

Report to Overview and Scrutiny Committee

Subject: Scrutiny arrangements: Amendments to the Constitution considered by Council on 10 July 2013

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Author: Elections and Members' Services Team Leader

1. Purpose of the Report

To inform Scrutiny Members of proposals for dealing with matters arising from amendments to the Constitution considered by Council on 10th July.

2. Background

At the annual meeting, Council decided not to appoint to the Policy Review Committee and Performance Review Committee. The Policy Review and Performance Review Committees were disestablished, leaving the Overview and Scrutiny Committee to fulfil their functions, and this report deals with the impact of constitutional changes on Scrutiny procedures.

On 10th July Council approved the amendments to the Constitution set out in the appendices to this report to reflect the fact that the Council has made appointments to a single Overview and Scrutiny Committee with no standing sub-committees. It is envisaged that quarterly performance reviews, and a continuation of the practice of holding Cabinet members to account will be the 'core business' of the new Overview and Scrutiny Committee. Policy review work will be devolved to task and finish groups, membership of which could be drawn from the Overview and Scrutiny Committee and the wider Council (not including Executive members) or from other organisations if considered appropriate.

At the same time as making the changes referred to above, Council agreed proposals to update the sections of the Constitution relating to the Budget and Policy Framework; to bring the process up to date, reflect changes in legislation and bring them in line with the provisions of a national model constitution.

Changes to the Standing Orders relating to Contracts and Standing orders for Dealings with Land could not be approved by Council on 10th July and will be considered at the next ordinary meeting.

Please refer to the Agenda and minutes of the Council meeting held on 10 July for further details.

3. Proposal

In the light of the changes and proposed changes set out at 2.0 it is important that procedures to deal with matters referred to Overview and Scrutiny Committee as a requirement of the Council's constitution are both clear and effective.

This includes procedures for receiving:

- Policies which fall within the Budget and Policy Framework
- Items under Contract Standing orders and Standard orders for dealing with Land.

3.1 Items referred to Scrutiny under the Budget and Policy Framework

The Constitution now requires that new policies or changes to policies which fall within those listed under the Budget and Policy Framework are included in the Forward Plan and notified to the Chairman of the Overview and Scrutiny Committee as part of the formal consultation process.

It is proposed that the Chairman is notified at the point the Policy or Strategy is included in the Forward Plan and when the document is ready for consultation that it is circulated to all members of the Overview and Scrutiny Committee or tabled at an Overview Scrutiny Committee meeting, if a meeting is immediately pending. If a meeting is not pending, one could be called to specifically discuss the proposals.

It is envisaged that the majority of responses from Scrutiny would be comments on the proposals, rather than a formal report back. Comments would be collated by the Elections and Members' Services Team and, after discussion with the Chairman of the Overview and Scrutiny Committee, submitted to the relevant officer before the end of the consultation period.

The officer would then either append the Scrutiny responses to the Cabinet report, or include a paragraph within the report which details the Scrutiny responses. Cabinet will take into account any responses received from the Overview and Scrutiny Committee before making a decision.

Whilst the timeframe of the decision is not changed by this process, nevertheless it offers Scrutiny Members the maximum possible window of opportunity to comment on upcoming proposals of concern to residents of the Borough.

To support this process, the Council Solicitor and Monitoring Officer has advised that it would be helpful if Scrutiny Members could inform officers at the outset which areas within the Budget and Policy Framework are likely to be examined by Scrutiny in more depth, so that officers can factor that time in to the project plan.

3.2 Items referred to the Chairman of Overview and Scrutiny Committee under Contract Standing orders and Standing orders for dealing with Land (P.114 – 124 of the current constitution)

There are also requirements in the Constitution to inform the Scrutiny Chair of:

- proposals to enter into a contract between £10, 000 and £50, 000 where the requirement to obtain 3 quotes cannot be met.
- proposals for the disposal of land or property other than the sale of council houses to sitting tenants pursuant to the right to buy.

There are also requirements in the new Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 which require notice to be given to the Chair of Overview and Scrutiny Committee if the executive proposes to take a key decision without it being published (on the Forward Plan) for at least 28 days.

It is proposed that a standing agenda item be added to the Overview and Scrutiny Committee Agenda to inform the Committee of such notifications received by the Chair.

4. Recommendation

It is recommended that:

- i. Members note the procedures for dealing with matters referred to Scrutiny as a requirement of the Council's Constitution.
- ii. Members consider which areas within the Budget and Policy Framework they are more likely to look at in depth.