

Public Document Pack

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29 June 2021

Dear Member,

Performance and Finance Scrutiny Committee - Monday, 5 July 2021

Please find enclosed the following document for consideration at the meeting of the Performance and Finance Scrutiny Committee on Monday, 5 July 2021 which was unavailable when the agenda was published.

Agenda No	Item
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5.	Terms of Reference (Pages 3 - 8)
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The item was delayed in order to include the Committee's amended Terms of Reference which were endorsed by the Governance Committee on 28 June 2021, and which will be submitted to the Council for final approval on 16 July 2021.

Yours sincerely

Tony Kershaw
Director of Law and Assurance

To all members of the Performance and Finance Scrutiny Committee

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Extract from the Constitution – including amendments endorsed by the Governance Committee on 28 June 2021 which will be submitted to the Council for final approval on 16 July 2021.

Appendix 8 – Scrutiny Committees

Scrutiny committees complement the work of the Cabinet and Cabinet members, acting as a democratic check and balance to executive decision-making. They monitor the plans and decisions of the Cabinet, can 'call-in' and scrutinise proposals which have not yet been implemented. They may also choose to or be invited by the Cabinet to advise on emerging proposals and the development of policy. There are five scrutiny committees:

- Performance and Finance Scrutiny Committee (see terms of reference at Appendix 8A)
- Health and Adult Social Care Scrutiny Committee (see terms of reference at Appendix 8B)
- Children and Young People's Services Scrutiny Committee (see terms of reference at Appendix 8C)
- Communities, Highways and Environment Scrutiny Committee (see terms of reference at Appendix 8D)
- Fire and Rescue Service Scrutiny Committee (see terms of reference at Appendix 8E)

Each committee shall undertake scrutiny of the Cabinet portfolio areas set out in the table below (full details of Cabinet portfolio responsibilities are contained in Appendix 2).

Each scrutiny committee shall have no more than 12 County Council members with the exception of the Performance and Finance Scrutiny Committee which will have 15 members to include the other scrutiny committee chairmen where compliant with rules on political proportionality following confirmation of their appointment at the next meeting of the County Council. The members of each scrutiny committee shall be appointed, having taken into account the following guiding principles:

- That the member has an interest in the business of the Committee.
- That the member is able to devote the time needed to undertake the work of the Committee.
- That the member remains free to serve on scrutiny or executive task and finish Groups.
- Four of the members of the Performance and Finance Scrutiny Committee shall be the four members who are at any time the chairmen of the other four Scrutiny Committees, providing that this can be accommodated in line with political proportionality for that committee.

Scrutiny Committee	Area of scope for scrutiny
Performance and Finance	Leader’s portfolio Finance and Property portfolio Support Services and Economic Development portfolio
Health and Adult Social Care	Adults’ Services portfolio Public Health and Wellbeing portfolio relating to both adults and children Review and scrutiny of the planning, provision and operation of health services in West Sussex (The health functions of the Health and Adult Social Care Scrutiny Committee arise under Part I of the Health and Social Care Act 2001)
Children and Young People’s Services	Children and Young People’s Services portfolio (apart from public health for children) Learning and Skills portfolio
Communities, Highways and Environment	Environment and Climate Change portfolio Communities, Fire and Rescue portfolio (apart from Fire and Rescue) Highways and Transport portfolio Crime and Disorder functions of the Crime and Disorder (Overview and Scrutiny) Regulations 2009
Fire & Rescue Service Scrutiny Committee	Communities, Fire and Rescue Service portfolio (apart from Communities), including Emergency Planning

Business Planning Groups

Each Scrutiny Committee, except for the Fire and Rescue Service Scrutiny Committee, shall have a Business Planning Group comprising the Chairman and Vice-Chairman of that Committee and three other members. Two of the five members shall be minority group members. The Chairman of the Scrutiny Committee shall be the chairman of the Business Planning Group and the Vice-Chairman of the Scrutiny Committee shall be the vice-chairman of the Group.

