

Policy Development and Scrutiny Panels - General Terms of Reference

Role of Overview and Scrutiny¹ Panels

Overview and Scrutiny is the name in legislation given to the system of checks and balances implemented by the rest of the Councillors as they monitor the activity of the Cabinet and also assist them in developing policy. In Bath & North East Somerset Council, it is known as Policy Development and Scrutiny and is a key part of local government allowing citizens to have a greater say in Council matters by holding public inquiries into matters of local concern.

The main decision making powers in Bath & North East Somerset Council lie with Councillors who sit on the Cabinet, intended to create clear leadership and accountability for service delivery. By contrast, Policy Development and Scrutiny is intended to review the work of the Cabinet and to enhance the performance of services. It is also designed to provide a forum through which policy review and development can be extensively examined before consideration and decision by the Cabinet and/or Full Council.

The proceedings of all overview and scrutiny bodies will be conducted in accordance with the Overview and Scrutiny Procedure Rules set out in this Constitution.

Policy Development and Scrutiny has two key roles:

Overview

- To assist the Council and the Cabinet in the development of new policy.
- To assist the Cabinet by giving comments on issues identified as "key decisions" prior to a decision being made.
- To assist the Cabinet by giving comments on service and budget plans at their draft stage and assisting in the development of its budget and policy framework.

Scrutiny

- Scrutinise performance management information to ensure that the Council is performing to agreed targets and to agreed action plans.
- Determine "call-ins" of decisions made but not yet implemented by the Cabinet.
- Scrutinise particular "key decisions" and other aspects of Cabinet activity to ensure compliance with agreed Council policies and plans.
- Evaluate the impact of Council and or Cabinet decisions and policies.

Within their allocated remits, each Panel has a broad-based responsibility for Policy Development and Scrutiny in its particular area of responsibility, including:-

- carrying-out of in-depth reviews, as set out in their Policy Development and Scrutiny Work Plan
- reviewing and/or scrutinising decisions made or actions taken in connection with the discharge of any of the Council's functions
- make recommendations to the Cabinet arising from the outcome of the scrutiny

¹ Overview and Scrutiny is the legal and generic term for the function carried out by Policy Development and Scrutiny Panels

process

- undertaking scrutiny of particular Key Decisions and other aspects of Cabinet activity, including evaluating the impact of Council and Cabinet decisions and policies
- offering overview advice and reports of policy development issues
- dealing with any relevant Councillor Call for Action
- carries out its roles within the Council's petition scheme
- may send communications and reports directly to other Policy Development and Scrutiny Panels, Cabinet and Council, and provide them to any member of the Council, subject to provisions regarding confidential and exempt information;
- may invite persons to be co-opted non-voting members (excepting those statutory co-optees with voting rights);
- may invite participants to give evidence, either verbally or in writing, on any issue contained within their Policy Development and Scrutiny Work Plan, giving a minimum of two weeks notice unless mutually agreed otherwise
- may require officers of the Council and members of the Cabinet to attend to give evidence, subject to the provisions of the Policy Development and Scrutiny Procedural Rules
- may form discretionary joint bodies with other Councils for the purpose of enabling joint scrutiny of bodies/activities beyond the remit of Bath and North East Somerset, without delegation of any responsibilities or powers.
- conduct research, community and other consultation in the analysis of policy issues and development of possible options for the future, and implement mechanisms to encourage and enhance community participation in the development of policy options;
- liaise with other external organisations to ensure that the interests of local people are enhanced by collaborative working;

Meeting Frequency: Panels will determine their own frequency relevant to the requirements of the Overview and Scrutiny Work Plan, and within resources allocated to them.

