

<p style="text-align: center;">Overview and Scrutiny Committee</p> <p style="text-align: center;">14 December 2020</p>	
<p>Report of: Sharon Godman, Statutory Scrutiny Officer</p>	<p>Classification: Unrestricted</p>
<p>Changes to Overview and Scrutiny processes</p>	

Originating Officer(s)	Afazul Hoque, Head of Strategy and Policy (Corporate)
Wards affected	All wards

Summary

In reviewing the Overview and Scrutiny Procedure Rules (Part B of the Council's Constitution, section 30), Corporate Strategy and Policy found that some terms, processes and arrangements should be updated to reflect current practice and improve clarity.

This report proposes changes to relevant parts of the Constitution to improve and clarify the Council's scrutiny processes; and seeks the Committee's agreement to the proposed changes.

Recommendations:

The Overview and Scrutiny Committee is recommended to:

1. Note the outdated terms, and processes and arrangements needing clarification in the Overview and Scrutiny Procedure Rules (Part B of the Council's Constitution section 30)
2. Agree to the proposed changes to section 30 of the Constitution to improve and clarify the Council's scrutiny procedures.

1 REASONS FOR THE DECISIONS

- 1.1 The Local Government Act 1972 requires that a council's constitution must have rules of procedure for overview and scrutiny committees.
- 1.2 This report presents some aspects of scrutiny procedures that should be updated and clarified; and proposes changes to the Council's constitution to address these issues.

2 ALTERNATIVE OPTIONS

- 2.1 The Committee may decline to agree the proposed changes. This is not recommended as the report highlights aspects of scrutiny that have been superseded and require updating.

3 DETAILS OF THE REPORT

- 3.1 Corporate Strategy and Policy have reviewed the Overview and Scrutiny Procedure Rules (Part B of the Council's Constitution, section 30), and found some aspects which should be addressed in order to provide greater clarity and transparency of the Council's scrutiny processes:

- A. Making explicit a Councillor Call for Action process
- B. Membership – Overview and Scrutiny Committee co-optees
- C. Membership – Scrutiny leads and Scrutiny Sub-Committees
- D. Terminology – Scrutiny Sub-Committees
- E. Meetings – Scrutiny Sub-Committees
- F. Role of Statutory Scrutiny Officer
- G. Reports – governance & sign-off
- H. Call-in – publishing and notification

- 3.2 The following changes to the constitution are proposed in order to address the above issues.

A. Councillor Call for Action

- 3.3 A separate report, drafted for General Purposes Committee and scheduled for 8 December 2020, is attached - Procedure Update: Councillor Call for Action.

- 3.4 In summary, the proposed changes are:

- To the role of overview and scrutiny add:
Consider any local matter referred to the Committee by a Councillor in accordance with the Council's Councillor Call for Action procedure;
- Overview and Scrutiny Committee terms of reference to include:
To consider any local government matter referred to the Committee by a Councillor in accordance with section 9FC(c) of the Local Government Act 2000 which is relevant to the functions of the committee and is not an excluded matter;

- Under 'Agenda Items' add a reference to Councillor Call for Action and updating the list of excluded matters.

B. Membership –OSC Co-optees

- 3.5 At paragraph 6 (under 'The Overview and Scrutiny Committee') change the number of co-opted members from six to two.

C. Membership –Scrutiny leads and Scrutiny Sub-Committees

- 3.6 At paragraphs 11 and 12 (under 'Who Chairs the Overview and Scrutiny Committee and the Scrutiny Sub-Committees') change to:

'11. The Chair of the Overview and Scrutiny Committee and the Chairs of the Scrutiny Sub-Committees will be drawn from among the Councillors sitting on the Overview and Scrutiny Committee.'

'12. Council shall appoint a Member to serve as Chair of the Overview and Scrutiny Committee. If Council does not, and subject to the requirement at 11. above, the Overview and Scrutiny Committee may appoint such a person as it considers appropriate as Chair.'

- 3.7 At paragraph 14 (under 'Scrutiny Lead Members') change last sentence to:

'These themes may be subject to change from time to time and will be agreed by the Overview and Scrutiny Committee.'

D. Terminology – Scrutiny Sub-Committees

- 3.8 At paragraphs 6 and 9 (under 'The Overview and Scrutiny Committee') and paragraph 71 (under 'Procedure at Overview and Scrutiny Committee Meetings') change panel to Sub-Committee.

E. Meetings –Scrutiny Sub-Committees

- 3.9 At paragraph 9 (under 'Scrutiny Sub-Committees') change the number of meetings per year from four to five.

F. Statutory Scrutiny Officer

- 3.10 At paragraph 27 (under 'Agenda Items') change monitoring officer to statutory scrutiny officer.

