

TELFORD & WREKIN COUNCIL

INTERIM SCRUTINY COMMITTEE – 1 JUNE 2010

SCRUTINY ARRANGEMENTS

REPORT OF THE SCRUTINY MANAGER

1.0 PURPOSE

- 1.1 To agree the Scrutiny arrangements and recommend the necessary changes to the Constitution to Council Constitution Committee.

2.0 RECOMMENDATIONS

- 2.1 **Members of the Interim Scrutiny Committee agree the Scrutiny structures and processes set out in Section 5 of this report and agree to recommend the consequent changes to Council Constitution Committee**
- 2.2 **Members of the Interim Committee agree the consequent changes to the Constitution as set out in Appendices 2 and 3 and recommend these changes to Council Constitution Committee.**
- 2.3 **Members of the Interim Scrutiny Committee agree the Telford and Wrekin membership of the Joint Health Overview and Scrutiny Committee and appoint the elected Members as set out in paragraph 5.21 of this report.**

3. PREVIOUS MINUTES

- 3.1 Minute CCC-16 Council Constitution Committee 13th April 2010
Minute 106(v) - Full Council 29th April 2010
Draft minute 17 - Annual Council 20th May 2010

4.0 SCRUTINY ARRANGEMENTS

- 4.1 The Interim Scrutiny Committee was established at Annual Council to propose the new Scrutiny arrangements. The recommendations from the Interim Scrutiny Committee will go to Council Constitution Committee on the 8th June 2010 and subsequently to Full Council on the 24th June.
- 4.2 Section 5 of this report sets out the changes to the constitution required to establish the new arrangements. The main issues which require a view from the Interim Scrutiny Committee are:
- Membership of Scrutiny Committees
 - Scrutiny Meetings – requisition of additional meetings

- Scrutiny Assembly – Membership and role of Deputy Mayor
- Scrutiny Work Programme – Process to agree the Scrutiny work programme
- Additions and changes to the Scrutiny Work Programme in Year
- Agenda Items
- Scrutiny Suggestion Forms
- Referrals from Cabinet and Full Council
- Chairing Scrutiny Reviews
- Process to Sign off Scrutiny Reports
- Changes to the Constitution Regarding Scrutiny

4.3 The options for these issues are set out in Section 5 below.

5.0 OPTIONS FOR NEW SCRUTINY STRUCTURES AND PROCESSES

5.1 Below are some proposed changes to the Constitution which set out the options for the new Scrutiny arrangements:

5.2 Membership of Scrutiny Committees

Each Scrutiny Committee will have X Members and will be politically balanced. (see appendix 1 for calculations of Committees with 6 or 8 Members).

5.3 Members of the Scrutiny Committees will be appointed for a X year period. However, during this period Group Leaders may allocate their place to an alternative member but must confirm this in writing to the Head of Governance.

5.4 Scrutiny Meetings

The Chairman of each Scrutiny Committee can requisition additional meetings of the Committee.

5.5 Any Member of the Scrutiny Assembly may request that Chairman of the Committee to requisition a meeting of the Committee. The meeting may be called at the Chairman's discretion.

5.6 For urgent business a meeting of a Scrutiny Committee will be called as soon as practicable if X Members of the Scrutiny Assembly sign a request to call a meeting specifying the reasons.

5.7 Scrutiny Assembly

All Councillors except Members of the Cabinet, Cabinet Assistants and the Mayor will be members of the Scrutiny Assembly, although the Mayor may still attend and participate in meetings if he or she wishes

OR

5.8 All Councillors except Members of the Cabinet, Cabinet Assistants, the Mayor and Deputy Mayor will be members of the Scrutiny Assembly, although the Mayor and Deputy Mayor may still attend and participate in meetings if he or she wishes

5.9 Scrutiny Work Programme

A Scrutiny Assembly meeting will be held to generate ideas and priorities to form the basis of the Scrutiny work programme. The Cabinet Members will be invited to the meeting to outline the priority areas. Scrutiny Assembly Members will then have an opportunity to work in mixed groups to identify potential issues for Scrutiny. These issues will then be categorised by Council Priority and the Scrutiny Assembly Members working in Committee Groups will prioritise these issues.

5.10 Following the Scrutiny Assembly the scrutiny team will work with relevant officers to score the issues identified against the agreed criteria. The Chairmans' Forum will then determine the method of Scrutiny and timing of the work programme within the resources available.

5.11 Additions and changes to the Scrutiny Work Programme in Year

5.12 Agenda Items

Any Member of the scrutiny assembly may request an item to be included in the agenda for the next Scrutiny Committee Meeting. This will be raised using a Scrutiny Suggestion Form. The suggestion will be scored using the criteria used to agree the scrutiny work programme. The item may be included on the agenda at the Chairmans' discretion.

5.13 Scrutiny Suggestion Forms

Any Member of the scrutiny assembly or member of the public may complete a Scrutiny suggestion form. The suggestion will be scored using the criteria used to agree the scrutiny work programme. The Scrutiny Chairmans' Forum will determine if the issue will be included in the Scrutiny work programme and the method of Scrutiny. It may be necessary to remove or delay other items on the work programme if an additional item is agreed.

