

EAST HERTS COUNCIL

ANNUAL COUNCIL – 15 MAY 2018

REPORT BY DEMOCRATIC AND LEGAL SERVICES

REVIEW OF SCRUTINY: CHANGES TO THE CONSTITUTION

WARD(S) AFFECTED: All

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**Purpose/Summary of Report**

- This report is for Members to consider revisions to the Council Constitution in order to bring about improvements to scrutiny.

<b><u>RECOMMENDATION FOR COUNCIL: That:</u></b>	
<b>(A)</b>	<b>subject to the views of Council, the revisions to the Council Constitution be approved;</b>

1.0 Background

1.1 From a review, carried out by the Interim Scrutiny Officer towards the end of the municipal year, a number of issues were raised related to the Council's scrutiny function. The Key issues are set out below and a number of recommendations are made to resolve them. Their implementation will require changes to the constitution which are set out in Appendix A.

## 2.0 The Review

The review identified the following key issues:

- a. It was found that the agendas of both the OS and the PAG committees were largely determined by officers (this goes counter to one of the key principles of independent Scrutiny);
- b. In the case of the PAG in particular, agenda items reflected the needs of the councils audit, finance and performance functions (as set out in the Constitution) with the result that there was little scope for this committee to undertake scrutiny activities effectively.
- c. For both committees, the number of items on meeting agendas exceeded that recommended by the CfPS who state<sup>1</sup> that (based upon research) having any more than 3 substantive items on a meeting agenda causes serious detriment to the effectiveness of scrutiny.
- d. There is no current requirement for a formal response from the Executive back to the relevant committee with respect to the action it will or will not take as a result of the recommendation/s. There is a legal requirement for the Executive to respond to recommendations within two months of them being made (s9FE(4), Local Government Act 2000).

## 3.0 Recommendations for improvement

### 3.1 The following changes are proposed:

- i. To establish a single independent scrutiny committee (the Overview and Scrutiny committee) whose sole function will

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<sup>1</sup> Practice Guide 7: Effective scrutiny committee meetings CfPS

be to agree an annual programme of scrutiny of issues that reflect the concerns of residents and councillors

- ii. To require the Executive to minute and make formal its responses to the scrutiny committee recommendations in the form of a letter from the Leader to the Scrutiny committee chairman;
- iii. To Decommission the PAG Scrutiny committee replacing it with the Performance, Audit and Governance Oversight Committee

### 3.2 These changes will:

- resolve the conflict of interest between the independence and work of scrutiny committees and the need for a members forum to have oversight of the organisation's performance, its approach to audit and ensuring good governance, and focuses on the activities/functions set out in Part 4e, Section 1.8.3 of the constitution;
- free up the OSC<sup>2</sup> to take an evidence based approach to identifying potential topics for scrutiny and from that build a forward work plan that reflect residents' concerns;
- Allow the agendas and forward work plan for the PAG Oversight Committee to be driven by Corporate Policy, Strategic Finance & Property, the Audit Team and Democratic Services to meet externally set deadlines and corporate priorities; and
- Establish a formal response from the Executive to the OSC. This response should set out the action the Executive will take as a result of the committee's recommendations together with appropriate timings, milestones and deliverables. If the Executive decides not to act in response to a recommendation, then this should be accompanied by

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<sup>2</sup> In Hertfordshire authorities, the most common arrangement is 1 Overview and Scrutiny Committee

the rationale for that decision. The Executive's responses should be publicised and linked to the relevant scrutiny committee meeting.

#### 4.0 Necessary Changes to the constitution

4.1 **Essential Reference Paper B** highlights the key areas of change which are proposed in the Constitution.

4.2 The proposed changes serve to make a clear distinction and separation between the roles responsibilities and functions of the council's Scrutiny Committee with that of the necessary oversight of the council's auditing activity, its management of strategic finance, the performance of its services and the overall Governance of councillors, the council and committee meetings.

#### 6.0 Implications/Consultations

6.1 Information on any corporate issues and consultation associated with this report are contained within **Essential Reference Paper A**

#### Background Papers:

None

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