

# **Report to Overview and Scrutiny Review Task and Finish Panel**

**Date of meeting: 17 January 2013**



**Subject: OSC Review – Scrutiny Panels**

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## **Decisions Required:**

- (1) To receive any views expressed by Panel Chairmen whether by correspondence or at this meeting;**
- (2) To formulate proposals concerning Scrutiny Panels for further consultation.**

## **Report:**

1. This report sets out the legal and constitutional background to the Overview & Scrutiny Panels, together with points which have arisen during consultation, details of any previous reviews conducted and comments made at the scoping meeting.
2. A copy of this report was sent to all Scrutiny Panel Chairmen with an invitation to comment either to officers or at the meeting.

## **Legal Requirements:**

3. Overview and Scrutiny Committees may appoint one or more sub-committees, and may discharge any of its functions through a Sub-Committee.
4. Sub-Committees of an Overview and Scrutiny Committee cannot discharge any functions other than those delegated by the Overview and Scrutiny Committee.
5. Members of the Executive may not be members of the Overview and Scrutiny Committee or any Sub-Committee.
6. If decided by the Overview and Scrutiny Committee or Sub-Committee anyone invited by the committee who is not a member of the Council is entitled to be a non-voting member of the body concerned.
7. Overview and Scrutiny Committees (and Sub-Committees) must reflect the political balance of the local authority or adopt different arrangements for the allocation of seats if the full Council approves without any member present voting against.

8. Overview and Scrutiny Committees (and Sub-Committees) must meet in public except where appropriate provisions allow the public to be excluded

9. Overview and Scrutiny Committees (and Sub-Committees) can require members of the executive and officers of the local authority to appear to answer questions.

10. Overview and Scrutiny Committees may invite other persons to attend meetings

### **Constitutional Requirements**

11. Overview and Scrutiny Committee may refer all or part of policy review and policy development work to a Standing Scrutiny Panel or a 'Task and Finish' Panel for consideration

12. Standing Panels may be established on an annual basis by the Overview and Scrutiny Committee which will determine the number of members to serve and the terms of reference of the Panel.

13. Standing Panels are required to achieve cross-party representation whilst allowing the inclusion of members who are not members of a political group or are not members of the Overview and Scrutiny Committee.

14. Standing Panels will have memberships which represent the minimum number to achieve cross party representation.

15. 'Task and Finish' Panels may be established by the Overview and Scrutiny Committee in order to deal with ad hoc projects or reviews included in its annual work programme.

16. 'Task and Finish' Panel activities will be restricted to matters which are issue-based, time limited and non-cyclical in character and have clearly defined objectives.

17. 'Task and Finish' Panels will;

- a) have Chairmen and Vice-Chairmen appointed by the Overview and Scrutiny Committee;
- b) have memberships which need not be based on pro rata rules;
- c) have memberships which represent the minimum number necessary to adhere to their work programmes;

18. There are no restrictions on the number of Councillors who can become a member of 'Task and Finish' Panels.

19. No 'Task and Finish' Panel shall comprise members of a single political group only.

20. Any member of the Council can attend meetings and receive copies of the agenda for 'Task and Finish' Panels.

21. A member of the Cabinet cannot be a member of a 'Task and Finish' Panel if his or her portfolio bears directly on the Panel.

22. The Overview and Scrutiny Committee shall be entitled to recommend to Council the appointment of appropriate persons as non-voting co-optees.

23 OS Sub Committees will appoint Standing and Task & Finish Scrutiny Panels. Standing Panels will comply with provisions for political balance as if they were Sub Committees. Task & Finish Panels are exempted from pro rata memberships as a result of a unanimous decision of the Council to that effect.

24. Members of the public may attend all meetings (subject only to the exceptions in these rules.

#### **Feedback/Suggestions from Consultation:**

25 There should be a review of the Panel arrangements, particularly Standing Panels.

26 Standing panels (with some exceptions) tend to deliver less than 'Task and Finish' Panels. Standing Panels can be very procedural and do not effectively scrutinise.

27 The pro rata selection process for Standing Panels can create less effective and focused memberships on some Panels as some appear to serve on these bodies, purely to "make up the numbers".

28. Certain Panel Chairmen are not attending the Overview & Scrutiny Committee because of apparent lack of interest, other commitments or absence of anything to report.

29. The Council could consider waiving pro-rata rules on Standing Scrutiny Panels.

30. This might apply where there are enough other members to fill places, although this should not give that party the right to an additional place on another Committee.

31 Standing panels work programmes should be driven by members' concerns not by Service Directors.

32 Chairs of Panels should attend the OSC and provide a report on their Panels to ensure progress is being made.

33 There should be a balance between internal and external reviews.

#### **Previous Reviews**

34 That 'Task and Finish' panels be used for ad hoc projects agreed in the annual work programme particularly in relation to in-depth reviews of services/policies and policy development.

35. 'Standing Panels' should be used for cyclical topics.

36 Pro rata rules shall apply to the Overview & Scrutiny Committee and 'Standing' Panels but not to 'Task and Finish' Panels.

37 Pro rata for 'Standing' Panels should be used to determine the lowest number of members to achieve cross party representation together with flexibility to allow the inclusion of members who are not members of a political group or on the Overview & Scrutiny Committee;

38 There should be flexibility in membership of 'Standing' and 'Task and Finish' Panels by not restricting the membership of Panels to those on the parent committee thereby allowing Councillors with the most appropriate skills to be members, co-option also to be considered with flexibility to allow the inclusion of non-affiliated members;

39 Panel memberships should be kept to a minimum subject to the principle that each political group should be entitled to representation;

40 There should be no single party panels;

41 The appointment of Panel Chairmen will be determined by Overview & Scrutiny Committee.

42 That political groups should be allowed to nominate up to the date of the first meeting of each Panel to avoid delay.

43 The Overview & Scrutiny Committee will determine the size of membership of Panels and their terms of reference and timescale and reporting arrangements.

44 Substitute arrangements apply to the Standing Panels.

### **Discussions at Scoping Meeting**

45 Standing Panels should be reviewed, in terms of format and relevance.

**(NB A later meeting will discuss the OS arrangements for reviewing the budget and conducting performance management,)**

### **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.

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