5.14 Referrals from Cabinet and Full Council

Where an item is referred to Scrutiny by Cabinet or Council the issue will be scored using the criteria used to agree the Scrutiny work programme. The Scrutiny Chairmans' Forum will determine if the issue will be included in the Scrutiny work programme and the method of Scrutiny. It may be necessary to remove or delay other items on the work programme if an additional item is agreed.

5.15 The decision taken by the Scrutiny Chairmans' Forum will be reported back to Cabinet or Council together with details of the level of priority assigned or reasons for refusal.

OR

5.16 Agenda Items and Issues for Scrutiny

Any member of the Scrutiny Assembly or member of the public may complete a Scrutiny suggestion form to raise a potential issue for scrutiny as an agenda item, review or special interest meeting. Cabinet and Council may also refer an issue to Scrutiny. Any suggested addition to the Scrutiny work programme will be raised using a Scrutiny Suggestion Form. Once received the Scrutiny suggestion will be scored against the criteria used to agree the Scrutiny work programme. The suggestion form and the results of the scoring process will be circulated to the Members and co-optees of the relevant Scrutiny Committee. If $\frac{3}{4}$ of the membership of the Committee confirm that this issue should come to Scrutiny this will go to the Scrutiny Chairmans' Forum to be included in the work programme and they will determine the method of scrutiny. It may be necessary to remove or delay other items on the Scrutiny work programme if an additional item is agreed.

- 5.17 The person or body who raised the issue with Scrutiny will be notified of the decision of the Chairmans' Forum.

5.18 Chairing Scrutiny Reviews

Generally, review groups will be chaired by the relevant Scrutiny Committee Chairman. The Review Group membership will elect their own Chairman who will take responsibility for reporting concise feedback of key issues, concerns or recommendations to the Scrutiny Committee and Cabinet. Where the Chairman is not a Lead Scrutiny Member, the relevant Lead Scrutiny Member will maintain a link with the Chairman and may accompany the Chairman of the group to Cabinet to report feedback.

5.19 Process to Sign off Scrutiny Reports

Once a scrutiny group has formed recommendations on proposals for policy development, it will prepare a formal report that will be agreed by all members involved in the work and signed of by the Chairman of the Committee for onward submission to the Proper Officer for consideration by the Cabinet (e.g. if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework). The expectation is that a minority report is the exception and that the Scrutiny group will seek to reach agreement.

OR

Once a scrutiny group has formed recommendations on proposals for policy development, it will prepare a formal report that will be agreed by all members involved in the work and considered by the Scrutiny Committee for onward submission to the Proper Officer for consideration by the Cabinet (e.g. if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework). The expectation is that a minority report is the exception and that the Scrutiny group will seek to reach agreement.

5.20 Changes to the Constitution Regarding Scrutiny

The Chairmans' Forum will recommend changes to the Council Constitution Committee regarding Scrutiny arrangements including Call-In. Where a substantial changes is being proposed the Scrutiny Assembly will be consulted.

5.21 Membership of the Joint Health Overview and Scrutiny Committee with Shropshire County Council

The Interim Committee has the power to appoint the Telford and Wrekin membership of the Joint HOSC with Shropshire County Council. The membership comprises of 3 elected Members and 3 co-optees from each Local Authority. Under the legislation the membership of the Committee must be politically balanced unless this requirement is waived by all Members of both authorities. A report will be taken to Council Constitution Committee and Full Council to confirm the voting rights for the co-optees.

6.0 EQUALITY AND DIVERSITY

- 6.1 As part of their work all Scrutiny Committees, Scrutiny Reviews and Special Interest Meetings consider the equality and diversity implications of the issue under consideration.

7.0 ENVIRONMENTAL IMPACT

- 7.1 This report does not have any direct environmental impact.

8.0 LEGAL IMPLICATIONS

- 8.1 The Council has a duty to scrutinise its work and that of NHS and partner organisations. These duties have been set out within the remits of the relevant Scrutiny Committees.

9.0 LINKS WITH CORPORATE PRIORITIES

- 9.1 The Scrutiny Committees' remits mirror the Council Priorities. Work of the Scrutiny Reviews and Special Interest Meetings cuts across the corporate priorities. The Scrutiny function supports the priority 'An Efficient and Community Focused Council'

10.0 OPPORTUNITIES AND RISKS

- 10.1 The new arrangements offer an opportunity to liaise with the Cabinet to ensure that Scrutiny can influence the Council's priorities.
- 10.2 There is a risk that if the Scrutiny work programme is not managed within the resources available that the Scrutiny work programme will not be delivered within the agreed timescales.

11.0 FINANCIAL IMPLICATIONS

- 11.1 There are no direct financial implications from this report. The Scrutiny arrangements will be supported by the Scrutiny budget.

12.0 WARD IMPLICATIONS

12.1 There are no ward implications resulting directly from this report.

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