



REPORT OF:	CHIEF EXECUTIVE
TO:	COUNCIL FORUM
ON:	28 July 2022

SUBJECT: Review of Overview and Scrutiny Committees Structure

1. PURPOSE OF THE REPORT

To request Council to consider a review of the current structure of Overview & Scrutiny Committees, as outlined in the report.

2. RECOMMENDATIONS

The Council is asked to:

- 2.1 suspend Rule 1 of the Council Procedure Rules to enable Council Forum to consider this report and, subject to 2.3 below, appoint to the Overview & Scrutiny Committees.
- 2.2 agree to the restructure of the Council's Overview and Scrutiny Committees, as detailed in this report and note the revised composition and political balance for 2022/23 as detailed in **Appendix 1**
- 2.3 approve the appointments to the Overview & Scrutiny Committees for 2022/23 as detailed in the **Appendix 2**.
- 2.4 subject to 2.2 and 2.3 above, authorise the Monitoring Officer to make the necessary amendments to the Constitution.

3. BACKGROUND

The present structure of the Overview and Scrutiny Committees (OSCs) was agreed in 2018 following the electoral review (which reduced the number of councillors from 64 to 51), and established three OSCs reflecting the areas of People, Place and Policy and Corporate Resources. The membership for each of the three OSCs is 11. In addition, there is the Corporate Parenting Committee, which is a specialist advisory committee working with the Executive Member for Children, Young People & Education and the Chair of the People Overview and Scrutiny Committee. There is also the Health & Wellbeing Board established under the Health & Social Care Act 2012 to deliver improved strategic co-ordination across the NHS, social care, children's services and public health.

The People and Place OSCs report their progress to the Policy and Corporate Resources OSC who monitor progress and suggest work programmes where necessary. This has worked well with the revised arrangements that were necessary last year and the work programmes focused on COVID and the recovery from it, supported and delivered by the Council and partners. As BwD now proceeds to post-Covid service delivery, a number of reconfigurations of the delivery of health services proposed in 2019 are now starting to be considered again. The main driver for change is through the Integrated Care System (covering Lancashire and South Cumbria), which is looking at reshaping the delivery of services on a regional basis. There other reconfigurations expected within the next few years (around 20 in total), and the Health Authorities have a duty to consult on each of the areas and seek the views of the

affected Health Scrutiny Committees. The People OSC had looked at 3 consultations, two of these at the September 2021 meeting, which necessitated an additional meeting of the Committee. As the Committee also looks at the key service areas of Children, Education, Social Care and Public Health it is easy to see the difficulties that the Committee faces in managing its workload.

The Policy and Corporate Resources OSC at its meeting on 11th October 2021 considered this issue and noted that whilst a Joint Health Overview and Scrutiny Committee (Lancashire, BwD, Blackpool and South Cumbria) may alleviate some of the difficulties, there would still be a need for the People OSC to overview. It was noted that the size and remit of the present committee affected the ability to be proactive on scrutiny of health in BwD and work with Healthwatch, and shared work programmes could be further developed in future if more time was available. The scrutiny of Children's Services and Education has also been affected by the current structure and could add more value and make a difference if carried out by a dedicated committee for this service area.

Annual Council on 19 May recommended that the Chief Executive in consultation with the three Chairs of the Overview & Scrutiny Committees review the structure of the OSCs, and present a report to Council at a future date. The review would look at the remit, number of Committees and membership of each of the Overview & Scrutiny Committees, to ensure that there is sufficient capacity to conduct effective scrutiny of Council and relevant health business.

<https://democracy.blackburn.gov.uk/documents/s16884/Council%20Appointments%202022-23.pdf>.

In view of the above, it is proposed that the remit of the current People OSC is divided, and the structure is reviewed replacing it with two new OSCs: Health and Social Care OSC and Children and Young Peoples OSC. For the remainder of 2022/23, the composition for each of these two newly established OSCs will be six members including a chair and vice chair. The composition for the call-in committee remain unchanged. The composition of the Policy and Corporate Resources OSC and Place OSC also remain unchanged for 2022/23, but will be reviewed in May 2023. The appointments to the OSCs are detailed in **Appendix 2**.

4. POLICY IMPLICATIONS

The role and purpose of overview & scrutiny committees is to improve the delivery of public services through providing challenge both to the Executive and to external organisations where there are issues of public concern. The OSCs acts as a 'critical friend' to decision makers by beneficially examining the council's priorities, decisions and service provision to ensure they are appropriate, efficient, transparent and accountable, and in the best interests of residents. It is therefore important that effective overview and scrutiny arrangements are in place.

5. FINANCIAL IMPLICATIONS

The proposals outlined will create additional chair and vice-chair roles for which the agreed Special Responsibility Allowances will be payable.

6. LEGAL IMPLICATIONS

Under section 9F of the Local Government Act 2000, local authorities with executive arrangements must include a provision for at least one overview and scrutiny committee with powers under section 9F(2). Overview and scrutiny committees may not include members of the council's Executive, and their membership should in general reflect the political balance of the local authority. Each local authority must appoint at least one 'scrutiny officer'.

OSCs also have powers to undertake 'external scrutiny' of specific add additional bodies, including:

- Health scrutiny of health bodies and authorities. Local authorities have the power to scrutinise health bodies and providers in their area or to set up joint committees to do so. They can require members or officers of local health bodies to provide information and to attend health scrutiny meetings to answer questions. These provisions are distinct from the mandatory requirement for local authorities to set up 'health and wellbeing boards'
- Provision for a 'crime and disorder committee'. These are mandatory committees for all local authorities, which must scrutinise the delivery of crime and disorder strategies. A OSC can act as the designated Crime and Disorder Committee for the purposes of the Police and Criminal Justice Act 2006. This is distinct from the 'police and crime panels' that scrutinise directly-elected Police and Crime Commissioners.

The Government has issued statutory guidance under section 9Q of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009, which local authorities must have regard to: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/800048/Statutory_Guidance_on_Overview_and_Scrutiny_in_Local_and_Combined_Authorities.pdf

In accordance with legislation, appointments to committees of the council approved by Council. The Constitution further provides for such approvals by Annual Council, and subsequent changes during the year to membership to committees requires Council approval with the suspension of the relevant constitutional provision.

The Local Government Act 2000 requires local authorities to prepare, keep up-to-date and publicise their constitution. Any change to the OSC committee structure will require appropriate amendments to the constitution.

7. RESOURCE IMPLICATIONS

The establishment of an additional committee will have limited resource implications as members are already having to prepare and attend additional meetings to consider all of the issues relating to the Peoples OSC area. There will be additional support required from the Governance team however, by reducing the waiting time of senior officers for consideration of their items on the agenda this would be cost neutral overall.

8. EQUALITY IMPLICATIONS

None.

9. CONSULTATIONS

Group Leaders and the chair of the three existing OSCs have been consulted. Relevant Chief Officers have also been consulted.

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(Monitoring Officer)

Date: 15 July 2022

Background Papers: