

Report to the Council

Subject: Overview & Scrutiny Panel Framework

Committee: Overview & Scrutiny Review Task and Finish Panel Date: 21 April 2015

Committee Chairman: Councillor R Morgan

Recommending:

- (1) That the establishment of a new overview and scrutiny framework, based on a structure of four 'select committees', to be introduced with effect from the commencement of the 2015/16 municipal year, be noted;**
- (2) That the number of members appointed to the select committees remain unchanged from the current scrutiny panel framework, and that eleven councillors be appointed to membership of each select committee by the Overview and Scrutiny, in accordance with pro-rata provisions;**
- (3) That, as a result of the implementation of the new select committee framework, the existing Constitution and Member Services Scrutiny Panel be disbanded with immediate effect, and be re-established as a new 'Constitution Working Group' for 2015/16;**
- (4) That the Appointments Panel be recommended that to ensure continuity during the on-going review of the Council's constitution, existing members of the Constitution and Member Services Scrutiny Panel be appointed (where possible) to the Constitution Working Group for 2015/16 at the annual Council meeting on 28 May 2015, and that the total number of members appointed to the Working Group remain at eleven in accordance with pro-rata provisions;**
- (5) That the proposed terms of reference of the Constitution Working Group be agreed, and the Working Group report directly to the Council in connection with the achievement of its work programme related to the review of the constitution;**
- (6) That, on the recommendation of the independent Member Remuneration Panel, a Special Responsibility Allowance of £2,150 be applied to the position of the Chairman of the Constitution Working Group for 2015/16 in accordance with the Council's Member Remuneration and Expenses Scheme; and**
- (7) That the Director of Governance be authorised to undertake any consequential amendments to the Council's constitution necessary for the implementation of the select committee framework and the Constitution Working Group, including the removal of provisions relating to the existing scrutiny panel structure as required.**

Report

1. In February 2014, the Overview and Scrutiny Committee established a Task and Finish Panel to review the existing framework of the Council's scrutiny panels and make recommendations for how the structure could best complement the new management structure of the Council. The remit of the Task and Finish Panel was only to address the future structure of the scrutiny panel framework, and wider constitutional aspects or the

operation of the Overview and Scrutiny Committee itself, were excluded from the scope of the review exercise.

2. At its meeting on 10 February 2015, the Overview and Scrutiny Committee agreed a number of proposals of the Task and Finish Panel with regard to the future structure of the overview and scrutiny panel framework, centred around the establishment of a new framework of 'select committees' (attached as Appendix 1). The new framework has the effect of reducing the number of scrutiny panels (from five) through the (substantial) alignment of scrutiny responsibilities with those of the service directorates and the effective deletion of the existing Constitution and Member Services Scrutiny Panel.

3. The new framework will improve current arrangements that appear to have resulted in a situation where not all service areas are subject to scrutiny (if required) or allocated to a particular panel for scrutiny purposes. The development of annual work programmes for each select committee, informed by relevant service aims and priorities, is a key feature of the new framework. The framework also provides for relevant scrutiny activity to continue to be undertaken by way of the creation of task and finish panels (as necessary), ensures that all services have a 'reporting' route for overview and scrutiny and that there is clear scope to the scrutiny activities of each Committee. The new framework arrangements will include enhanced member training, particularly in the use of techniques to improve scrutiny activities

4. The framework provides for the existing Constitution and Member Services Scrutiny Panel to be wound-up from the commencement of the 2015/16 municipal year, to facilitate the new select committee arrangements. The Scrutiny Panel is responsible for the ongoing maintenance and review of the Council's constitution and all matters relating to members, and has recently commenced a root and branch review of the constitution. This work is not anticipated to be completed until March 2016. It is therefore proposed that the Scrutiny Panel be re-established as a 'Constitution Working Group' in order to complete its outstanding work on the review of the constitution, and that it should report directly to the Council. It is likely that, on completion of its review of the constitution in 2016, the Working Group may only then meet as occasionally necessary to consider specific constitutional issues, as it is anticipated that no similar review of the constitution would then be required for a number of years. Proposed terms of reference for the Working Group are attached as Appendix 2 to this report.

5. The review of the constitution is an important and complex piece of work and the Overview and Scrutiny Committee has recommended that a Special Responsibility Allowance should be applied to the position of the Chairman of the Working Group. This matter is outside the responsibility of the Committee, and a report of the independent Member Remuneration Panel in connection with this issue is included elsewhere in the agenda for this meeting. As a result of the refocusing of the work programme of the new working group to matters concerning the constitution only, issues relating to members that would previously have been dealt with by the Scrutiny Panel will be transferred to the new select committee with responsibility for the functions of the Governance Directorate, which includes democratic and member services.

6. The review of the framework of the scrutiny panels also considered the possible benefits of the combination of the Audit and Governance Committee and the Standards Committee. Although this approach was ultimately not generally supported by members, the Overview and Scrutiny Committee noted that it might be necessary to review the operation of the Audit and Governance Committee in the future, to address the requirements of the Local Audit and Accountability Act 2014. Although no legal impediment has been identified to prevent the Council from combining the two committees if desired, the Committee was mindful of the Act, which changes the way in which the Council's external auditors are appointed.

7. The adoption of the proposed new overview and scrutiny framework is not of itself a matter reserved to the Council. However, some related matters proposed by the Overview and Scrutiny Committee do require the agreement of the Council, and the Committee also

wished to take this opportunity to formally advise all members of the future overview and scrutiny structure, in view of the likely wider interest in the establishment of the new framework.