



London Borough of Hammersmith & Fulham

HOUSING HEALTH & ADULT SOCIAL CARE SELECT COMMITTEE

DATE	TITLE	Wards
17 July 2012	Membership and Terms of Reference	All Wards

SYNOPSIS

The report sets out the new membership of this Committee and its terms of reference, as agreed at the Annual Council Meeting held on 30 May 2012.

CONTRIBUTORS

Finance and Corporate Services

RECOMMENDATION(S):

The Committee is asked to note its membership and terms of reference.

CONTACT

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NEXT STEPS

N/A.

1. INTRODUCTION

- 1.1 The Council agreed the membership and terms of reference at the Annual Council Meeting held on 30 May 2012.

2. MEMBERSHIP

- 2.1 The membership of this committee is as follows:

Nine voting Councillors including the Chairman and Vice Chairman in the ratio of 6 Administration members and 3 Opposition members.

Councillor Lucy Ivimy (Chairman)

Councillor Joe Carlebach

Councillor Oliver Craig

Councillor Peter Graham

Councillor Steve Hamilton

Councillor Peter Tobias

Councillor Iain Coleman

Councillor Stephen Cowan

Councillor Rory Vaughan

Co-optees

Each Overview and Scrutiny Committee may co-opt a number of people in a non-voting capacity, the number of which shall be determined by full Council.

- 2.2 Another report on this agenda deals with the appointment of the co-opted members of this committee.

3. TERMS OF REFERENCE

- 3.1 Introduction

Overview and Scrutiny is an important element of the Council's Constitution. Overview and Scrutiny Committees, known in Hammersmith & Fulham as the Scrutiny Board and Select Committees, represent influential public forums through which Councillors can:

- Support the Executive in Policy Development
- Review the impact of decisions and policy
- Hold the Executive to account for their decisions and actions
- Make representations on the exercise of the Council's functions and other matters of concern to the local community

Overview and Scrutiny is concerned with the overall wellbeing of Hammersmith & Fulham, including not only Council services but those

of a wide range of other public agencies - in particular those responsible for community safety and the delivery of health services. Scrutiny Committees provide an important mechanism for Councillors to represent their wards and are a focus for stakeholder and community involvement.

This Article outlines the basic elements and functions of Overview and Scrutiny in Hammersmith & Fulham. It should be read in conjunction with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

3.2 Terms of reference

The Council will appoint Overview and Scrutiny Committees, as set out below, to discharge the functions conferred by section 21 of the Local Government Act 2000, and regulations under section 32 of the Local Government Act 2000 or Local Government and Public Involvement in Health Act 2007.

Committee	Scope
Scrutiny Board	<p>The coordination, and development of the Council's Scrutiny function and the monitoring of its performance</p> <p>Any aspect of the Council's strategic policy formulation, setting and monitoring of the corporate budget, oversight of finance and use of resources, performance management (including external assessment of the Authority and its services) human resources, central support services, and organisational development and strategic partnerships outside the scope of any other Scrutiny Committee, including the Local Area Agreement.</p> <p>Reviewing the adequacy of the steps taken and decisions made in response to petitions made under the Council's Petitions Scheme, in cases where a review has been requested.</p> <p>Monitoring the development, implementation and operation of the governance, structure and processes in respect of joint working with other authorities, save for matters within specific service areas which fall within the remit of other Select Committees.</p> <p>Other functions of the Council (including major cross-cutting issues).</p> <p>Lead responsibility for scrutinising the relevant Cabinet Member(s).</p>

<p>Transport, Environment and Residents Services Select Committee</p>	<p>Any aspect of policy, provision and performance related to :</p> <ul style="list-style-type: none"> • the local environment and economy, including matters relating to the Street Scene, parks and open spaces, recycling and environmental sustainability, parking policy, waste disposal, street cleansing, refuse collection, cemeteries, biodiversity, transport and planning. • quality of life, including policing, community safety, tackling anti-social behaviour, licensing and gambling, employment, adult education, cultural services and registration. <p>The discharge of the functions and responsibilities of a Crime and Disorder Committee in accordance with section 19 of the Police and Justice Act 2006 and regulations made under section 20 of the Act.</p> <p>The discharge of functions contained in s.9FH of Schedule 2 to the Localism Act 2011 to review and scrutinise the exercise by flood risk management authorities of flood risk management functions which may affect the local authority's area.</p> <p>Any other matter allocated by the Scrutiny Board</p> <p>Lead responsibility for scrutinising the relevant Cabinet Member(s).</p>
<p>Education and Children's Services Select Committee</p>	<p>Any aspect of policy, provision and performance related to the education of children and young people in the borough and the education budget, children's services including social care and the exercise of statutory responsibilities in relation to the scrutiny of children's health matters as set out in paragraph 6.03 (c) below. (Matters relating to general health strategies and services not specifically for children and young people shall be within the scope of the Housing, Health and Adult Social Care Select Committee.)</p> <p>Any other matter allocated by the Scrutiny Board</p> <p>Lead responsibility for scrutinising the relevant Cabinet Members(s).</p>

<p>Housing, Health and Adult Social Care Select Committee</p>	<p>Any aspect of policy, provision and performance relating to housing, health and adult social services in the borough, including the exercise of statutory responsibilities in relation to the scrutiny of health as set out in paragraph 6.03 [c] below and also the voluntary and community sector. (Matters relating to health strategies and services specifically for children and young people shall be within the scope of the Education and Children’s Services Select Committee.)</p> <p>Any other matter allocated by the Scrutiny Board</p> <p>Lead responsibility for scrutinising the relevant Cabinet Member(s)</p>
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3.3 General role