The Business Planning Group shall oversee the planning of the Committee’s business, using the ‘Scrutiny Business Planning Guide and Checklist’.

The Business Planning Group(s) shall discuss with the relevant Cabinet Member(s) their plans for undertaking work relating to the planning of services or their commissioning and how that work is best carried out.

The Business Planning Group shall have responsibility for deciding whether an area of work is considered by a scrutiny Task and Finish Group, for deciding to establish a Task and Finish Group and for defining its outline terms of reference. The Fire and Rescue Service Scrutiny Committee will carry out the establishment of Task and Finish Groups itself.

Scrutiny Task and Finish Groups

Each Scrutiny Committee may choose to establish from its members or from the whole non-executive membership a cross-party group that will be given the task of undertaking detailed work which falls within its area of scope for scrutiny. The Scrutiny Committee Business Planning Group will decide the size and membership of the Task and Finish Group and its outline terms of reference. It will also decide how the outcome of the work of the Group will be reported - to the Committee or direct to the Cabinet Member.

A Task and Finish Group shall comprise no more than seven members (cross party) but it may co-opt such other persons as the Task and Finish Group considers appropriate to the task in hand.

The Chairman of the Task and Finish Group shall be appointed by the members of the Task and Finish Group unless there is an urgent need to progress the initial work, in which case the Business Planning Group will appoint the chairman.

Where the work is related to the business of more than one Scrutiny Committee a Task and Finish Group may be established to undertake the work. The outline terms of reference and reporting lines will be agreed by the relevant Scrutiny Committee Business Planning Groups co-ordinated by the relevant Scrutiny Committee chairmen.

Appendix 8A Performance and Finance Scrutiny Committee

Constitution

15 members of the County Council. Quorum is four.

Terms of Reference

1. To consider policies and the effectiveness of their delivery relevant to the Scrutiny Committee's area of scope for scrutiny.
2. To consider the effectiveness of the Council's arrangements and systems for the management of contracts relevant to the committee's area of scope and for the scrutiny of the achievement of such commissioning outcomes as have been determined.
3. To undertake the scrutiny of the performance of the Council's services against the agreed outcomes, objectives and measures; including the scrutiny of how effectively relevant corporate and service risks are managed.
4. To review or preview proposed decisions of the Executive (including officers) within the Committee's area of scope for scrutiny, including call-in.
5. To consider matters referred to the Scrutiny Committee by the Executive.
6. To consider the annual budget and performance framework on a strategic basis at each meeting (rather than the detail of individual portfolios which are the preserve of the individual Scrutiny Committees) and to scrutinise the annual Treasury Management Strategy and performance in delivering it.
7. To consider a programme of work which the Committee believes is in the interests of the County Council for it to review in relation to its scope for scrutiny for approval as part of the Scrutiny Committee work programme.
8. To be responsible for the resolution of any disputes as to where a piece of scrutiny work should be placed between the scrutiny committees.
9. To contribute to an Annual Scrutiny Report on scrutiny activity during the previous year and endorse the Annual Scrutiny Report for publication.
10. To identify major items of work undertaken by Scrutiny Committees to be reported to meetings of the County Council for debate, with the intention that no more than one item will be reported to any one meeting of the County Council.
11. To consider a petition in accordance with the Petitions Scheme in accordance with Standing Order 3.43 (b) and to consider a request for a review of the County Council's response to a petition in accordance with the Petitions Scheme.
12. To consider any relevant report of joint scrutiny work undertaken under the auspices of the West Sussex Joint Scrutiny Steering Group and refer the report to the relevant Cabinet Member for consideration.

13. To establish cross cutting Task and Finish Groups as needed for the better discharge of the business of scrutiny and to undertake cross-cutting work in relation to its own areas of responsibilities.
14. To encourage members to lead on specific topics within the Committee's remit, as agreed by the Committee.

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