

# Report to Council

26 MAY 2010

**WEDNESDAY  
26 MAY 2010  
LEADER**

## **CHANGES TO THE COUNCIL'S COMMITTEE AND SCRUTINY ARRANGEMENTS**

**Wards:  
All**

This report outlines proposals to improve the Council's Committee and Scrutiny arrangements. It also recommends that the post of Statutory Scrutiny Officer be added to the Constitution.

### **CONTRIBUTORS**

**DFCS  
ADLDS**

#### **Recommendations:**

1. That the Committee and Scrutiny structure outlined in **Appendix 1** to this report be agreed.
2. That terms of reference of the Scrutiny Committees in **Appendix 2** and other necessary changes to the Constitution to support the new structure be approved.
3. That the new structure be implemented from 26<sup>th</sup> May 2010.
4. That the Head of Councillors' Services be designated as the Council's Section 31 Scrutiny Officer and the post be added to the Constitution.

## **1. BACKGROUND**

- 1.1 The Council adopted the Leader and Cabinet model under the Local Government 2000 Act in May 2002, and between 1998 and 2002 operated an interim executive model under the old law. The current Leader/Cabinet model provides strong leadership and strategic management. Current governance arrangements are effective, generally responsive and focused around a set of formal and informal meetings and delegated decision-making.
- 1.2 Under the Local Democracy, Economic Development and Construction Act 2009, the Council has adopted the new style Leader and Cabinet Executive model. The adoption of this new governance arrangement has provided an opportunity to look at how decisions are made and improve the decision making process at Hammersmith and Fulham.
- 1.3 This report outlines proposals for a reduction in the size, number and frequency of some Council committees to reduce Members' time commitment at Town Hall meetings, streamline the scrutiny process and improve decision making across the Committee structure. These changes will allow Members more time for development activities, enhancement of their community leadership role and provide better work life balance influenced by the size and demography of the Council membership. The improvements will also free up officers' time across the Council to support Members and residents in improving services and meeting corporate priorities.

## **2. COMMITTEE STRUCTURAL CHANGE PROPOSALS**

- 2.1 The Council's decision making structure consists of a mixture of Executive and non Executive decision making bodies. The 3 main categories are:-
  - (i) Council only decisions: Decisions which may be taken by full Council only. These include the setting of the budget and Council Tax, Council Tax base, Treasury Management, the adoption of the Constitution, participation in private bills and the adoption of the policy framework.
  - (ii) Executive decisions: Defined as all decisions which are not reserved to full Council or defined in regulations as "non executive functions". Subject to their value or impact on the community they may be taken by the Cabinet, an individual Cabinet member, an officer, a committee of the Council or another authority.
  - (iii) Non-executive decisions: These are matters which are set out in regulations and cover such issues as the granting of consents and the appointment of staff. Subject to the Constitution, they may be taken by the relevant Committee or an officer. Non-executive decisions are not subject to the rules in relation to Key Decisions and the Forward Plan.

2.2 Executive and Non-executive decisions are taken by Members through a structure of formal meetings and Cabinet Member decisions. The following changes to the Committee structure are recommended for implementation from 26 May 2010 and incorporated into the Constitution:-

- Reduce frequency of meetings – To reduce the frequency of Standards Committee and Fulham Palace Management Committee from 4 to 3 meetings each. As a general principle, the Council would increase preparedness and flexibility to hold special meetings of any Committee as and when necessary.
- Reduce the number of Committees – To combine the Audit and Pensions Committees into a single Audit and Pensions Committee. The size of the new committee will be 6 Members.

### **3. COUNCIL MEETINGS**

3.1 A further report looking at how the Council meetings can become more engaging and interesting for both residents and Members to participate in will be submitted at a later date.

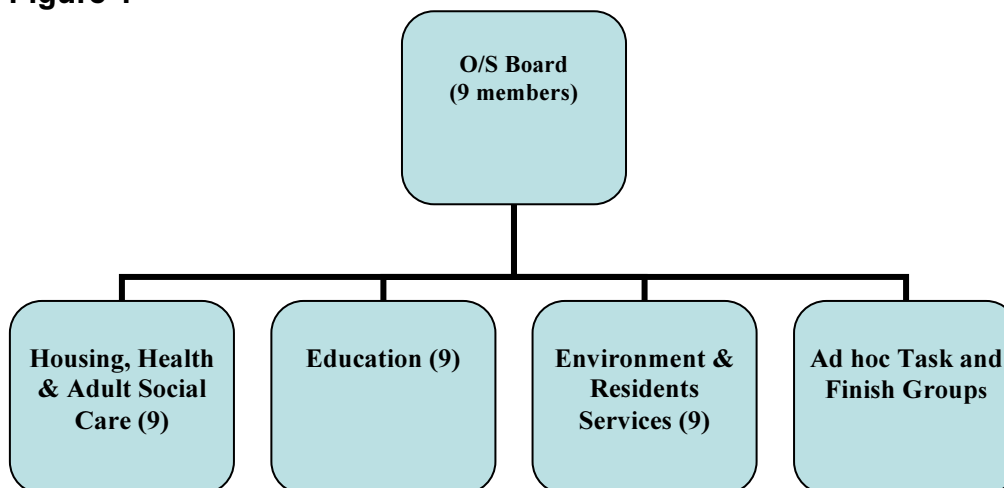
### **4. SCRUTINY PROPOSED STRUCTURE**

4.1 The current scrutiny functions are delivered by six Scrutiny Committees with a mix of thematic and service specific remits. The Committees reflect the Council's main priorities. The Audit Commission in its assessment of the Council's scrutiny structures and performance in 2007 observed that the Council had strong performance management structures with some effective examples of scrutiny. Overall they commented that Scrutiny was performing adequately but the impact was inconsistent. The proposed structure addressed the issues highlighted in the report.