The Overview and Scrutiny Committees will be appointed in accordance with the political proportion of the Council as a whole. Within their terms of reference, these Committees will:

- i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council’s functions;
- ii) make reports and/or recommendations to the Executive and/or the full Council in connection with the discharge of any functions or to a Member or officer exercising the relevant delegated powers;
- iii) consider any matter affecting the area or its inhabitants arising from the Forward Plan or otherwise;
- iv) call-in, for reconsideration, decisions made but not yet implemented by the Executive and, if necessary, refer them back to the Executive or Full Council;
- v) monitor and review the outcomes of recommendations arising from Scrutiny activity; and
- vi) consider any petitions or deputations on a relevant matter, and any request for a review of the steps taken and decisions made by the Council in response to a petition when so directed by the Scrutiny Board, in accordance with the Overview and Scrutiny Procedure Rules in Part 4 of this Constitution.

3.4 **Specific functions**

(a) **Policy development and review** – Overview and Scrutiny Committees may:

- i) assist the Council and the Executive in the development of its budget and policy proposals by in depth analysis of policy issues;
- ii) conduct research, and other consultation in the analysis of policy issues and possible options;
- iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- iv) question the Leader, other members of the Executive and chief officers about their views on issues and proposals affecting the area; and
- v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) **Scrutiny** – Overview and Scrutiny Committees may:

- i) review and scrutinise the decisions made by and performance of the Leader, other members of the Executive and Council officers, both in relation to individual decisions and over time;
- ii) review and scrutinise relevant aspects of the policy, services and performance of the Council, its partners, other public bodies in the area or matters which affect the authority's area or its inhabitants and, where appropriate, prepare and publish reports and recommendations;
- iii) question the Leader, other members of the Executive and chief officers about matters within their portfolio, their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- iv) make recommendations to the Executive and/or the Council arising from the outcome of the scrutiny process;
- v) question and gather evidence from any person;
- vi) appoint a joint Overview and Scrutiny Committee with one or more other local authorities and arrange for the relevant

functions of those authorities to be exercised by the joint committee;

vii) require the provision of information from, and attendance before the Committee by, any such person or organisation under a statutory duty to comply with the scrutiny function and request information from, and attendance before the Committee by, any other person or organisation;

viii) make reports or recommendations to any outside body on matters within the remit of that outside body or which relate to the business or activities of that outside body and which affect the Council's area or its inhabitants; and

ix) make recommendations to the Scrutiny Board for the establishment of task-orientated time-limited groups (Task Groups) to review in depth and report on topics within the Committee's terms of reference.

(c) **Scrutiny of health** - With regard to the scrutiny of health, the Housing, Health and Adult Social Care Select Committee has the powers to:

i) review and scrutinise any matter relating to the planning, provision and operation of health services in the area;

ii) make reports and/or recommendations to the local NHS bodies, the Secretary of State and the Council on any matter reviewed or scrutinised pursuant to regulations under Sections 7 and 8 of the Health and Social Care Act 2001;

iii) make comments on any proposals consulted on by a local NHS body concerning a substantial development of the health service in the area or for a substantial variation in the provision of such service;

iv) arrange for relevant functions in respect of health scrutiny to be exercised by an Overview and Scrutiny Committee of another local authority where the Council considers that another local authority would be better placed to undertake those relevant functions, and that local authority agrees to exercise those functions; and

v) appoint a joint Overview and Scrutiny Committee with one or more other local authorities and arrange for the relevant functions of those authorities to be exercised by the joint committee.

- vi) The Overview and Scrutiny Board may exercise these powers in the approval of commissioned Task Group reports and recommendations.

The same powers apply to the Education and Children's Services Select Committee in respect of the scrutiny of health matters which relate specifically to children and young people.

- (d) **Scrutiny of children's health and welfare** - The Education and Children's Services Select Committee has power to review and scrutinise any matters relating to the Children's Trust Board and to make reports and/or recommendations to the Children's Trust Board.

3.5 **Scrutiny Board**

In addition to the functions above, the Scrutiny Board may also:

- i) approve for reporting to the Council the annual report of the Scrutiny function;
- ii) co-ordinate scrutiny activities, including the assignment of cross cutting tasks, to the most appropriate Select Committee and the establishment of task orientated time-limited groups (Task Groups) in accordance with the arrangements set out in the Overview and Scrutiny Procedure Rules in Part 4 of this Constitution;
- iii) Coordinate the annual input of Overview and Scrutiny Committees to the budget formulation process;
- iv) Appoint task-oriented time-limited groups (Task Groups) to review in depth and report on topics within the terms of reference of any Select Committee.
- v) Keep the full range of Task Group activities under review to ensure that the number of active Task Groups does not exceed the capacity of Councillor members and officers to support their work;
- vi) Consider references from the Council and Executive for the conduct of in depth scrutiny reviews on any matter of policy or service development;
- vii) Promote the development of the Scrutiny function within the Authority, including the identification and coordination of relevant Member and co-optee learning and development, and the promotion of good scrutiny practice;

- viii) Consider strategies for the use of the scrutiny function as means of encouraging public participation in the Council's decision making processes;
- ix) Work with the Leader of the Council, other members of the Executive, senior officers and senior representatives of partners to champion the role of Overview and Scrutiny; and
- x) Manage and develop protocols to facilitate aspects of the scrutiny process.

3.6 Proceedings of Overview and Scrutiny Committees

Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

LOCAL GOVERNMENT ACT 2000 – BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext. of holder of file/copy	Department/ Location
1.	Annual Council Meeting Agenda for 30 May 2012.	Sue Perrin, Committee Co-ordinator, ext 2094	Room 133a, Hammersmith Town Hall