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## Report of the Head of Scrutiny and Member Development

### Scrutiny Board (Sustainable Economy and Culture)

Date: 16<sup>th</sup> June 2011

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

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#### Electoral Wards Affected: All

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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## 1 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 26<sup>th</sup> May 2011, which directly relate to and/or impact on the work of Scrutiny Boards.

## 2 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 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 inclusion of specific reference to the appointment of Scrutiny Chairs. To demonstrate and reinforce the importance of a non-political group approach to Scrutiny, Group spokespersons shall not be appointed to Chair a Scrutiny Board which corresponds to the same portfolio.

### Scrutiny Board Terms of Reference

- 3.3 Five themed Scrutiny Boards have been established to mirror the current Strategic Partnership Boards. This approach promotes a more strategic and outward looking

Scrutiny function and focuses on the City Priorities. The terms of reference for the five Scrutiny Boards now determine a number of areas of review to be undertaken by the Boards as part of their workload during a municipal year.

- 3.4 A sixth Scrutiny Board has also been established and called Scrutiny Board (Resources and Council Services). 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 be considered by the Scrutiny Board (Resources and Council Services).

#### Scrutiny Board Procedure Rules

- 3.5 Procedures in relation to Call In, which previously resided in the Scrutiny Board Guidance Notes, are now incorporated into the Scrutiny Board Procedure Rules to provide clarity.
- 3.6 Call-Ins will continue to be considered by the relevant Scrutiny Board. However, those requesting a Call In are now required to consider the financial consequences of Calling In the decision. The financial implications will be detailed to those Calling In the decision as part of the required pre Call In discussion with the relevant Director or Executive Board Member.
- 3.7 Previously, a Scrutiny Board Member could not be a signatory to a Call In if they were a member of the Scrutiny Board considering the Call In. This restriction has now been removed. A decision can be Called In by two non executive elected Members (who are not from the same political group) or any five non executive elected Members. Those Scrutiny Board Members not in a political group would be eligible but not co-opted Board members.
- 3.8 Added to the list of decisions exempt from Call In are decisions made during the development and approval of documents forming part of the Budget and Policy Framework. This amendment is in accordance with existing practice and procedure as the decision rests with full Council and not the Executive.
- 3.9 With regard to petitions, where a Scrutiny Board Chair receives in their capacity as a Scrutiny Chair a petition, the Chair will respond to the petition organiser only. Thereafter the Scrutiny Officer will be responsible for notifying the petition organiser of the date on which the petition will be considered and of the outcome of that meeting. The Scrutiny Officer will ensure the appropriate Executive Board Member receives a copy of the petition.
- 3.10 A minor amendment is made in relation to education co-optees on the relevant Scrutiny Board. This amendment clarifies the process of nomination and confirmation of education representatives to the Scrutiny Board.

## **4 Recommendations**

- 4.1 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.

#### Background Papers

- Report of the Head of Scrutiny and Member Development on Overview and Scrutiny – Proposed Changes and Amendments to the Constitution. General Purposes Committee, 17<sup>th</sup> May 2011.
- Council's Constitution - Scrutiny Board Procedure Rules.