gender, disability, sexuality, age and/or class;

- (c) to recommend to the Executive, the Council or an appropriate committee proposals for policy development in relation to equalities issues;
- (d) to analyse policy options as necessary to inform the proposals to be made to the Executive or other appropriate committee;
- (e) to advise the Executive or other committee on all matters relating to equality of opportunity both in terms of policy, service provision, employment and/or access to public services;
- (f) to enhance and develop existing and innovative consultative and/or advisory work for equality of opportunity and to consider issues of inequality and discrimination across the borough;
- (g) to consider and recommend to the Executive, ways in which participation by disadvantaged and under-represented sections of the community might be more effectively involved in the democratic processes of local government;
- (h) to pilot methods of consultation and involvement and to report back to the Executive or appropriate committee on their effectiveness with recommendation if appropriate;
- (i) to establish links with and liaise with external organisations in the borough which are concerned with the promotion of equality of opportunity.

### **Business panel – specific terms of reference**

The overview and scrutiny business panel will have the following terms of reference:

- (a) the co-ordination and approval of the work programme of each overview and scrutiny select committee (subject always to the right of a member of an overview and scrutiny committee or select committee to place an item on the agenda) to secure the most effective use of committee time and Council resources and to prevent overlaps;
- (b) where a particular issue would fall within the remit of more than one overview and scrutiny select committee, to decide on the allocation of the issue for consideration;
- (c) the exercise of all powers in relation to call in on behalf of the overview and scrutiny committee (except those which are within

the terms of reference of the Education Business Panel)  
including :-

- i) within seven working days of notice of decisions being given, to refer an executive decision made but not yet implemented back to the decision maker for reconsideration in accordance with conflict resolution procedures to be adopted by the Council;
  - ii) within seven working days of notice of decision being given, to refer an executive decision made but not implemented to the Council for a decision as to whether to refer it to the decision maker for reconsideration if (on the advice of the monitoring officer or the chief finance officer) the Business Panel is of the view that the decision is contrary to the policy framework, or contrary to or not wholly in accordance with the budget;
- (d) consideration of whether it is reasonable to take an executive decision which is urgent notwithstanding that it is contrary to the policy framework, or contrary to or not wholly in accordance with the budget, will be for the chair of this committee to decide, or in their absence for the Chair of the Council. The Panel will consider a report about such urgent decisions at least once per quarter and refer that report to full Council;
- (e) to make comments and recommendations to the Executive on the contents and proposed contents of the following elements of the policy framework:
- sustainable community strategy
  - crime and disorder reduction strategy
  - food law enforcement plan
  - housing strategy
  - transport local implementation plan
  - youth justice plan;
- (f) without limiting the general remit of the business panel, to hold the Executive to account for performance in the delivery of each of those strategies and plans listed above;
- (g) alternatively, the overview and scrutiny Business Panel may allocate the consultative and developmental role in relation to any of the plans listed above, and the scrutiny of performance against them, to any other overview and scrutiny select committee. If so requested, that select committee will fulfil those roles;

- (h) to consider any referral under the Councillor Call for Action by a ward member which relates to the remit of more than one select committee
- (i) on behalf of the overview and scrutiny committee, to be responsible for overview and scrutiny functions in relation to all activities of the Council where that overview and scrutiny function has not been delegated elsewhere;
- (j) to recommend to full Council any changes which it thinks necessary to the number, terms of reference, composition or membership of the overview and scrutiny committees. Such changes are permitted by the Constitution. Consultation may be necessary if the changes are significant.

### **Education Business Panel – specific terms of reference**

The terms of reference of the Education Business Panel shall be limited to the exercise of call-in powers in relation to any matter relating wholly or partly to the education functions which are the responsibility of the Executive. For the avoidance of doubt, all other overview and scrutiny functions in relation to education functions shall be the responsibility of the Children & Young People Select Committee.

## **7. Financial Implications**

- 7.1 A structure containing six select committees can be serviced from existing budgetary provision. Any increase in the size of the structure or major increase in the number of meetings of the existing bodies would require additional resources.

## **8. Legal Implications**

- 8.1 The Local Government Act 2000 requires that Councils ensure that their executive arrangements include provision for their overview and scrutiny committee to have the power to review and scrutinise decisions made, and to make reports and recommendations on Council functions and to make reports and recommendations on matters affecting the authority's area.
- 8.2 The legal position in relation to the overview and scrutiny of health and crime and disorder matters is set out in the body of the report.
- 8.3 By law the overview and scrutiny committee must also have the power to recommend that an executive decision made but not yet implemented be re-considered by the decision maker. This is given effect through the Council's call-in procedures.
- 8.4 The proposed changes in relation to petitions and overview and scrutiny appear elsewhere on this agenda.

- 8.5 Changes to overview and scrutiny arrangements will not be considered a change to the Constitution that requires consultation unless the changes mean that the number of scrutiny committees would fall to less than four or rise to more than ten; the number of places on any select committee would fall to less than five; or the change relates to the terms of reference of a Business Panel and the change is other than one which the Monitoring Officer considers to be minor.
- 8.6 Members of the Executive are precluded from membership of the overview and scrutiny committee.
- 8.7 The requirement for committees to reflect the political balance of the Council applies to overview and scrutiny committee bodies, subject always to the agreement of the Council to the contrary without any person voting against such proposals. In Lewisham, currently all members of the Council are members of the overview and scrutiny committee, and membership of overview and scrutiny select committees reflects the political composition of the overview and scrutiny committee (as opposed to the Council) as this was agreed unanimously by Council.
- 8.8 There is no legal requirement to allocate Chairs and Vice Chairs of overview and scrutiny bodies in accordance with political balance requirements, though there is agreement to this effect in the Constitution locally. Allocation of Chairs and Vice Chairs of the overview and scrutiny bodies reflect the composition of the Overview and Scrutiny Committee."

## **9. Equalities Implications**

- 9.1 There are no specific equality implications.

### **Background Papers**

London Borough of Lewisham Council Constitution

For further information on this report contact Barrie Neal 020 83149852 or Kevin Flaherty 0208 3149327