

REPORT TO	ON
Governance Committee	12 April 2017

Jan 2017



TITLE	AUTHOR	Agenda item No.
Review of Constitution - Scrutiny Terms of Reference and Procedure Rules	Interim Governance Manager	15

## 1. PURPOSE OF THE REPORT

**1.1** At their meeting on the 1 February 2017 the Governance Committee resolved to review the Scrutiny Committee's Terms of Reference and Procedure Rules as part of their overall review of the Constitution.

**1.2** This report provides Members the opportunity to comment on the proposals prior to their submission to the Council for approval at their meeting in May 2017.

## 2. RECOMMENDATIONS

That Members consider and amend as appropriate the draft Terms of Reference and Scrutiny Procedure Rules at Appendices B1 and B2 for submission to the Council for approval in May 2017.

## 3. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	√

## 4. BACKGROUND TO THE REPORT

**4.1.** All Councils are required to have a written Constitution which sets out the Council's internal governance arrangements, approved procedures and protocols.

**4.2** As part of the Corporate Governance Action Plan 2016/17 members of the Governance Committee agreed to carry out a thorough review of the Constitution with a view to ensuring that it is as clear as possible, completely up to date and fit for purpose.

**4.3** At their meeting in February the Committee agreed to review the sections which relate to Scrutiny in the initial phase and to allow the Scrutiny Committee to comment on the papers prior to being considered by the Governance Committee at its April meeting.

**4.4** The sections which have been reviewed are the Article 6, the Terms of Reference at Part 3 and the Scrutiny Procedure Rules. The original text of the Constitution is set out at Appendix A1 and A2 with the proposed changes at B1 and B2.

**4.5** The Scrutiny Committee considered the papers at their meeting on 14 March 2017 and requested amendments as follows:

Appendix B1 – para 1 – to clarify the role in policy review

Appendix B2 – para 6.3 – to make the minimum group number 4

Appendix B2 – para 6 – to clarify voting at Council

These amendments have been made and are highlighted in bold

**4.6** The drafts were subsequently considered by the Working Group at their meeting on the 23 March 2017 and their requested amendments are in bold and italics.

## **5. Part 2 Scrutiny Committee Terms of Reference**

**5.1** The current version of the Constitution has matters relating to the Scrutiny Committee in three main documents. Under the new Constitution it is proposed that Article 6 (Appendix A1) and the relevant section of Part 3 (Appendix A1a) which sets out the Committees Terms of Reference are brought together in one document to be placed in Part 2 of the new Constitution.

**5.2 This amended document is at Appendix B1** and follows a template to be used for all bodies in that Part of the Constitution.

**5.3.** The proposed Terms of Reference are:

**a)** To review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions

**(b)** To make reports and/or recommendations to the full Council and/or the Cabinet and/or any Local Committee in relation to the functions of that body

**(c)** To consider any matter affecting the area or residents

**(d)** To exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet, or where a Corporate Director has taken a key decision

**(e)** To establish ad hoc task and finish groups to undertake specific tasks.

**(f)** To deal with issues referred to Scrutiny under the “Councillor Call for Action” process

**(g)** To consider reports from the Monitoring Officer on the activities of Outside Bodies to which the Council nominates representatives (see part ....)

**(h)** To ensure effective co- ordination of the work programme with other Committees and in particular the Governance Committee, including the consideration of the Annual Audit Letter. (see Protocol at section ..)

**5.4** The main changes to note within the rest of the document are as follows:

<b>Heading</b>	<b>Summary</b>	<b>Rationale</b>
1. Scrutiny Committee	Briefly describes role of Committee in developing and reviewing policies and holding the Cabinet to account.	Short introduction in accordance with new template to standardise information with a brief overview of the purpose and function of the Committee.
2. Membership	Sets out the rules for membership of the Committee including eligibility, co-optees & Task & Finish Groups	Updates & strengthens current version and avoids duplication
3 Terms of Reference	Amended Terms of Reference (see para 5.3 above) describing main functions of the Committee.	Updates & strengthens current version and avoids duplication.
4. Policy Development & Review	Summarises how the Committee may undertake its Policy Review work, including research, consultation, in depth reviews & liaison with external organisations.	Updates & strengthens current version.
5. Scrutiny	Sets out how the Committee will undertake Scrutiny Work including review & scrutinise performance of Cabinet, Council, together with other public bodies & partners & making recommendations.	Updates & strengthens current version

