

Overview and Scrutiny Committee on 12 December 2005

Report Title: **Overview and Scrutiny Procedure Rules**

Report of: **The Chief Executive and the Monitoring Officer**

Wards(s) affected: **All**

Report for: **Recommendation to General Purposes Committee**

1. Purpose

1.1 To consider the procedure to be followed in the event of a dispute between the Overview and Scrutiny Committee and The Executive arising from a Scrutiny Review recommendation.

2. Recommendations

2.1 That the Committee support a proposed amendment to the Procedure Rules to the effect that full Council will retain the final decision in the event of a dispute between the Overview and Scrutiny Committee and The Executive arising from a Scrutiny Review recommendation.

2.2 That this proposal and the other text changes, as set out in the Appendix to this report, be referred to the General Purposes Committee with a recommendation that they be supported as amendments to Part 1.2 of the Council's Constitution

Report Authorised by:

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3. Executive Summary

3.1 The General Purposes Committee has expressed a concern about the proposals, approved by the Overview and Scrutiny Committee on 29 September, to leave The Executive, rather than full Council, as the final decision-maker on recommendations from Scrutiny Reviews. This report proposes that full Council will retain the right to make the final decision in the event of a dispute between The Executive and the Overview and Scrutiny Committee.

4. Local Government (Access to Information) Act 1985

4.1 The following background papers were used in the preparation of this report:

Reports on Overview and Scrutiny Reforms to (i) the Overview and Scrutiny Committee on 29 September 2005 and (ii) the General Purposes Committee on 24 October 2005.

5. Background

5.1 At the meeting of the Overview and Scrutiny Committee (OSC) on 29 September 2005, Members agreed a recommendation that The Executive should be the final arbiter for all Scrutiny Review recommendations made by OSC on matters falling within The Executive's terms of reference. This would eliminate the need for reports on such recommendations to be considered by full Council.

5.2 OSC also agreed other changes to speed up the process of agreeing, implementing and monitoring the recommendations of Scrutiny Reviews.

5.3 At its meeting on 24 October the General Purposes Committee considered a report on this matter. Members expressed a concern about the proposal to leave The Executive as final decision-maker in circumstances where a significant dispute had arisen with OSC about its recommendations on a Scrutiny Review. Members of General Purposes asked that this point, specifically, be reported back to OSC with a request to re-consider.

6. Description

6.1 The revised proposal on this point is set out in the Appendix to this report at page 3 and paragraph 1 (c) (x). The recommended amendment to Part I.2 of the Constitution is printed in capitals and underlined for clarity and to distinguish this text change from other amendments, previously approved in principle by Members, which are shown in lower case italics and underlined.

6.2 The revised proposal reads "In the event that The Executive does not accept any recommendation in the final report from the Overview and Scrutiny Committee, the Chair of the Overview & Scrutiny Committee has the right to require that the matter in dispute shall be reported to the next available meeting of full Council for determination."

6.3 At paragraph 1 (d) provision has been made for retaining the role of full Council as final arbiter on recommendations by OSC arising from Scrutiny Reviews of matters within the terms of reference of non-executive or regulatory Committees. In such cases, the report endorsed by OSC, the “responding report” and the implementation action plan would be considered by the relevant non-executive body before it made its recommendations to full Council. In practice, Scrutiny Reviews on non-executive or regulatory matters are likely to be far less frequent than in the case of “executive” functions.

6.4 Following consultation with Members, it is now proposed not to include the holding of joint press launches to publicise The Executive’s decisions on scrutiny recommendations. Accordingly, this has been removed from the recommended text changes in the Appendix to this report.

7. Recommendations

7.1 That the Committee support a proposed amendment to the Procedure Rules to the effect that full Council will retain the final decision in the event of a dispute between the Overview and Scrutiny Committee and The Executive arising from a Scrutiny Review recommendation.

7.2 That this proposal and the other text changes, as set out in the Appendix to this report, be referred to the General Purposes Committee with a recommendation that they be supported as amendments to Part 1.2 of the Council’s Constitution.

8. Comments of the Director of Finance

8.1 There are no financial implications directly as a result of this report. All commissioned scrutiny reviews may have individual financial implications which will be contained in the individual report.

9. Comments of the Head of Legal Services

9.1 It is a matter for local choice whether Overview and Scrutiny Committees make reports and recommendations to full Council or The Executive. In the event of dispute between The Executive and the Overview and Scrutiny Committee, the underlying purpose of Scrutiny Review is best served by retaining the role of full Council as arbiter.

10. Equalities Implications

10.1 None directly as a result of this report.

11. Use of Appendices / Tables / Photographs

11.1 The Appendix to this report sets out the revised amendments recommended to Part 1.2 of the Council’s Constitution.