Policy Development and Scrutiny Panel Remits

CORPORATE

Panel remit is –

- Democratic & Legal Services including Registration and Electoral Services
- Corporate Finance
- Procurement & Commissioning
- Pensions & Financial Administration
- Management Accounts
- Human Resources & Organisation Development
- Strategy, Engagement & Marketing Including Equalities
- Business Support, Programmes & Performance
- Digital & Customer Services
- Commercial Including Audit & Assurance²
- Property Investment including Estates
- Construction Maintenance & FM

Membership: 9 Members (6 LD, 2 Con, 1 Ind)

[Chair is nominee of the Conservative group. Vice Chair is nominee of the LD group.]

CLIMATE EMERGENCY & SUSTAINABILITY

- *Delegated Flood Risk Management Panel*

Panel remit is –

- Tackling Climate Emergency³
- Natural Environment & Green Infrastructure
- Planning Policy, including Conservation and Enforcement
- Building Control & Public Protection including Health & Environment
- Housing, including, Strategy, Enabling & Development, Standards & Improvement and Homelessness Policy
- Heritage, Including Tourism, and Arts
- Growth & Enterprise including Regeneration, Employment & Skills, Business Growth, Bath Enterprise Area
- WECA
- Transport & Parking
- Highways & Traffic
- Neighbourhoods including Environmental Services
- Development & Management

Membership: 9 Members (6 LD, 1 Con, 1 Ind, 1 Lab)

[Chair is nominee of the Independent group. Vice Chair is nominee of the LD group.]

² While it is appropriate for scrutiny to pay due regard to the authority's financial position, this will need to happen in the context of the formal audit role which is undertaken by the Council's Corporate Audit Committee

³ Whilst this Panel will have primary responsibility for climate change issues, tackling the climate emergency will need consideration by all Panels.

CHILDREN, HEALTH & WELLBEING

- *Delegated Committee for the statutory health scrutiny function under the Health & Social Care Act 2012*
- *Delegated Crime & Disorder Panel*
- *Delegated Curriculum Complaints Panel*

Panel remit is –

- Health Scrutiny including Healthwatch and Community Safety
- Public Health
- Integrated Commissioning including, Mental Health & Substances, Children, Better Care Fund, Learning disability, Transformation
- Safeguarding Outcomes
- Care Outcomes including Corporate Parenting
- Inclusion (SEND)
- Prevention (CYP)
- Safeguarding Children & Young People
- Safeguarding of Adults & Quality Assurance including Data Protection & Complaints
- Service Development
- Health, Safety & Wellbeing
- Education Transformation including virtual schools, school improvement and Music

Membership: 9 Members (6 LD, 2 Con, 1 Lab)

[Chair is nominee of the Conservative group. Vice Chair is nominee of the LD group.]

In addition to General Terms of Reference

Further to the **Police and Justice Act 2006** (and associated regulations), the designated Crime and Disorder Panel in relation to responsible authorities (or co-operating bodies or persons) may

- a. review the decisions and performance at least once per year;
- b. with reasonable notice, require the attendance of an officer or employee to answer questions, and more recently to include the new Police and Crime Commissioner
- c. require a response in writing to reports and recommendations of the Panel within 28 days, or as soon as reasonably possible

Further to the **Local Government and Public Involvement in Health Act 2007** (and associated regulations), the designated Health Scrutiny Committee may

- a. receive referrals from the Local Healthwatch and acknowledge receipt,
- b. decide which if any of its powers are exercisable in relation to the matter and whether to exercise them (either by Council or by the delegated Committee), and
- c. keep the referrer informed of the Committee's actions and decisions in relation to the matter.

Health Scrutiny - The Health and Social Care Act 2012 requires local authorities with social services responsibilities to have in place arrangements to scrutinise health services. This function is bestowed on the local authority's Full Council but can be delegated however the Full Council sees fit. In Bath & North East Somerset Council, the function is delegated to the Health & Wellbeing Panel. Councillors on the Health & Wellbeing Panel therefore have a role, as representatives of the public, to hold to account local Health organisations when they are making big decisions about the future of health care provision in Bath & North East Somerset.

