

Report to Council

**Date of meeting: 29 November
2011**

Report of: Overview and Scrutiny Committee

Chairman: Councillor R Bassett



1. Reporting by Scrutiny Panel Chairmen at Council Meetings

Recommending:

(1) that the principle of Scrutiny Panel Chairmen presenting reports at Council and other Council bodies be approved;

(2) that Overview and Scrutiny Procedure Rules 12(3)(h) (Standing Scrutiny Panels) and 13(3)(h) (Task and Finish Scrutiny panels) be amended to read as follows:

“be able, after consideration by the Overview and Scrutiny Committee, to report to the Council, the Cabinet, a Cabinet Committee, a Portfolio Holder or any other Council body”;

(3) that Overview and Scrutiny Procedure Rules 12(4) and 13(3) be further amended by the addition of the following sub paragraphs:

“(i) in the circumstances set out in (h), the report shall be submitted in the name of the Panel and presented by its Chairman, unless the work of more than one Scrutiny Panel is involved, in which case any report to another Council body will be in the name of the Overview & Scrutiny and presented by its Chairman

(j) in the event that the submission of a Panel report to another Council body is required such that it cannot be considered by the Overview & Scrutiny Committee in accordance with paragraph (h) above, the Panel report may proceed for consideration subject to prior consultation with the Chairman of that Committee as to the reasons for urgency;

(4) That, at Council meetings, the written report of the Chairman of the Overview and Scrutiny Committee be dealt with prior to the reports by the Committee or any of its Panels and grouped under a single item relating to Overview and Scrutiny business; and

(5) That the Assistant to the Chief Executive be authorised to make any other consequential amendments to the Constitution arising from the above changes.

Introduction

1. Our Constitution and Member Services Scrutiny Standing Panel has reviewed the presentation of Overview and Scrutiny reports at Council meetings.

Current Procedure

2. Standing and Task and Finish Scrutiny Panels have the status of sub-committees of the Overview and Scrutiny Committee in that they are appointed by the Committee and report on their work programmes and the progress they are making. As such, Panels would not normally report to the Council unless specifically authorised to do so by the Committee.

3. The current arrangements are set out in Overview and Scrutiny Procedure Rules 12 (Standing Scrutiny Panels) and 13 (Task and Finish Scrutiny Panels). The requirements for both types of Panel are the same:

"Panels will be able, with the prior approval of the Overview and Scrutiny Committee, to report direct to the Cabinet, a Cabinet Committee, a Portfolio Holder, another Committee or to the Council with recommendations".

In practice, this procedure is only being exercised in one or two cases of urgency.

General Considerations

4. Most work is carried out by Overview and Scrutiny is conducted through the Standing and Task and Finish Panels. The Constitution envisages that the Overview and Scrutiny Committee will effectively manage the work of those Panels, agreeing their work programme receiving progress reports against deadlines set. Although the Committee itself undertakes some Scrutiny work particularly in questioning representatives from other public bodies about service changes, etc. which might affect the District, most detailed work is nevertheless, conducted through those Panels.

5. Bearing in mind the work undertaken by Panels, it can be argued that it should be the Panel Chairmen, rather than the Chairman of the Overview and Scrutiny Committee, who should present reports as they have detailed knowledge of the matter concerned. Such reports when submitted to the Council might involve changes to Council policies and practices where detailed knowledge of the Panel Chairman is desirable in order to answer questions at Council meetings.

6. On the other hand, the Overview and Scrutiny is constitutionally the counterbalance to the Cabinet. Overview and Scrutiny is required to monitor the work of the Cabinet, if necessary calling in decisions for further review and also to undertake policy work on behalf of the Council whether requested by the Cabinet or otherwise, in a way which is unencumbered by the executive responsibilities of executive members.

7. Because of this, we consider it is important that the role and status of the Chairman of the Overview and Scrutiny Committee is not undermined to such an extent that the position is seen to be less significant than the Panel Chairmen and the Cabinet. In conducting the review and framing our recommendations, we have tried to balance this against what we see as a desirable charge whereby Panels would submit reports at for example Council meetings.

8. Panel reports should in our view still be considered by the Overview and Scrutiny Committee unless there is a need to deal with a Panel report more quickly. In such cases we are recommending that there should be a prior consultation with the Chairman of the Overview and Scrutiny Committee so as to agree the degree of urgency.

Key Changes

9. We are recommending in (2) and (3) above, changes to the Overview and Scrutiny Rules to allow this new reporting procedure to be introduced.

The key features of these changes are as follows:

- (a) reports presented to the Council will be in the name of the Scrutiny Panel;
- (b) the same rules will apply to Standing Scrutiny Panels and Task and Finish Panels;
- (c) all Panel reports will continue to be submitted to the Overview and Scrutiny Committee in the first instance unless the report is urgent in which case the chairman; and
- (d) the procedure will apply to Scrutiny Panel reports which are presented to other Council bodies such as the Cabinet.

Consultation

10. Our Panel consulted all Scrutiny Panel Chairmen together with the Chairman of the Overview and Scrutiny Committee for their views. The closing date of 9 September 2011 was set and any Panel Chairmen or the Chairman of the Overview and Scrutiny Committee were also invited to attend our last meeting if they so wished in order to express their views directly. No adverse comments were received.

Council Agenda

11. We are keen not to give the impression of downgrading the status of the Chairman of the Overview and Scrutiny Committee by allowing Panel Chairmen to present their reports. We re-affirm that the Overview and Scrutiny Committee Chairman still has the key role under the Constitution. To emphasise this, we recommend that the written report of the Overview and Scrutiny Committee Chairman which is already submitted to each Council meeting about recent developments should be transferred from its present position on the agenda alongside Portfolio Holder reports to a new Overview and Scrutiny agenda item which would also cover any Panel reports.

12. We recommend as set out at the commencement of this report.