

REPORT TO	DATE OF MEETING
Scrutiny Committee	14 March 2017

Report template revised June 2008



SUBJECT	PORTFOLIO	AUTHOR	ITEM
Review of Scrutiny Procedure Rules	N/A	C. J Elwood Interim Governance Manager	

SUMMARY AND LINK TO CORPORATE PRIORITIES

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

This report allows Scrutiny Members the opportunity to comment on the draft proposals prior to their submission to the Governance Committee at their meeting in April 2017. Any amendments to the Constitution also require the approval of full Council.

RECOMMENDATIONS

That members consider and amend as appropriate both the draft Terms of Reference and Scrutiny Committee Procedure Rules at Appendices B1 and 2 for submission to the Governance Committee for further consideration.

DETAILS AND REASONING

Background

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

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.

Members agreed to adopt the following guidelines to ensure that the document is an easily accessible document for all users:

- Use of plain English
- Clarity of Expression
- Consistency of terminology
- Streamlining and simplification of sections
- Improvement of interactive links to allow ease of access within the document itself

At their meeting in February the Committee agreed to review the sections which relate to both Cabinet and Scrutiny in the initial phase and to allow both bodies to comment on the papers prior to being considered by the Governance Committee at their next meeting.

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 1 and 2 with the proposed changes at B1 and B2.

Part 2 Scrutiny Committee Terms of Reference

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.

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

The Template sets out the following main headings:

- Scrutiny Committee - a brief overview of the Committee
- Membership –political balance, eligibility to sit, co –optees, Task and Finish Groups, Chair of Committee
- Terms of Reference -
 - 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 ..)
- Policy Development and Review – sets out how the Committee will undertake its Policy Review work
- Scrutiny – sets out how Scrutiny work will be undertaken

Part 5 Scrutiny Procedure Rules

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

The amended document is set out at Appendix B2. As the document is a complete re write tracked changes are not helpful however the main points to note are as follows;

Heading	Summary
1.1/1.2. Guiding Principle	Summarises constructive & positive approach of committee which is 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
2. Conduct of Meetings	Sets out arrangements for Chairman, quorum, voting, conflicts of interest, normal business and use of the whip
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.
4. Work Programme & Annual Report	Sets out guidelines to develop Work Programme & the requirement to report annually to Council
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
6. Scrutiny Task& Finish Groups	New section setting out rules for appointing Task and Finish Groups and how they undertake their work.
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.
8. Rights of Scrutiny Committee Members to Documents	Sets out the previous guidelines on access to additional documents
9. Members and Officers giving account	The guidelines for Members and Officers appearing before the Committee to explain decisions and 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.
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

12. Councillor call for action	Suggests that a procedure should be developed for future call in s to clarify the process.
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.

WIDER IMPLICATIONS

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas listed below, and the table shows any implications in respect of each of these.

FINANCIAL	There are no financial implications arising from this report.
LEGAL	The Local Government Act 2000 requires all local authorities to have a written constitution which must be approved by full Council and made publically available.
RISK	The regular review of the Council's Constitution is part of good corporate governance and supports the Councils overall approach to ensuring the risk of corporate governance failure is minimised.
THE IMPACT ON EQUALITY	There are no specific equality implications arising from this report

OTHER (see below)			
<i>Asset Management</i>	<i>Corporate Plans and Policies</i>	<i>Crime and Disorder</i>	<i>Efficiency Savings/Value for Money</i>
<i>Equality, Diversity and Community Cohesion</i>	<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Health Inequalities</i>
<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>	<i>Staffing, Training and Development</i>	<i>Sustainability</i>

BACKGROUND DOCUMENTS

South Ribble Constitution