

**BRISTOL CITY COUNCIL
OVERVIEW AND SCRUTINY MANAGEMENT BOARD**

10 JULY 2014

Report of the Service Manager, Democratic Services

**Overview and Scrutiny Management Board
Annual Business Report**

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RECOMMENDATION

- 1. To note the Board's terms of reference;**
- 2. To confirm the meeting dates for the Board in 2014/15 and to confirm the starting times for meetings;**
- 3. To confirm arrangements for handling call-in's;**

The significant issues in the report are :
Set out in text boxes on subsequent pages.

Context and Proposal

Terms of Reference of the Board and the creation of other scrutiny bodies

1. At its meeting on 10 June, 2014 Full Council established the Overview & Scrutiny Management Board with the following terms of reference:

OVERVIEW AND SCRUTINY MANAGEMENT BOARD

Terms of Reference

Functions

In accordance with legislation (Local Government Act 2000, Health and Social Act 2001, NHS Act 2006, Police and Justice Act 2006, Flood and Water Management Act 2010, Localism Act 2011, Health Act 2012) the Board will discharge the council's overview and scrutiny function, including but not limited to the following:

General

1. Overview and scrutiny of strategic priorities and policy, including the council's budget, spending plans and policy framework and review of their impact on service delivery and outcomes for people in Bristol.

2. Work with, inform and hold the Mayor/Executive to account in relation to the development, implementation and review of strategic priorities and policy.
3. Review and scrutinize decisions made, or other action taken in connection with the discharge of any functions which are the responsibility of the Mayor/Executive, functions which are not the responsibility of the Executive, and functions which are the responsibility of any other bodies the Council is authorized to scrutinize.
4. Make reports and recommendations to Full Council, the Mayor/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.
5. Develop the external focus of overview and scrutiny on 'city-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.
6. Scrutinize the work and effectiveness of, and receive regular reports from the Local Enterprise Partnership (LEP) and other local strategic partnerships.
7. 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

Management Function

8. To manage, develop and champion the overview and scrutiny function of the Council:
 - As a vehicle to provide constructive challenge, public accountability and improved outcomes for people in Bristol particularly through early engagement in pre-decision scrutiny, policy development and review.
 - As a forum to consider evidence and different views and opinions and respond to public priorities.
 - To promote confidence and greater involvement in local democracy
9. In addition to the scrutiny committees which are established by Council, to create such structures that the Board considers necessary to assist with the delivery of overview and scrutiny and agree/amend their terms of reference including:
 - time-limited select committees/inquiries or other bodies, tasked to investigate specific internal and external policy development/ service delivery and improvement issues
 - the discharge of the Council's crime and disorder scrutiny functions under s.19 Police and Justice Act 2006
 - arrangements for the discharge of the Council's responsibility to review and scrutinize flood risk management functions under the Flood and Water Management Act 2010
10. To establish and appoint members to serve on the following Call In Sub-Committee

It is necessary for the Board to note its terms of reference as agreed by full Council (recommendation 1) and the creation by Council of the Call In Sub-Committee.

11. In order to ensure that scrutiny remains properly aligned and focussed throughout the year, the Board will have authority to vary the terms of reference of the scrutiny commissions as necessary and appropriate, without reference back to Council.
12. To receive 6 monthly reports from any standing scrutiny bodies and select committees on progress against work-programmes and evaluate the impact of scrutiny reports and recommendations.
13. To consider requests for scrutiny reviews under the Councillor Call for Action process.
14. To review and evaluate the effectiveness of the overview and scrutiny function and make recommendations to full Council and propose any changes to the Constitution as necessary.

Dates and Times of Meetings of OSMB

15. Dates for the Board in 2014/15 are recommended as follows, meeting on a Thursday and commencing at 6.00pm ;

2014	2015
10 July	5 Feb
16 October	9 April

The Board is asked to note that preceding these meetings a webcast Member Mayoral and Executive Question Time will take place at 5.00pm. Attached at **Appendix A** to this report is the Overview Scrutiny Rule 21 relating to this event.

It is necessary for the Board to confirm its meeting dates in 2014/15 and to confirm its preferred starting time for meetings. (Recommendation 2)

Membership of OSMB

16. The Board will comprise 11 members this year and the following proportionality will apply :

Labour 5; Liberal Democrat 3; Conservative 2 and Green 1

Call in

17. OSMB is responsible for determining all call in's which are submitted by backbench members under the provisions in the Overview & Scrutiny Rules in the Constitution. As in previous years, it is proposed that a dedicated entity be

established to consider all call in's, known as the Call In Sub-Committee with terms of reference as set out in **Appendix B**.

18. This municipal year, with political proportionality applying, the membership will be 6 (with the Chair being the Chair of the Panel) plus 5 other (non executive) members comprising 3 Lab, 1 Lib Dem, 1 Con and 1 Green. As before it is proposed that the names of members to serve on each Sub-Committee will be determined by the Whips according to the subject matter of the Call In.

***Members are asked to establish an OSMB (Call In) Sub-Committee
(Recommendation 3)***

Other Options Considered

Not applicable

Risk Assessment

Not applicable

Equalities Impact Assessment

Not applicable

Legal and Resource Implications

None sought

Appendices:

Appendix A OSR 21 – Member Mayoral Executive Question Time
Appendix B Terms of reference the Call In Sub-Committee.

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985:
Background Papers- None**

OSR 21

Mayoral question time

- i) Immediately before the four quarterly meetings of the Board, the Council will hold a Member Mayoral and Executive Question Time for members of Council only.
- ii) The Question Time will be chaired by the Chair of the Board or in his absence the Deputy Chair or by a member elected by the members to preside if neither is present.
- iii) The Question Time will last for no more than one hour.
- iv) A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the proper officer by no later than 12 noon on the working day before the day of the meeting. Each question must give the name of the questioner. Copies of all questions will be circulated to all members and made available to the public attending the meeting by no later than one hour before the meeting.
- v) Questions will be asked in the order notice of them was received, except that the Chair may group together similar questions.
- vi) Members of Council shall be entitled to ask two questions and two supplementary questions. Questions must concern matters on the agenda of Board meeting.
- vii) A supplementary question must arise directly out of the original question or the reply
- viii) Replies to questions will be given verbally. If a reply cannot be given at the meeting (including due to lack of time) or if written confirmation of the verbal reply is requested by the questioner, a written reply will be provided within 10 working days of the meeting
- ix) The person presiding may rule out questions which in his opinion are defamatory, offensive or frivolous, or which require the disclosure of confidential or exempt information.
- x) The person presiding shall rule out questions that are not about a matter for which the local authority has a responsibility or which directly affect the city;

Appendix B

Call-In Sub-Committee Terms of Reference.

To determine call in's which have been submitted by at least 5 non-executive councillors where they have evidence which suggests that the executive did not take a decision according with any of the principles set out in Article 14 (Decision Making) of Part 2 of the Constitution.

The proper officer will first satisfy themselves that the following requirements have been met:

- The call-in notice has been received within the prescribed time scales;
- The decision taker's decision has been properly identified and described;
- The members seeking the call-in have identified those principles of Article 14 of the constitution which they believe have been breached.