

MEETING:	COUNCIL
DATE:	15 JULY 2011
TITLE OF REPORT:	OVERVIEW AND SCRUTINY PROVISIONS IN THE CONSTITUTION
REPORT BY:	ASSISTANT DIRECTOR, LAW, GOVERNANCE AND RESILIENCE

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

To consider revisions to the Constitution as a consequence of Council's adoption of a new scrutiny model.

Recommendation(s)

THAT:

- (a) **the revisions to the Constitution as set out in the appendix to this report be approved;**
- (b) **the proportionality rules be suspended for Scrutiny Task and Finish Groups, on condition that no Task and Finish Group will consist solely of Members of one Political Group and the aim should be to secure cross-party engagement; and**
- (c) **the Monitoring Officer be authorised to make any further consequential amendments to the Constitution.**

Key Points Summary

- Council is asked to note approve revisions to the Constitution that arise as a consequence of the adoption of a new scrutiny model.
- Council is asked to suspend the **proportionality rules for Scrutiny Task and Finish Groups, on condition that no Task and Finish Group will consist solely of Members of one Political Group and the aim should be to secure cross-party engagement.**

Alternative Options

- 1 The Council can decide to vary the provisions in the Constitution as it sees fit,

Further information on the subject of this report is available from
Chris Chapman, Assistant Director, Law, Governance and Resilience on (01432) 260200

Reasons for Recommendations

- 2 To comply with Council's request that the changes to the Constitution of Council's adoption of a new scrutiny model be reported to Council.

Introduction and Background

- 3 In May the Council agreed that the terms of reference and functions of committees be adopted subject to the aspects relating to the new scrutiny model being reported back to Council.
4. The main provisions are set out in the following Parts of the Constitution:
 - Part 2 Article 6 - Scrutiny
 - Part 3 Section 5 – Overview and Scrutiny Functions
 - Part 4 Section 5 – Scrutiny Rules
 - Part 7 – Scrutiny Committee remit
5. Copies of the revised Parts of the Constitution are appended.

Key Considerations

- 4 The changes made to the relevant Parts of the Constitution reflect Council's decision to appoint a single Overview and Scrutiny Committee that will commission Task and Finish Groups.
- 5 These changes largely involve the simple absorption of the roles of the former individual Scrutiny Committees into the role of the single Overview and Scrutiny Committee with no significant issues of principle involved.
- 6 The previous scrutiny model permitted the appointment of what were called Scrutiny Review Groups, which were in fact, in all but name, Task and Finish Groups. Those provisions in the Constitution have been amended to reflect the increased emphasis on that way of conducting scrutiny. However, it is considered that there are no significant issues of principle involved.
- 7 Scrutiny should not be conducted on politically partisan lines. It also needs to be recognised, that the membership of Task and Finish Groups should exploit the interests and expertise of individual non-Executive Members from across the Council. It is therefore proposed that to permit flexibility Council agrees to suspend the application of the strict rules of proportionality to Task and Finish Groups. This would be on the condition that there would be no single party Task and Finish Groups and the aim should be to ensure cross-party engagement. It should be borne in mind that the scope of reviews and the reports of each Task and Finish Group will be approved by the politically proportionate Overview and Scrutiny Committee.

Community Impact

- 5 One of the aims of the new scrutiny model is that it should encourage public participation.

Financial Implications

6 Any costs will have to be met from within existing budgets.

Legal Implications

7 The Council is required to maintain a Constitution which must contain provisions for an Overview and Scrutiny function. The new scrutiny model complies with the law.

Risk Management

8 There are no risk management implications.

Consultees

9 None

Appendices

10 Appendix 1 – Extracts from Parts 2, 3 and 4 of the Constitution

Background Papers

- None