

# County Council

**Dorset County Council**



Date of Meeting	21 April 2016
Officer	Chief Executive
<b>Subject of Report</b>	<b>Terms of Reference for the new Overview &amp; Scrutiny Committees</b>
Executive Summary	<p>At its meeting on 15 February 2016, the County Council considered and agreed member proposals for a new approach to overview and scrutiny arrangements. Prior to appointments to Committees being made at this meeting, it is necessary for the Council to formally adopt terms of reference for the new Committees and to agree frequency of meetings.</p> <p>The terms of reference for the Overview &amp; Scrutiny Committees for Economic Growth, People and Communities, Safeguarding, the Audit &amp; Governance Committee and the Overview &amp; Scrutiny Management Board are attached as appendices for approval.</p>
Impact Assessment:	<p>Equalities Impact Assessment: There are not considered to be any specific equalities impacts associated with this report.</p>
	<p>Use of Evidence: Member Task and Finish Group on Overview &amp; Scrutiny report, which included consultation with all members and senior officers.</p>
	<p>Budget: No VAT implications have been identified. The only budget implications relate to members' costs for meetings. However, as there is no intention for the number of meetings to increase and there is an overall reduction of one committee, no additional costs are anticipated.</p>
	<p>Risk Assessment:</p> <p>Having considered the risks associated with this decision using the County Council's approved risk management methodology, the level of risk has been identified as:                  Current Risk: LOW                  Residual Risk LOW</p>

## Terms of Reference for the new Overview & Scrutiny Committees

	Other Implications: None
Recommendation	That the County Council:-  1. Adopts the terms of reference for the Committees as set out in the appendix to the report. 2. Agrees that Overview & Scrutiny Committees should meet four times a year, or as their work programmes dictate.
Reason for Recommendation	To ensure that the Council's new overview and scrutiny arrangements are effective, hold the executive to account and support a well run Council.
Appendices	<ol style="list-style-type: none"> <li>1. Terms of reference for the Overview &amp; Scrutiny Management Board.</li> <li>2. Terms of reference for the new Overview &amp; Scrutiny Committees.</li> <li>3. Terms of reference for the Dorset Health Scrutiny Committee.</li> <li>4. Terms of Reference for the Audit &amp; Governance Committee.</li> </ol>
Background Papers	Previous recommendation from the Standards and Governance Committee meeting on 25 January 2016, which was approved by the County Council on 15 February 2016.
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### 1. **Background**

Following a review of the working arrangements of the Audit and Scrutiny Committee in 2015, the Cabinet asked for a review of the Council's overview and scrutiny arrangements to be undertaken on 8 July 2015. A member Task and Finish Group was established to undertake the review and its final report was considered by the Standards and Governance Committee on 25 January and the County Council on 15 February 2016.

### 2. **Terms of Reference**

Generic draft terms of reference were included in the report adopted by the County Council on 15 February 2016. These have been discussed by the Overview & Scrutiny Management Board (at their first meeting on 30 March 2016) who suggested some revisions and the amended terms of reference are attached in the Appendices for adoption by the Council. These reflect the contents of the refreshed Corporate Plan for 2016/17 which is also included on the agenda for this meeting.

### 3. **Frequency of Meetings**

At the first meeting of the Overview & Scrutiny Management Board on 30 March 2016, it was agreed that the Overview & Scrutiny Committees would meet four times a year, using the meeting dates scheduled for the current Overview Committees. However, it was acknowledged that as the new Committees' work programmes are developed these would need to dictate the frequency of future meetings. It was also

## Terms of Reference for the new Overview & Scrutiny Committees

recognised that when the calendar of meetings for 2016/17 was created, consideration should be given to the merits of allowing more time between the Overview & Scrutiny Committee meeting dates and avoid holding them on consecutive days to allow for officer availability and attendance.

### 4. **Training**

Training requirements for members were also discussed by the Overview & Scrutiny Management Board. They concluded that the most appropriate organisation to provide initial training was the Centre for Public Scrutiny and that this should include a session which caters for attendance by all members, as well as specific training for the Committee Chairman/Vice-Chairman and support officers. It was proposed that this be held in Dorchester. The arrangements are being progressed by officers to assess availability and interest.

**Debbie Ward**  
**Chief Executive**  
April 2016

## **OVERVIEW & SCRUTINY MANAGEMENT BOARD**

### *TERMS OF REFERENCE*

#### **Purpose:**

- i) Delivering good outcomes for the residents and communities we serve through a co-ordinated and timely overview of key areas of the Council's activity.
- ii) To ensure that appropriate overview and scrutiny of policies, strategies, financial and performance issues is delivered through the Council's Overview & Scrutiny and Audit & Governance Committees.
- iii) To ensure that the Council's democratic arrangements are effective in holding the Executive to account.