G. Reports

- 3.11 At paragraphs 35 and 36 (under 'Reports from Overview and Scrutiny') change to:

'35.The Overview and Scrutiny Committee will report to Council, Cabinet or the Mayor or appropriate Cabinet Member and make recommendations as

appropriate. All reports from Scrutiny Sub-Committees will be agreed by the relevant sub-committee and the Chair of that Committee will provide an update at the next meeting of the Overview and Scrutiny Committee. If the report cannot be agreed by the Sub-Committee, or if there are not any meetings of Sub-Committee, and in other exceptional circumstances, the report can be agreed by the Overview and Scrutiny Committee. Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee and Sub-Committees will prepare a formal report and submit it to the Executive Mayor and relevant Cabinet Member and Senior Officers for consideration and a formal response (if the proposals are consistent with the existing budgetary and policy framework) or to Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).'

‘36.The Executive shall consider the report of the Overview and Scrutiny Committee and Sub-Committees at one of its future meetings setting out its response to any recommendations. The Council will consider the report at its next ordinary meeting if appropriate.’

- 3.12 At paragraphs 37 and 40 (under ‘Scrutiny Task Groups’ – change the title of this section to ‘Scrutiny Review Groups’) change to:

‘37. The following rules apply to reports prepared by Scrutiny Review Groups replacing the general rules set out above. The Overview and Scrutiny Committee or its Sub-Committee may set up a ‘Review Group’ to examine a particular service or issue. The Review Group will comprise Scrutiny Members and internal and external experts as required. At the conclusion of its work, the Review Group will report back to its parent Committee/Sub-Committee with its findings and recommendations.’

‘40.If no decision under 38 is taken, there is a challenge to the recommendations, or the Mayor and Executive specifically wish to comment on the report, then the Executive shall consider the report of the Overview and Scrutiny Committee at one of its future meeting following submission of the report. The Council will consider the report at its next ordinary meeting if appropriate.’

- 3.13 At paragraphs 40 and 41 (under ‘Making Sure That Overview and Scrutiny Reports are Considered by the Executive’) change to:

‘40.Once the Overview and Scrutiny Committee has completed its deliberations on any matter, it will forward a copy of its final report to the Statutory Scrutiny Officer who will allocate it to either the Executive or the Council for consideration in accordance with the Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended) and the Local Authorities (arrangements for the Discharge of Functions) Regulations 2000.’

‘41. If the Statutory Scrutiny Officer, in consultation with the Monitoring Officer, seeks to refer the matter to Council, they may first refer it to the Mayor

or Executive, who will have two weeks in which to consider the Overview and Scrutiny report and formulate any additional comments or recommendations.'

H. Call-in

3.14 At paragraph 53 (under 'Call-in') change to:

'53. When a decision is made by the Mayor, the Cabinet, an individual Member of the Executive, a Committee of the Executive, or a key decision is made by an officer with delegated authority or under joint arrangements, the decision shall be published on the Council's website. Members of the Overview and Scrutiny Committee will be sent an alert when all such decisions are made within the same timescale, by the person responsible for publishing the decision.'

4 **EQUALITIES IMPLICATIONS**

4.1 Addressing equalities impacts is central to the work of the Overview and Scrutiny Committee. The proposed changes to scrutiny processes are not expected to have equalities implications.

5 **OTHER STATUTORY IMPLICATIONS**

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

6 **COMMENTS OF THE CHIEF FINANCE OFFICER**

6.1 There are no direct financial implications arising from this report.

7 **COMMENTS OF LEGAL SERVICES**

7.1 Overview and Scrutiny Committees are empowered by statute to discharge the functions conferred by sections 9F to 9FI of the Local Government Act 2000; section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters); or any functions which may be conferred on it by virtue of regulations under section 244(2ZE) of the National Health Service Act 2006 (local authority scrutiny of health matters).

- 7.2 The Local Government Act 1972 further prescribes that rules of procedure for overview and scrutiny committees must be specified in a council's constitution. This requirement is facilitated by Overview and Scrutiny Procedure Rules (Part B of the Council's Constitution section 30).
- 7.3 The Recommendations of the report request that the Overview and Scrutiny Committee note the outdated terms, processes and arrangements requiring clarification in the Overview and Scrutiny Procedure Rules (Part B of the Constitution section 30) and agree to the proposed changes to improve and clarify the Council's scrutiny procedures.
- 7.4 Paragraphs 3.1 (A-H) - of the report sets out the proposed changes that the Recommendations seek to achieve, and the amendments required to be made to the Constitution to give this effect. Members are advised that the proposed changes fall within the general roles and responsibilities of the Overview & Scrutiny Committee (Part A, section 9 of the Constitution), term of reference as set at Section 19 and the Overview and Scrutiny Procedure Rules (Part B of the Constitution section 30).

Linked Reports, Appendices and Background Documents

Linked Report

- Draft report for General Purposes Committee - Procedure Update: Councillor Call for Action.

Appendices

- NONE.

Background Documents – Local Authorities (Executive Arrangements) (Access to Information)(England) Regulations 2012

- NONE.

Officer contact details for documents:

Adam Boey - Senior Strategy and Policy Manager
adam.boey@towerhamlets.gov.uk