

Overview and Scrutiny Management Board 15 June 2016



Report of: Interim Service Director, Legal & Democratic Services

Title: Overview and Scrutiny Management Board Annual Business Report 2016/17.

Ward: N/A

Officer Presenting Report: Allison Taylor
Contact Telephone Number: 0117 92 22237

Recommendations

1. To note the Board's Terms of Reference;
2. To confirm the meeting dates for the Board in 2016/17 and to confirm the starting times for meetings;
3. To note Mayoral Question Time Forums preceding each OSMB meeting.
4. To establish the Call In Sub-Committee and to note the arrangements.

The significant issues in the report are:

As set out in text boxes below.



Policy

1. N/A

Consultation

2. Internal
N/A

3. External
N/A

Context

4. N/A

Proposal

5. N/A

Other Options Considered

6. N/A

Risk Assessment

7. N/A

Public Sector Equality Duties

8. Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
 - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
 - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic

that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);

- encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
- tackle prejudice; and
 - promote understanding.

Context and Proposal

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

1. At its meeting on 31 May, 2016 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

- A 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.
- B Work with, inform and hold the Mayor/Executive to account in relation to the development, implementation and review of strategic priorities and policy.
- C 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.
- D 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.

- E 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.
- F Working with joint scrutiny committees, namely West of England Joint Scrutiny, Joint Health Committee, and the Joint Ambulance Committee, scrutinise the work and effectiveness of partners, where the powers of scrutiny allow, and other local strategic partnerships such as the Local Enterprise Partnership.
- G 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.
- H To consider organisational performance and commission performance reviews through the relevant scrutiny commissions.

Management Function

- I 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.
 - 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.
 - To set the overall scrutiny work programme, oversee the work programme of each of the Commissions and ensure the effective co-ordination of those programmes within the ten meetings per year allocated to each Commission (to include select committees, sub-committees, working groups and any other forms of scrutiny that may be established by virtue of the Overview and Scrutiny procedure Rules)
- J 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.

<i>The Board is asked to note its terms of reference as agreed by full Council (recommendation 1)</i>
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Dates and Times of Meetings.

2. Dates for the Board in 2016/17 are recommended as follows, meeting on a Thursday and commencing at 6.00pm unless otherwise indicated;

2016

8 September

2017

9 February
6 April.

It is necessary for the Board to confirm its meeting dates in 2016/17 and to confirm its preferred starting time for meetings. (Recommendation 2)

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

The Board is asked to note the Mayoral Question Time Forum preceding each OSMB. (Recommendation 3)

Membership of OSMB

3. The Board will comprise 11 members this year and the following proportionality will apply :
- Labour 6; Conservative 2 ; Green 2; Liberal Democrat 1

Call in

4. OSMB is responsible for determining all call in's which are submitted by non-executive members under the provisions in the Overview & Scrutiny Rules in the Constitution. As in previous years, it is proposed that a Call-In Sub-Committee be established to consider all call in's, with terms of reference as set out in **Appendix B**.
5. 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, the proportionality being 4 Labour, 1 Conservative, 1 Green 1 Lib Democrat. 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.

The Board is asked to establish an OSMB (Call In) Sub-Committee (Recommendation 4)

Legal and Resource Implications

Not applicable.

Appendices:

Appendix A OSR 21 – Mayoral Question Time

Appendix B Terms of reference the Call In Sub-Committee.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None.

Appendix A

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 Call-In Sub-Committee will decide either:

- i) to take no further action in relation to the call-in; or
- ii) to refer the decision back to the decision taker, setting out in writing, the nature of its concerns; or
- ii) to refer the matter for debate at Full Council.