4.2 The review provides a streamlined Scrutiny Committee structure with a coordinating Overview and Scrutiny Board sitting above three standing "Select" Committees with the ability to establish task groups. The structure will reduce the total number of scrutiny seats from 54 to 35. This gives Members the flexibility to select the time commitment best suited to their needs and widens the scope for non executive members to look at issues in more detail and contribute to policy development and service review.

The proposed Terms of Reference are attached at **Appendix 2**. Details of how Scrutiny will work are outlined below.

**Figure 1**



#### 4.3 The Overview and Scrutiny Board

The Overview and Scrutiny Board would comprise of 9 members – a Chairman, Vice Chairman, the Chairmen of each of the Scrutiny Committees and four other members. The membership shall be appointed by Council. The Board would look at all major cross cutting issues and strategic partnerships and have the oversight of finance and use of resources i.e. VFM role. The Board will be constituted as an Overview and Scrutiny Committee under s.21 of the 2000 Act.

#### 4.4 Scrutiny “Select” Committees

The following three “Select” Committees will sit underneath the Board:-

- Environment & Residents Services
- Education
- Housing, Health and Adult Social Care.

Each Committee will be constituted as an Overview and Scrutiny Committee under s.21 of the 2000 Act with a membership consisting of 9 members. The Chairman will be appointed by Council while Vice Chairman shall be appointed by the relevant Select Committee. The statutory voting co-optees will sit on the Education and Children’s Services Select Committee and a number of non voting cooptees on the Housing, Health and Adult Social Care Select Committee including a representative of H&F LINK. It is envisaged that the Environment and Residents Services Select Committee will invite, as and when necessary, a non voting ‘Expert Adviser’ from the Police/Metropolitan Police Authority to participate. Other cooptees will be appointed where required.

The change of name to Select Committee is to emphasise the more detailed work these committees will be expected to undertake - including rolling investigations into the work of the Executive. This contrasts with the present system of ‘one off’ reports presented by officers at each meeting. The name mirrors those of Parliamentary Select Committees.

#### 4.5 Task Groups

The Overview and Scrutiny Board will commission the ad hoc single issue task groups. Membership will be drawn from a pool of non Executive Members regardless of whether or not they are members of any Committee. This approach will help spread the burden and engage Members who may not otherwise be appointed to a Committee and match Members interests and expertise to scrutiny activities. Each Select Committee would be encouraged to undertake one or two detailed reviews of service or policy areas through the Task Groups each year. A key role of the Board would be to ensure that such activities were managed within the constraints of Member and Officer capacity.

The task groups will sit underneath the Overview and Scrutiny Board. Task groups may be constituted as Sub-Committees or Informal Working Parties by the Board. Each Group will have no less than 3 Members. The Chairman and Vice-Chairman shall be appointed by the Panel.

#### 4.6 Scrutiny Links With Executive

Cabinet Members will attend scrutiny meetings to provide opportunities for Members to scrutinise their portfolio and hold them to account.

#### 4.7 Statutory Scrutiny Officer

The Local Democracy, Economic Development and Construction Act 2009 requires the appointment of a Statutory Scrutiny Officer from 1st April 2010. The Statutory Scrutiny Officer will promote the scrutiny function generally within the authority and local government partners more widely and provide advice and support to Officers, the Executive and members of the authority's committee(s) in undertaking their work. This may include the provision, or management, of committee secretariat services, research, analysis of data and report preparation for example.

The Head of the Paid Service, Monitoring Officer and Chief Finance Officer are specifically excluded from exercising the role. While the nominated officer should be of such seniority to be able to effectively discharge their duties, guidance suggests that this should not be regarded as a senior management function. Since the duties relate to the direct management role of the scrutiny function, it is recommended that the Head of Councillors' Services be designated as the Council's Section 31 Scrutiny Officer.

### **5. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES**

5.1. There are no financial implications arising from this report.

**6. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)**

6.1. These are contained in the body of the report.

**LOCAL GOVERNMENT ACT 2000**  
**LIST OF BACKGROUND PAPERS**

<b>No.</b>	<b>Description of Background Papers</b>	<b>Name/Ext of holder of file/copy</b>	<b>Department/ Location</b>
1.	Audit Commission report 2007	Kayode Adewumi	2 <sup>nd</sup> Floor, Town Hall, King Street, W6
<b>CONTACT OFFICER: Kayode Adewumi</b>		<b>EXT : 020 8753 2499</b>	