

Report to Overview and Scrutiny Review Task and Finish Panel



Date of meeting: 17 January 2013

Subject: OSC Review – Operational Aspects including Role of Overview and Scrutiny Committee Chairman/Vice Chairman

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Decisions Required:

To formulate any proposals concerning the Chairman and Vice Chairman roles for Overview and Scrutiny and other operational matters for further consultation.

Report:

1. This report sets out the legal and constitutional background to the roles of Chairman and Vice Chairman of the Overview and Scrutiny Committee, together with points which have arisen during consultation, details of any previous reviews conducted and comments made at the scoping meeting.

Legal/Constitutional Requirements:

2. No member of the Cabinet may serve as a member of the Overview and Scrutiny Committee and membership of a Overview & Scrutiny Committees and Sub Committees must be agreed with regard to pro rata rules. The Council's constitution does not recognise Scrutiny Sub-committees but appointment of membership and of the Chairman are in accordance with statutory requirements.

3. The Overview & Scrutiny Procedure Rules in the constitution require the party whips should not be applied to Overview & Scrutiny.

Feedback/Suggestions from Consultation:

4. The selection for these roles should be reviewed.

5. There should be closer liaison between the Cabinet and Overview and Scrutiny – regular short meetings between the Leader and Overview and Scrutiny Chairman would help.

6. The Chair/Vice Chairman's role should be awarded on merit and after assessing his/her ability to take the scrutiny role forward. The Chairman should be a long standing member with respect across all parties.

7. Their relationship with the Leader of Council should be more pro-active without being perceived as being aligned with or deferential to the Cabinet in any way.

8. There should be a convention that the Overview and Scrutiny Committee Chair is not from the ruling party.

9. The whip should not be used in Overview and Scrutiny.

10. There should be a review in to whether whips are still used, particularly in the call-in procedure where the majority party can whip members involved in Overview and Scrutiny.

11. There is a lack of awareness of whether official whips are used which can be confused with loyalties within groups i.e. a 'reluctance to break ranks'.

12. There have been cases of "call-ins" where a member has been approached for support but refused or of a reluctance to sign call-ins or challenge Cabinet decisions because of a party affiliation.

13. No political group is likely to admit that there is a party whip in place even if there was one.

Previous Reviews

15. That, in order to aid development of cross party working, party whips not apply to Overview and Scrutiny;

Discussions at Scoping Meeting

Reason for decision:

As determined at the scoping meeting.

Options considered and rejected:

None.

Consultation undertaken:

Previous consultation was carried out with members and officers. The feedback was included in the scoping report to the last meeting of this Panel. Further consultation has been agreed once provisional recommendations on the OSS review have been assembled.

Resource implications: None

Community Plan/BVPP reference: None.

Relevant statutory powers: Local Government Acts 2000 and 2007 and Localism Act 2011.

Background papers: None.

Environmental/Human Rights Act/Crime and Disorder Act Implications: None.

Key Decision reference: None.