#### **Main Responsibilities**

- Lead on the overview and scrutiny work planning process
- Lead the scrutiny of high level cross-cutting issues.
- Maintain an overview of current and emerging issues and, where appropriate, to allocate overview and scrutiny work in a timely manner to the most appropriate committee. e.g.
  - Use of Council resources
  - Performance Monitoring
  - Programme and/or Project management
- Actively identify and refer any areas of significant public interest and/or concern for consideration to the appropriate officer and, where considered necessary, for subsequent committee consideration.
- Make reports and recommendations to Full Council, the Executive and/or any "Other Body" on matters within their remit and on matters which affect the authority's area or the inhabitants of that area.
- Develop the external focus of overview and scrutiny on 'Dorset-wide issues' (and where appropriate sub regional, regional and national issues), in particular through collaborative work with local partner authorities, providers, stakeholders and members of the public.
- Work with joint scrutiny committees to scrutinize the work and effectiveness of partners, where the powers of scrutiny allow, and other local strategic partnerships such as the Local Enterprise Partnership.
- Scrutinize governance arrangements at strategic and local level (e.g. Neighbourhood Partnerships) to ensure these are fit for purpose and deliver good decision making, accountability, transparency and involvement
- Consider organisational performance and commission performance reviews through the relevant scrutiny commissions.
- Where appropriate to appoint Task and Finish Groups or Policy Development Panels to consider specific issues.

## Terms of Reference for the new Overview & Scrutiny Committees

- Ensure that the Executive is held to account through a process that seeks and considers necessary explanations, information and evidence to ensure good outcomes for our residents and communities.
- To ensure that, through proactive overview and scrutiny inquiry work, that the outcomes for the lives of our residents and communities we serve are improved, through an active contribution to the Council's improvement agenda.

**MEMBERSHIP** - The Chairmen of the Overview & Scrutiny Committees and the Audit & Governance Committee (*excluding Members of the Cabinet*)

## **OVERVIEW & SCRUTINY COMMITTEES**

### *TERMS OF REFERENCE*

**Purpose:** *Delivering good outcomes for the residents and communities we serve through a constructive, proactive and objective approach to the consideration, scrutiny and review of policies, strategies, financial and performance issues.*

#### **OVERVIEW**

- To review and develop policy at the Committee's own initiative or at the request of the Cabinet or the Public Health Joint Board and make recommendations to the Cabinet, Joint Committee or the Full Council.
- To oversee major consultations and make recommendations to the Cabinet, Joint Committee or the Full Council.
- To give advice on any matters as requested by the Cabinet or the Joint Committee.

#### **SCRUTINY**

- To hold the Executive to account through a process that seeks and considers necessary explanations, information and evidence to ensure good outcomes for our residents and communities.
- Through proactive scrutiny inquiry work, to contribute to improving the lives of our residents and communities, through an active contribution to the Council's improvement agenda.
- To scrutinise key areas of strategic and operational activity and, where necessary, make recommendations to the Full Council, Cabinet or Joint Committee in respect of;
  - i) Matters which affect the Council's area or its residents.
  - ii) Performance of services in accordance with the targets in the Corporate Plan or other approved service plans.
  - iii) To provide a clear focus on finding efficiency savings in accordance with requirements in the Council's financial strategy.
  - iv) To monitor expenditure against available budgets and, where necessary, make recommendations to the Cabinet or the Joint Committee.
  - v) To consider proposed budget plans, service plans and any other major planning or strategic statements and to make recommendations to the Cabinet or the Joint Committee.

**MEMBERSHIP** – 10 Elected Members - *excluding Members of the Cabinet*

*The Committee has the power to co-opt additional (non-voting) persons to provide routine and / or ad-hoc support to provide access to specific skills and knowledge.*

**Specific responsibilities for the Committees are;**

*'To exercise a proactive and effective overview and scrutiny of functions to ensure the effective delivery of those specific outcomes as contained in the Corporate Plan.....;*

**ECONOMIC GROWTH - Overview & Scrutiny Committee**

Outcome: - To ensure that Dorset's Economy is **PROSPEROUS**

***A thriving local economy provides us all with more opportunities.....***

- *New businesses thrive and existing businesses become more productive;*
- *More people secure the employment opportunities of their choice;*
- *Dorset's residents are well educated, with the skills that Dorset's employers need;*
- *Good quality, affordable homes are available for Dorset's people;*
- *People and goods are able to move about the County safely and efficiently.*

**PEOPLE and COMMUNITIES - Overview & Scrutiny Committee**

Outcomes: - To ensure that people in Dorset are **HEALTHY** and **INDEPENDENT**

***Most people are healthy and make good lifestyle choices....***

- *Children and families know what it means to be healthy and happy*
- *People adopt healthy lifestyles and lead active lives;*
- *People enjoy emotional and mental wellbeing;*
- *People stay healthy, avoiding preventable illness as they grow older;*
- *People live in healthy, accessible communities and environments;*

***We all want to live independent lives and have a choice over how we live....***

- *Families are strong and stable and experience positive relationships;*
- *Children and young people are confident learners and are successful as they grow into adulthood;*
- *People remain happily independent and stay in their own homes for as long as possible;*
- *People are part of inclusive communities and don't feel lonely or isolated;*
- *People who do need help have control over their own care.*

