

For general release

Meeting: Overview and Scrutiny Organisation Committee

Date: 15 November 2004

Report of: The Director of Cultural Services

Subject: Scrutiny Reviews – Working Protocol

Ward(s) affected: All

1. Purpose of the report

- 1.1 To seek the views of the Committee with regard to the establishment of a Working Protocol for future scrutiny reviews, which would compliment the Standing Orders contained in the Council's Constitution governing such reviews.

2. Recommendations

- 2.1 That the committee determines a working protocol for scrutiny reviews, which states that any Member or signatory to a request for a scrutiny review should not sit on the subsequent review panel if that request is approved.

3. Background Information

- 3.1 The Council's Constitution sets out the following guidelines for the undertaking of reviews by Scrutiny Panels:

"The OSOC may establish ad hoc Panels to undertake particular investigations, reviews and commissions. Such Panels will undertake their work on a task and finish basis and will be appointed for a fixed period, on the expiry of which they shall cease to exist. Ad hoc Panels may meet as often as required within this fixed period. The Membership, Chair, terms of reference and duration of any ad hoc Panel will be determined by the OSOC when the Panel is appointed.

Ad hoc Overview and Scrutiny Panels will not have Sub-Committee status and the OSOC may not delegate its powers to them. The ad hoc Panels will report their findings to the OSOC. The Membership of the ad hoc Panels will not be subject to the political balance rules in section 15 of the Local Government and Housing Act 1989, but they will normally be established on a cross-party basis.

The Chair and Members of any ad hoc Overview and Scrutiny Panel shall be appointed by the OSOC from amongst the persons included in the Overview and Scrutiny 'pool'. The Overview and Scrutiny 'pool' may comprise of all Councillors who are not the chair of an Executive Committee, and may also include non-councillors who the OSOC may agree from time to time to co-opt.

In order to avoid delay in making appointments to ad hoc Panels, the OSOC may simply specify a number of Members to be appointed from each political group. In this case the Chief Executive will make the appointments in accordance with the wishes of the relevant political group(s).

When nominating Members to serve on ad hoc Panels, the OSOC and/or political group(s) shall take into account the expertise and experience of available Members of the 'pool', and that no Member may be involved in scrutinising a decision in which he/she, or a Committee/Sub-Committee of which he/she is a member, has been involved.

There shall be no provision for substitute Members to attend meetings of ad hoc Overview and Scrutiny Panels.

The OSOC shall ensure that the number of ad hoc Overview and Scrutiny Panels, which are in existence at any one time, does not exceed the capacity of the Member and officer resources available to support their work.

If an Overview & Scrutiny Committee includes anyone who is not a Member of the Authority, with the exception of church and parent governor representatives on the Education Overview and Scrutiny Panel (see 3.2 above) such persons will not be entitled to vote.

Scrutiny reviews

The OSOC may identify a matter to be the subject of a Scrutiny review and may set up an ad hoc Panel to carry out the review as described at section 4 of these Rules. A Scrutiny review may address an area of Council activity, a decision of an Executive Committee or Council (either shortly after implementation or subsequently as part of a wider review to measure its effect), or any other matter affecting the well-being of the City or its inhabitants. “

3.2 Members of OSOC have expressed some concern over the potential for a conflict of interest to be raised if a Member who had called for a scrutiny review was then part of the actual review panel. In order to avoid any such challenge and to protect the integrity of the panel it was felt that the matter should be reviewed.

3.3 The proposed working protocol does enable any Member who has requested a scrutiny review to be able to attend and give evidence to the pane.

4. Consultation

4.1 Should the working protocol be adopted by OSOC it will then be reported to all Members of the Council.

APPENDIX 1

Meeting/Date	15 November 2004 Overview and Scrutiny Organisation Committee
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Subject	Working Protocol
Wards affected	All

<p>Financial implications There are no direct financial implications arising from this report.</p>
<p>Legal implications There are no direct legal implications arising from this report.</p>

<p>Corporate/Citywide implications There are no direct corporate/citywide implications arising from this report.</p>	<p>Risk assessment No risk assessment has been undertaken in relation to this report.</p>
<p>Sustainability implications There are no direct sustainability implications arising from this report.</p>	<p>Equalities implications There are no direct equalities implications arising from this report.</p>
<p>Implications for the prevention of crime and disorder There are no direct implications for the prevention of crime and disorder arising from this report</p>	

<p>Background papers None</p>
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