

**8. PART IV –  
OVERVIEW AND SCRUTINY PROCEDURE RULES (p199-205)**

**Creation of a Third Overview and Scrutiny Panel and Review of the Terms of Reference of the Overview and Scrutiny Panels**

- 8.1 The operation of the Overview and Scrutiny Panels has prompted most comments during the review, primarily from the Panels themselves and from the Leader of the Opposition, Councillor Downes.
- 8.2 The Overview and Scrutiny Panels are responsible for setting their own programme and also have a critical role in relation to policy review and development. Although the Panels meet monthly, meetings often continue until after 10 pm. Studies commissioned by the Panels may involve presentations by Officers or external organisations and guest speakers are invited to attend meetings to widen the Panel's understanding of the subject matters under review. In addition, there may be policy items to scrutinise together with the items placed regularly on the Panel agenda to monitor the Forward Plan, Decision Digest and Best Value Reviews. Special meetings of both Panels occurred in the Autumn to consider the Council's budget to give Members the time to consider the issue in the depth required. Both Panels requested the establishment of a third Panel to assist with the workload which has developed and should this proposal be acceptable a corresponding review of the Terms of Reference of the existing Panels would be required.
- 8.3 Having considered the suggestions put forward by the Overview and Scrutiny Panels, the Cabinet neither recognised the need for nor support the creation of an additional Overview and Scrutiny Panel.
- 8.4 **The Committee is invited to consider the issue.**

**Policy Framework**

- 8.5 The role of the Overview and Scrutiny Panels in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules. This provides for the publication, in advance, of a Forward Plan of Key Decisions which details a programme of policy, strategy or budget items to be considered by the Cabinet over a four-month period. It is open to the Overview and Scrutiny Panel to investigate, research or report on these issues in further detail by requesting the submission of items appearing on the Forward Plan to one of their meetings. Recommendations by the Panels are submitted to the Cabinet to consider together with the policy issue under discussion. The decisions of the Cabinet are required to be published and the relevant Overview and Scrutiny Panel is entitled to call-in a decision for scrutiny.
- 8.6 One of the Panels has commented that proposals for change to existing policy and new Council policy should be submitted to the relevant Overview and Scrutiny Panels as a matter of course and has requested that on those occasions when the Overview and Scrutiny Panel make recommendations to the Cabinet on the conclusion of major studies which they have commissioned the Cabinet should formally respond with recommendations to the Overview and Scrutiny Panel.

8.7 Given the arrangements for the publication of the Forward Plan, the Cabinet does not recognise the need to make additional provision in the Constitution requiring all policy changes to be submitted to the Overview and Scrutiny Panels prior to their consideration by the Cabinet.

8.8 **The Committee is invited to consider the issue.**

#### **Attendance by Others**

8.9 Paragraph 13 of the Overview and Scrutiny Procedure Rules provides for the Panels to invite individuals other than Councillors or Members to address them. Councillor Downes, has requested that this rule be extended to enable the Chairman of a Panel to invite individuals in the public gallery to speak for up to two minutes where it is considered that the person might have a valuable contribution to make to the debate. These individuals would not have been formally invited to attend the meeting.

8.10 It is the view of the Cabinet that the facility for members of the public to be invited to speak at meetings of the Overview and Scrutiny Panels is covered adequately by paragraph 13 of the Constitution.

8.11 **The Committee is invited to consider the issue.**

#### **Scheme of Substitution**

8.12 A proposal to appoint substitute Members to Committees, Panels and Advisory Groups was considered but not supported by the Committee during the review of the Constitution in 2003. Both the Overview and Scrutiny Panel (Service Delivery and Resources) and Councillor Downes have raised the issue again. A copy of a potential scheme that was submitted to Members during the review in 2003 is reproduced at Appendix A. Should it be decided not to adopt a scheme for the appointment of substitute Members across all Panels and Groups, Councillor Downes has requested that consideration be given to the appointment of permanent and named substitutes to assist attendance at meetings of the Overview and Scrutiny Panels given the regularity of their meetings and the heavy workload which they entail.

8.13 Reviewing the question of substitution arrangements generally, the Cabinet has commented that if recommended, substitute Members should be named and nominated prior to the meeting, absences should continue to be recorded and a proportionate approach adopted.

8.14 **The Committee is invited to consider the issue.**