Provisions of the Health Scrutiny Regulations

- The council's overview and scrutiny body can scrutinise any NHS Commissioning Board, Clinical Commissioning Group or NHS body that provides services for people in the council's area.
- Local NHS bodies must provide any information the council reasonably requires (excluding information about individuals), and NHS staff can be required to attend and provide information.
- Scrutiny reports can be made to the council and to NHS bodies. If requested, the NHS body must respond within 28 days.
- NHS bodies must consult the designated health scrutiny function of the council about proposals for substantial development or variation of NHS services in the area. The designated health scrutiny function can refer a matter to the Secretary of State for Health, if the local authority is not satisfied of the merits for change or if it considers there has been inadequate consultation on the proposals.
- Councils can set up joint health scrutiny committees with one or more other councils. Councils can delegate aspects of this role to another council's overview and scrutiny body. Joint Health Scrutiny Committees also have the power to directly refer a matter to the Secretary of State for Health.
- County councils can co-opt neighbouring authority council members onto their scrutiny committees dealing with health scrutiny, either for an indefinite time or for a particular project.
- Following any health overview & scrutiny topic undertaken, the Committee will make a report with recommendations to NHS bodies and B&NES Council. Such reports will also be copied to key stakeholders including local MPs, Healthwatch, Clinical Commissioning Groups and/or the NHS Commissioning Board.

JOINT HEALTH SCRUTINY FUNCTION

Working across Local Authority Boundaries

Some health issues will be specific to the B&NES area whilst others (e.g. performance of large hospitals or regional health services with a wide catchment area) will extend beyond the B&NES local authority boundaries. Protocols for a Joint Health Scrutiny Committee for cross-boundary overview and scrutiny of health issues and institutions have been established with the other Councils in the former Avon area (as agreed at Council November 2003). In such cases, B&NES will adopt the following approach:

Membership

The membership of each Joint Health Scrutiny Committee should be made up of not more than 3 Councillors from each Council participating in the review(s) being undertaken by that Committee.

The three B&NES Councillors participating in the Joint Health Scrutiny will be agreed by and appointed from the Committee designated as the Health & Wellbeing Panel, as and when it is agreed to participate in a Joint Health Scrutiny Committee.

Terms of Reference

- 1) Where more than one local authority is consulted by a local NHS body in respect of any proposal that it has under consideration for the substantial development of the health service or the substantial variation of such service, to review and scrutinise such proposal jointly.
- 2) Where more than one local authority has an interest in the planning, provision and operation of health services which cross-geographical boundaries, to review and scrutinise any such matters jointly.
- 3) To require the local NHS body to provide information about the proposal under consideration and where appropriate to require the attendance of a representative of the NHS body to answer such questions in connection with the consultation.
- 4) To prepare a report to the health body and the participating local authorities, setting out any comments and recommendations on any matter reviewed or scrutinised.
- 5) To report to the Secretary of State in writing where it is not satisfied that consultation on any proposal referred to in paragraph (1) has been adequate in relation to the content or time allowed.
- 6) To report to the Secretary of State in writing in any case where it considers that the proposal would not be in the interests of the health service in the area of the joint committees participating local authorities.

Health Services located within B&NES *E.g. Royal United Hospital (RUH), Bath.*

B&NES Council will take the lead on any health overview & scrutiny activities based in its area and invite participation from neighbouring authorities that have an interest. Neighbouring authorities may provide a Member of their council for co-opted membership.

Health Services located elsewhere but used by B&NES residents *E.g. Bristol Royal Infirmary (BRI)*

B&NES Council would expect that a 'host' local authority would take the lead on a major issue within its area. In such cases, B&NES could seek to have representative(s) from the health overview and scrutiny Committee co-opted (on a reciprocal agreement, as

above) to the host authority's own Health Overview & Scrutiny arrangements so that it may contribute and represent B&NES residents on the specific topic.

A Member of the B&NES Health & Wellbeing Panel attend such joint meetings, as are relevant, and report back to the rest of the health & wellbeing Panel.