

## 7. Proposed Amendment to the Council's Constitution regarding Scrutiny Reviews

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### Purpose of the Report

For members of the Audit Committee to consider and approve the proposed new approach to Scrutiny reviews and necessary amendments to the Council's Constitution. The Full Council has to approve the Constitution and any amendments to it, following consideration by the Audit Committee

### Recommendation

That members of the Audit Committee consider:

- (1) The proposed new approach to Scrutiny reviews and the process of organising review groups and
- (2) the proposed amendments to the constitution as described in this report and recommend approval by Full Council subject to any comments Audit Committee members may wish to make.

### Background

Following a training day 'Raising the bar in Overview and Scrutiny' held on 15 June 2009, Scrutiny members looked at how they could make use of the training to further develop and improve the overview and scrutiny function at SSDC. Members determined:

- The current approach to reviews with three commission groups did not offer enough flexibility and the arrangement needed to be altered to enable all back-bench members to engage in reviews that were of interest to them.
- Reviews should be undertaken on an ad hoc basis as and when required.
- That a database of members' skills, experiences, areas of interest and preference of meeting days/times should be created to assist in the co-ordination of reviews.

### Report

Developing and improving Overview and Scrutiny is done very much on an evolutionary rather than a revolutionary basis. The Scrutiny Committee has undertaken an evaluation of the current processes and has concluded that the structures and processes introduced on 19 May 2006 need to be revised to ensure the review process is inclusive for as many non-executive members as possible and reflects the needs and interests of the members to ensure continued commitment.

The Main Scrutiny Committee structure will continue and the Committee will remain responsible for selecting the specific topic to be reviewed using the agreed scoring methodology.

Currently there are three Overview Commission groups below the main Scrutiny Committee. These are aligned with the Corporate Aims of the Council as illustrated below:



At present each Overview Commission has 17 places, allocated according to political balance. This has provided all non-executive members with the opportunity to play an active Overview and Scrutiny role. Effectively the 17 members in each group formed a pool from which sufficient members could be drawn to undertake specific reviews that came under the appropriate Overview Commission group.

The existing arrangements have delivered well, however to ensure the process is inclusive to all non - executive members and assists to re-invigorate reviews, members need to have access to contribute to reviews where they can best utilise their skills and experience or in areas that are of particular interest to them. To achieve this the three Commission groups need to be removed and replaced with one as illustrated below:

**Main  
Scrutiny Committee**

Overview Commission

The single Overview Commission group will consist of all non-executive members. All members in the Overview Commission group will be invited to participate in reviews on a time-limited, task and finish basis. A database of members' skills, experiences, areas of interest and preference of meeting days/times will assist with the organisation of the task and finish groups. Members have been asked to complete a profile giving their details and preferences.

It is proposed that each task and finish group will consist of no more than ten members and where possible will be politically balanced utilising the skills, experience and knowledge of appropriate members.

The reviews will still be dependent on members taking an active role, such as conducting research and consultation. This is in line with national best practice and guidance. The task and finish group will work on an informal basis and will provide regular updates and a final report to the Scrutiny Committee. The Scrutiny Committee will propose the recommendations post review to District Executive and Full Council.

### **Proposed Amendments to the Constitution**

Deletions are shown by the words being struck through and additional wording is shown both in italics and by being underlined.

#### **Part 1 – Summary and Explanation 1-2**

##### **How Decisions are Made**

##### **Overview and Scrutiny**

There is one main Scrutiny Committee with 14 members, appointed in political balance. The Scrutiny Committee has 1 Chair and 2 Vice Chairs, one from each political group. The Scrutiny Committee undertakes the statutory Scrutiny functions such as Policy Development and Review, monitoring the performance of the authority and holding the Executive to account. ~~The Committee is supported by three Overview Commissions, which undertake~~ All non-executive members support the committee and are invited to undertake reviews on a 'Task and Finish Project' basis as directed by the main Scrutiny Committee. The main Scrutiny Committee also has responsibility for managing the Call-in function. The Scrutiny Committee can 'Call-in' a decision that has been made by the Executive but not yet implemented. This enables members to consider whether the decision is appropriate. The Scrutiny Committee may recommend that the Executive reconsiders the decision or can, if it wishes, ask Council to debate the issue.

## Part 2 – Articles of the Constitution

### Article 6 – The Scrutiny Function

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#### (b) Overview Commissions

~~Three Overview Commissions An Overview Commission that comprises all of the non-executive members will support the Scrutiny Committee in undertaking reviews in line with the functions set out above. The three Overview Commissions are as follows:~~

- ~~a. Economic Vitality and Environment Overview Commission~~
- ~~b. Well-managed, cost effective services Overview Commission~~
- ~~c. Safe, sustainable communities and health and well-being Overview Commission.~~

#### 6.04 Proceedings of overview and scrutiny committees

Scrutiny Committee and the Overview Commissions will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

## Part 4 – Rules of Procedures (4-60)

### Overview & Scrutiny Procedure Rules

#### Overview Commissions

~~The Council will establish three Overview Commissions:~~

- ~~– Economic Vitality and Environment Overview Commission~~
- ~~– Well Managed, cost effective services Overview Commission~~
- ~~– Safe sustainable communities and health and well-being Overview Commission~~

~~All non-Executive members will have the opportunity to have a seat on one of the Commissions, according to their areas of interest and knowledge. Seats to be allocated in accordance with the party groups' representation on the Council, ensuring that every non-Executive member is allocated a place on one of the Commissions. who form the Overview Commission will be given the opportunity to contribute and take part in all reviews.~~

~~The Overview Commissions will undertake rReviews will be undertaken on a 'Task and Finish' basis as directed by the Scrutiny Committee. The Scrutiny Committee will receive the final reports of the Overview Commissions along with regular updates.~~

~~The Overview Commissions Members undertaking reviews will be encouraged to use various review methods and to engage the wider community wherever possible. Relevant co-optees may be invited to participate in a Commission review, bearing in mind the potential contribution of residents and partners.~~

~~The Commissions Members undertaking a review will meet informally and are not subject to the Access to Information Rules. As task and finish groups they will be able to meet and take evidence in public but this will not be a requirement. It will be for each Commission group to decide its own working arrangements that best meet the needs of a particular review.~~

~~The work of the Scrutiny Committee and the Overview Commissions will be managed by an annual Overview and Scrutiny Work Programme. This will be approved and monitored by the Scrutiny Committee and will be drawn up in consultation with all elected members (including the Executive), Management Board, Joint Area Committees and the~~

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wider community. This will ensure that the Overview and Scrutiny Work Programme accurately reflects Corporate Priorities along with area and community priorities. The Overview and Scrutiny Work Programme will be reported to each meeting of the Scrutiny Committee, which will allow for amendments to be made to the Programme, including new items added, as agreed by the Committee. The Programme will be reported to Full Council annually as part of the Annual Scrutiny report.

### **Legal and Constitutional Implications**

The full Council has to approve the Constitution, and any amendments to it, following consideration by the Audit Committee.

### **Financial Implications**

There are no financial implications as a result of this recommendation.

***Background Papers:*** None.

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