**SAFEGUARDING - Overview & Scrutiny Committee**

Outcome: - To ensure that people in Dorset are **SAFE**

***Everyone should feel safe, wherever they are.....***

- *Children and vulnerable adults are safe wherever they are;*
- *Crime, antisocial behaviour and domestic abuse across Dorset is minimised;*
- *There are fewer accidental injuries and deaths – including those on Dorset’s roads;*
- *People and communities are better able to cope with environmental change and other natural emergencies.*



**DORSET HEALTH SCRUTINY COMMITTEE**

TERMS OF REFERENCE

- (a) Review and scrutinise matters pertaining to the planning, commissioning, provision and operation of health services in the area of the County Council.
- (b) Make reports and recommendations to relevant NHS Bodies and/or relevant health service providers and also to the Cabinet and other relevant committees of the County Council on any matter which is reviewed or scrutinised.
- (c) Give notice to require the Cabinet or the County Council to consider and respond to any reports or recommendations arising from the committee's work within two months of receipt.
- (d) Where relevant NHS Bodies and/or relevant health service providers have under consideration any proposal for a substantial development of the health service in the area of the County Council or for a substantial variation in the provision of such service:
- (i) to receive reports from the relevant NHS Bodies and/or relevant health service providers;
  - (ii) to comment on the proposal(s); and
  - (iii) to report in writing to the Secretary of State where any of the circumstances set out in paragraph 23(9) of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 apply.
- (e) Arrange for its functions under the 2013 Regulations to be discharged by an Overview and Scrutiny Committee of another local authority where that Overview and Scrutiny Committee would be better placed to undertake the functions and the other authority agrees.
- (f) In accordance with regulation 30 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, to appoint joint committees with other local authorities to exercise relevant functions under the said Regulations.
- (g) From time to time, as appropriate, to appoint a task and finish group consisting of members of the Committee to consider specific local issues relating to the overview and scrutiny of health.

## AUDIT & GOVERNANCE COMMITTEE

### TERMS OF REFERENCE

**Purpose:** *Delivering good outcomes for the residents and communities we serve through a constructive, proactive and objective consideration of the Council's;*

- i) *Financial, risk, governance and internal control framework*
- ii) *Ethical principles and standards*

The Committee also has the sole responsibility and ability to use specific constitutional powers through;

The '**CALL TO ACCOUNT**' process to:-

- i) Scrutinise and review decisions made or actions taken in connection with the discharge of any of the Executive functions of the Council.
- ii) Consider petitions made in accordance with the County Council's Petitions Scheme requiring senior Officers to be called to account at a public meeting of the Council.

The '**CALL IN**' process to consider;

- i) Executive decisions
- ii) Matters referred through the **Councillor Call for Action**.
- iii) *(At the request of a petition organiser)* to review the adequacy of steps taken by the County Council in response to a qualifying petition.

### **AUDIT (Assurance)**

- To provide the Council with independent assurance in relation to:
  - i) internal and external audit and organisation-wide external inspection reports
  - ii) financial controls, data quality, risk management and other internal control systems
  - iii) the integrity of the financial reporting and annual governance processes
  - iv) financial irregularities and losses
- To consider procedural issues relating to the Account and Audit Regulations.
- To scrutinise and authorise the County Council's Statement of Accounts, including the Statement of Internal Control.
- To review any Auditor's reports under the Statement of Auditing Standards (SAS 610), consider the officer recommendations and make proposals to the County Council regarding the formal response to be given to the Auditor.
- Supporting the Chief Financial Officer in his/her statutory role.

## **GOVERNANCE**

- Overseeing and reporting to the County Council on proposed changes to the Council's Constitution (*save for the Scheme of Members' Allowances which will be subject to consideration and recommendation direct to the County Council by the Independent Remuneration Panel*).
- To receive the Council's Annual Governance Statement and Local Code of Corporate Governance compliance assessment to evaluate the Council's governance arrangements.
- Consider any findings of maladministration by the Local Government Ombudsman.
- Advise the County Council on the adoption or revision of the Members' Code of Conduct and monitoring its operation to ensure adherence to high standards across the Council.
- Providing advice and/or training on matters relating to the Members' Code of Conduct.
- Making representations to the Government, Local Government Association and other external bodies on matters relating to the General Principles of Conduct for members or employees of the County Council.
- Advising members, co-opted members and church and parent governor representatives as to the rules for disclosure of interests and for granting dispensations.
- Overseeing the Council's Protocol for Member/Officer Relations and the Whistleblowing, Anti-Fraud, Bribery and Corruption Strategy and other probity related documents.
- Overseeing the development and implementation of a Code of Practice for elected members representing the County Council on the boards of voluntary organisations and other independent bodies.
- Supporting the Monitoring Officer in his/her statutory role.

## **MEMBERSHIP** – 10 Elected Members - *excluding Members of the Cabinet*

Chairman – nominated by the second largest political group

Vice-Chairman - nominated by the third largest political group

*The Committee has the power to co-opt additional (non-voting) persons to provide routine and / or ad-hoc support to gain access to specific skills and knowledge.*