

**Report of Head of Scrutiny and Member Development**

**Report to Scrutiny Board (Health and Wellbeing and Adult Social Care)**

**Date: 27 June 2012**

**Subject: Changes to the Council's Constitution in relation to Scrutiny**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

1. The annual review of Scrutiny 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. This report summarises the amendments made to the Council's Constitution, as agreed by Council on 21 May 2012, which directly relate to and/or impact on the work of Scrutiny Boards.

**Recommendation**

3. In fulfilling the role and function of the Scrutiny Board, Members are requested to note the amendments to the Council's Constitution outlined in this report.

## **1.0 Purpose of this report**

- 1.1 This report provides the Board with information on recent amendments to the Council's Constitution, as agreed by Council on 21 May 2012, which directly relate to and/or impact on the work of Scrutiny Boards.

## **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.

## **3.0 Main issues**

- 3.1 The more significant amendments made to the Council's Constitution in relation to the Overview and Scrutiny function are summarised below.

### Article 6

- 3.2 The Localism Act 2011 has amended statutory provisions relating to scrutiny arrangements within the Local Government Act 2000. Such amendments are now reflected within Article 6 of the Constitution. It has also been updated to reflect the changes made to the Scrutiny Boards this year i.e. the replacement of the Scrutiny Board (Regeneration) with a Scrutiny Board (Housing and Regeneration).

### Scrutiny Board Terms of Reference

- 3.3 Five themed Scrutiny Boards were established last year to mirror the Strategic Partnership Boards in order to promote a more strategic and outward looking Scrutiny function that focuses on the City Priorities. This approach will continue. However, as part of their terms of reference, the five Scrutiny Boards will no longer be tasked to undertake specific reviews linked to the City Priority Plans of their respective Partnerships. Instead, the Scrutiny Boards are authorised to review or scrutinise the performance of their relevant partnerships. In doing so, they will review outcomes, targets and priorities within the Business Plan and specific "Best City for...." priorities set out within the City Priority Plan.
- 3.4 Decisions made, or actions taken, in connection with the discharge of any functions which are the responsibility of the executive, which do not fall within the terms of reference of the five themed Scrutiny Boards, will continue to be considered by the Scrutiny Board (Resources and Council Services). In addition, this Board will also review or scrutinise the performance of the Leeds Initiative Board.
- 3.5 The new terms of reference for the Scrutiny Board (Health and wellbeing and Adult Social Care) are attached at Appendix 1 for Members' information.

### Scrutiny Board Procedure Rules

- 3.6 The Scrutiny Board Procedure Rules now state that all Scrutiny Boards will act as "critical friend" to the relevant partnership and consider and report on the following areas:

1. What contribution the Partnership Board is making to tackle poverty and inequality, and the progress being made against this?
  2. How successfully the Board's partnership arrangements are working?
  3. To what extent are significant benefits being seen from partnership working? How has partnership working ensured increased pace of change to address the issue in hand?
- 3.7 The Scrutiny Board Procedure Rules have also been effected by the Localism Act 2011 in relation to "councillor calls to action". Previously, the authority had to make arrangements to enable a Member to refer a 'local government matter' relevant to the scrutiny committee; now arrangements must enable Members to refer "any matter which is relevant to the functions of the committee and is not an excluded matter".
- 3.8 The other principle change following the Localism Act relates to the authority's powers to require a "partner authority" to provide information and also have regard to Scrutiny Board reports and recommendations. Previously, this could only be required if the information requested, or a report or recommendation, related to a local improvement target. Now, this may be required when the information or the report or recommendation relates to functions of a partner authority "so far as exercisable in relation to the authority's area or the inhabitants of that area". The provision is therefore wider and is reflected within the Scrutiny Board Procedure Rules.
- 3.9 Procedures in relation to Call In, which previously resided in the Scrutiny Board Procedure Rules, are now incorporated into the new Executive and Decision Making Procedure Rules within the Constitution to provide clarity. The Call In procedures now reflect the decision made by Council to add Area Committee decisions to the list of decisions exempt from Call In.
- 3.10 A review of the Scrutiny Board Procedure guidance notes has resulted in three of the guidance notes being removed from the Constitution. These relate to inquiry selection criteria; minority reports; and equality and diversity/cohesion and integration issues. Referencing is now made within the Scrutiny Board Procedure Rules to reflect the relevant issues that were set out within these guidance notes.

## **4.0 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 The annual review of Scrutiny was conducted by the Head of Scrutiny and Member Development in consultation with the Corporate Governance Team and the Head of Leeds Initiative. The proposed changes to the scrutiny arrangements were considered by the General Purposes Committee on 9 May 2012, prior to being formally considered and approved by Council on 21 May 2012.

### **4.2 Equality and Diversity / Cohesion and Integration.**

- 4.2.1 The amendments made in relation to the work of the Scrutiny Boards will not have an impact on equality and diversity/cohesion and integration matters. However, in line with the Scrutiny Board Procedure Rules, the Scrutiny Boards will continue to ensure

through service review that such issues are considered in decision making and policy formulation.

4.2.2 It should be noted that a separate report on equality improvement priorities 2011-2015 is included elsewhere on the agenda.

### **4.3 Council Policies and City Priorities**

4.3.1 The terms of reference of the Scrutiny Boards promote a more strategic and outward looking Scrutiny function that focuses on the City Priorities. The Scrutiny Boards are now authorised to review or scrutinise the performance of their relevant Strategic Partnership Board. In doing so, they will review outcomes, targets and priorities within the Business Plan and specific “Best City for.... “ priorities set out within the City Priority Plan.

### **4.4 Resources and Value for Money**

4.4.1 This report has no specific resource and value for money implications.

### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 The amendments made to the scrutiny arrangements are reflective of recent legislative changes and also aim to provide procedural clarity.

### **4.6 Risk Management**

4.6.1 This report has no risk management implications

## **5.0 Conclusions**

5.1 The annual review of Scrutiny 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. The more significant amendments made to the Council’s Constitution in relation to the Overview and Scrutiny function are summarised within this report for Members’ information.

## **6.0 Recommendations**

6.1 In fulfilling the role and function of the Scrutiny Board, Members are requested to note the amendments to the Council’s Constitution outlined in this report.

## **7.0 Background documents<sup>1</sup>**

- Report of the Head of Scrutiny and Member Development on Constitutional amendments – Scrutiny arrangements. General Purposes Committee, 9<sup>th</sup> May 2012.
- Council’s Constitution - Scrutiny Board Procedure Rules
- Council’s Constitution – Executive and Decision Making Procedure

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<sup>1</sup> The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.