

TELFORD & WREKIN COUNCIL

SCRUTINY MANAGEMENT BOARD - 10th JULY 2015

UPDATING THE SCRUTINY HANDBOOK AND REVIEW OF SCRUTINY CO-OPTees

REPORT OF SCRUTINY GROUP SPECIALST

1. PURPOSE

To enable Members to consider updating the Scrutiny Handbook to reflect changes to the Scrutiny arrangements and national guidance and consider undertaking a review of Scrutiny Co-optees.

2. RECOMMENDATIONS

2.1 That the Scrutiny Management Board:

2.2 Considers the updated draft Scrutiny Handbook attached as Appendix 1 and agrees any changes

2.3 Agrees that consequent changes to the Council's Constitution are recommended to Council Constitution Committee.

2.4 Considers undertaking a review of Scrutiny Co-optees in line with the protocol in the Scrutiny Handbook.

3. MINUTES OF PREVIOUS MEETINGS

3.1 SMB - 21 16th November 2012

4. BACKGROUND

4.1 At the beginning of the municipal year it is appropriate to review the Scrutiny Handbook so it reflects the changes to the Scrutiny Committees appointed at Annual Council and also the Department of Health Guidance on Health Scrutiny.

5.0 SCRUTINY HANDBOOK

5.1 An updated draft of the Scrutiny Handbook is attached as Appendix 1. The changes marked as tracked changes. The more significant amendments relate to:

- The change in the number of Scrutiny Committees to 4
- The terms of reference for the Customer, Community and Partnership Scrutiny Committee

- The process for agreeing the Scrutiny Work Programme
- Arrangements for Scrutiny Co-optees
- The terms of reference for the Telford & Wrekin and Shropshire Joint Health Overview and Scrutiny Committee following the Department of Health Guidance on Health Scrutiny. (Section 6 of this report sets out in more detail the implications of the guidance relating to delegating the power of referral to a Joint HOSC)

6.0 TERMS OF REFERENCE FOR THE SHROPSHIRE AND TELFORD & WREKIN JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE.

- 6.1 The Health and Social Care Act 2012 made a number of changes to health scrutiny arrangements. The Telford and Wrekin Council's constitution was amended in 2013 to reflect these changes and it was agreed that the health scrutiny powers conferred on the Local Authority would be delegated to the Health and Adult Care Scrutiny Committee.
- 6.2 The Health Scrutiny Guidance published in 2014 provided greater detail on the specific powers of delegation and it is therefore necessary to update the terms of reference for the Joint Health Overview and Scrutiny Committee. The draft terms of reference attached have been updated to clarify that both local authorities agreed to delegate scrutiny of pan-shropshire health issues to the Joint HOSC, but that the power of referral to the Secretary of State has not been delegated to the Joint HOSC. While the Joint HOSC will consider the proposed changes and respond to the consultation, the power to refer any contested proposals remains with the individual authorities.

7.0 EQUAL OPPORTUNITIES IMPLICATIONS

- 7.1 As part of the Scrutiny Work Programme committees will consider the relevant equality issues.

7.0 FINANCIAL IMPLICATIONS

- 7.1 The adoption of the revised terms of reference in and of itself does not give rise to any financial implications. Reference in the report to the power to refer matters to the secretary of state, which if agreed would remain with the Council is an action which has the potential to give rise to future costs should these powers be used.

RP 23/6/15.

8.0 LEGAL IMPLICATIONS

- 8.1 Rules and procedures covering the Council's public health scrutiny responsibilities are set out in the Local Government Act 1972 as amended (section 101), the National Health Act 2006 (as amended by the Health and Social Care Act 2012) and most recently The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
- 8.2 The legislative provisions allow for a local authority to choose how the public health scrutiny function is undertaken; a local authority can choose to discharge its functions through its own overview and scrutiny committee, that of another authority or through a joint overview and scrutiny committee with one or more other authorities.
- 8.3 The proposal in this report is compliant with the regulatory requirements.

9.0 ENVIRONMENTAL IMPLICATIONS

- 9.1 Environmental issues that are scrutinised will fall within the remit of the Customer, Community and Partnership Scrutiny Committee and will be undertaken within the resources available to this Committee.

10.0 WARD IMPLICATIONS

- 10.1 There are no direct ward implications resulting from this report

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