



Report of the Chief Democratic Services Officer

General Purposes Committee

Date: 18 May 2010

Subject: Overview and Scrutiny – Proposed Changes and Amendments to the Constitution

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The annual review of Scrutiny has identified a number of areas for amendment within Article 6 of the Constitution, the Scrutiny Boards' Terms of Reference and the Scrutiny Board Procedure Rules. These are either to ensure consistency in wording, to reflect legislative changes or to provide procedural clarity.
2. Appendices 1 to 3 of this report detail the proposed amendments.
3. The General Purposes Committee is requested to consider the proposed changes and recommend to Council that the Constitutional amendments be approved.

1.0 Purpose of Report

- 1.1 The purpose of this report is to set out recommendations in respect of amendments to the Overview and Scrutiny function following the officer annual review of the Constitution.

2.0 Background Information

- 2.1 The annual review of Scrutiny more often than not identifies a number of areas for amendment within Article 6 of the Constitution, the Scrutiny Boards' Terms of Reference and the Scrutiny Board Procedure Rules. These are either to ensure consistency in wording, to reflect legislative changes or to provide procedural clarity.

- 2.2 The current review has identified the following:

Appointment of Scrutiny Officer

Under new Section 21ZA of the Local Government Act 2000, the Council is under a statutory duty to designate one of their officers as "Scrutiny Officer".

It is therefore recommended that the Council designates the Head of Scrutiny and Member development as the Scrutiny Officer.

Amendments to Article 6 and the Scrutiny Board Procedure Rules are recommended, to reflect the designation and duties of the post.

Article 6 (See Appendix 1)

- Additional bullet point to clarify that value for money reviews on particular services, functions or issues relating to their area of responsibility may be undertaken by Scrutiny Boards.
- Minor change to footnotes to update the names of NHS bodies
- Amendment to reflect the designation and duties of the Council's Scrutiny Officer – see above.
- Amendment to the power to co-opt onto the Crime and Disorder Committee, following recent amendments to legislation¹,

Scrutiny Board Terms of Reference (See Appendix 2)

- Additional bullet point to clarify that value for money reviews on particular services, functions or issues relating to their area of responsibility may be undertaken by Scrutiny Boards.
- Amendments to officers' titles in the footnote to the terms of reference for the Scrutiny Board (Environment and Neighbourhoods).
- Amendment to delete reference to repealed legislation (Scrutiny Board (Health)).

Scrutiny Board Procedure Rules (See Appendix 3)

¹ Crime and Disorder (Overview and Scrutiny) Regulations 2009 as amended

- Minor change to footnotes to update the names of NHS bodies
- Minor amendments and re-ordering of paragraphs to make distinction between reviews and other items of work which may result in reports and recommendations and full Scrutiny Inquiries which involve formal terms of reference, the use of the Inquiry selection criteria and formal discussion with the relevant Executive Board Member.
- Amalgamation of paragraphs describing how requests for Scrutiny are managed to ensure consistency.
- Inclusion of specific reference to “Partner Authorities”, including new powers for Scrutiny Boards to require information, reflecting legislation.² .
- Clarification that should a Member withdraw their signature from a Call In and no further signatures are obtained within the required time period, the Call In will fall.
- All references to the “Proper Officer” under the Rules to be amended to refer to the “Scrutiny Officer” – see above.
- Clarification of Rule 17.2 relating to the duty of Members and officers to attend and answer questions.
- Deletion of Rule 25, referring to the production of the annual report, since this duplicates the provision for this in Article 6.

2.3 This report reflects the Administration’s wish to retain the existing seven Scrutiny Boards

3.0 Implications for Council Policy and Governance

3.1 The Council’s Scrutiny arrangements are one of the key parts of the Council’s governance arrangements. This review of the Constitution seeks to ensure that the arrangements continue to be efficient and relevant to the work of the Council.

4.0 Legal and Resource Implications

4.1 There are no legal implications to the proposed amendments. The financial implications of retaining seven Scrutiny Boards will be met from contingency funds.

5.0 Recommendation

5.1 The General Purposes Committee is requested to consider the proposed changes to Article 6, Scrutiny Board Terms of Reference and Scrutiny Board Procedure Rules and recommend to Council that:

- The Council designates the post of Head of Scrutiny and Member Development, as its Scrutiny Officer in accordance with Section 21ZA of the Local Government Act 2000.
- The Constitutional amendments as detailed in appendix 1 -3 be approved.
- That seven Scrutiny Boards are retained

² Local Authorities (Overview and Scrutiny Committees)(England) Regulations 2009.

Background Papers

None used.