## **6. Part 5 Scrutiny Procedure Rules**

**6.1** The existing Scrutiny Procedure Rules are set out at Appendix A2.

**6.2 The amended document is set out at Appendix B2.** As the document has been re written tracked changes are not helpful however the main points to note are as follows;

<b>Heading</b>	<b>Summary</b>	<b>Rationale</b>
1.1/1.2. Guiding Principle	Summarises constructive & positive approach of committee which is	New section to strengthen current rules.

	intended to improve decision making	
1.3/1.6. Meetings and Officer support	Sets out frequency of meetings and who can attend. Adds a section to clarify support from officers	Meeting frequency within current version. Officer support added to strengthen rules.
2. Conduct of Meetings	Sets out arrangements for Chairman, quorum, voting, conflicts of interest, normal business and use of the whip	Updates & strengthens current rules.
3.1. Policy Review, Development & Research	Cross references to the role of the Committee in developing the Budget and Policy Framework and other policies. Sets out how reviews and research may be conducted.	Updates & strengthens current rules.  Hyperlink to assist navigation of document.
4. Work Programme & Annual Report	Sets out guidelines to develop Work Programme & the requirement to report annually to Council	Strengthens current rules on developing work programme. Requirement to produce annual report in current version.
5. Agenda Items	Sets out the rules around seeking a matter be included on a committee agenda. Adds that the Chairman may reject items which are not relevant to Scrutiny functions – this safeguards against inappropriate items being added to agendas	Updates & strengthens current rules.
6. Scrutiny Task& Finish Groups	New section setting out rules for appointing Task and Finish Groups and how they undertake their work.	Omitted from current version. Clarifies and strengthens process.
7. Making sure reports are considered by Cabinet	The procedure for reports to go to Cabinet or Council and for the monitoring by the Committee of any proposals which are agreed.	Updated to strengthen current version.
8. Rights of Scrutiny Committee Members to Documents	Sets out the previous guidelines on access to additional documents	Within current version.
9. Members and Officers giving account	The guidelines for Members and Officers appearing before the Committee to explain decisions and	Updated to strengthen guidelines within current version.

	performance. Adds a section that if a witness is genuinely unable to attend and an alternative date is impracticable a substitute may attend. Adds that all speakers will be treated with respect and all questions made in an orderly manner as required by the Chairman.	
10. Attendance by others	Sets out who else may attend before the committee on a voluntary basis.	Within current version.
11. Call in	Stresses Call in is an important safeguard to test the merit of a decision. Sets out the procedure and timescales and exceptions to the process. 11.3 summarises the role of Scrutiny in calling in a decision	Updated to strengthen and clarify current version.
12. Councillor call for action	Suggests that a procedure should be developed for future call in's to clarify the process.	Within current version. Suggested Protocol will aid processes to be followed.
13. Matters within the remit of more than one Scrutiny Committee	Repeats the provisions in the current Constitution where the Council appoints more than one scrutiny committee on issues which cross both areas of responsibility.	Within current version.

## 7. WIDER IMPLICATIONS

### 7.1 Comments of the Statutory Finance Officer

There are no financial implications arising from this report.

### 7.2 Comments of the Monitoring Officer

All Local Authorities are required to have a written Constitution which must be kept under regular review and publicised. Any amendments to the Constitution require the approval of full Council.

<p><b>Other implications:</b></p> <ul style="list-style-type: none"> <li>• <b>Risk</b></li> <li>• <b>Equality</b></li> <li>• <b>HR</b></li> </ul>	<p>There are no specific risk implications arising from this report</p> <p>There are no specific equality implications arising from this report</p> <p>There are no specific HR implications arising from this report</p>
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## **8. BACKGROUND DOCUMENTS**

South Ribble Constitution

Appendix A1 – Article 8 existing Scrutiny functions & A2 – existing Scrutiny Procedure Rules

Appendix B1 – proposed draft Scrutiny Terms of Reference & B2 – proposed Scrutiny Procedure Rules