

Meeting Date: 28 April 2015

Portfolio: Leader's and Governance, Finance & Resources

Key Decision: No

Within Policy and Budget Framework: Yes

Public/Private*: Public

Title: **Overview & Scrutiny Procedure Rules: Appointment of Chairs**

Report Number: GD.22/15

Report of: The Monitoring Officer

PURPOSE/SUMMARY:

In response to a written request from the Leader of the Council, this Report recommends an amendment to the Overview & Scrutiny Procedure Rules as regards the appointment of Chairs and Vice-Chairs of the Council's Overview & Scrutiny Committees.

RECOMMENDATIONS:

That Council amend Rule 6 of the Constitution Overview & Scrutiny Procedure Rules to read as follows (amendments underlined):

Chairs and vice chairs of overview and scrutiny committees/sub-committees will be drawn from among the councillors sitting on the committee/sub-committee, and subject to this requirement, will be appointed at the Annual Council meeting. The Council requires that each of the two largest political groups has one overview and scrutiny chair and one vice-chair (on separate committees where possible) to be decided in discussion by the leaders of the two largest political groups and, in the absence of agreement, then the Council will decide the appointments in such manner as it determines. The remaining Chair and Vice-Chair appointments to be decided by the Council in such manner as it determines.

TRACKING:

Executive:	
Overview and Scrutiny:	
Council:	28 April 2015

1. BACKGROUND

- 1.1 The Council operates three Overview and Scrutiny Panels: Resources, Environment & Economy and Community. The rules for the Panels are contained in the Council's Constitution and, as regards the appointment of Chairs/Vice-Chairs, Overview & Procedure Rule 6 says:

“Chairs and vice chairs of overview and scrutiny committees/sub-committees will be drawn from among the councillors sitting on the committee/sub-committee, and subject to this requirement, will be appointed at the Annual Council meeting. The Council requires that each of the three largest political groups has one overview and scrutiny chair and one vice-chair (on separate committees where possible) to be decided in discussion by the leaders of the three largest political groups and, in the absence of agreement, then the Council will decide the appointments in such manner as it determines.”

- 1.2 The current regime was implemented in 2009 following a request in the Panels' Annual Report. Prior to that, the appointments were made at the discretion of the Council. At the time of the change, there were three main political groups, the smallest of which held seven seats on the Council which was 13.4% of the authority's 52 seats. At present, there is no identifiable 'third' Political Group as the Independent Group and Liberal Democrats each have two seats on the Council (3.8%). This state of affairs, should it persist in May, will mean that it will not be possible to comply with the above cited Rule for the reason outlined in this paragraph.

2 Proposal

- 2.1 The Portfolio Holder for Finance, Governance and Resources has written to the Monitoring Officer seeking to address this problem with the proposal that the Rule be amended as follows:

“Chairs and vice chairs of overview and scrutiny committees/sub-committees will be drawn from among the councillors sitting on the committee/sub-committee, and subject to this requirement, will be appointed at the Annual Council meeting. The Council requires that each of the two largest political groups has one overview and scrutiny chair and one vice-chair (on separate committees where possible) to be decided in discussion by the leaders of the two largest political groups and, in the absence of agreement, then the Council will decide the appointments in such manner as it determines. The remaining Chair and Vice-Chair appointments to be decided by the Council in such manner as it determines.”

- 2.2 It would, of course, be possible for each of the Panels to appoint its own Chair/Vice-Chair but the way the Council makes the appointments ensures that the authority follows best practice by making sure that the ruling Group does not chair all of the Panels.
- 2.3 Secondly, the proposal does not mean that one of the smaller groups will not have a Chair or Vice-Chair of an Overview & Scrutiny Panel. They could still have a member appointed, provided Council felt that they were the appropriate person to hold such a position. It should be noted that in the Municipal Year 2014/2015, neither of the Liberal Democrats or the Independent Groups had a Panel Chair (the Liberal Democrats have the Vice-Chair of Resources O&S Panel).
- 2.4 On the current seat allocations, the proposal still allows for one of the smaller groups to have a chair/vice-chair of an Overview & Scrutiny Panel, it just removes their right to such an allocation. Given the reduced ratio in terms of the smaller groups' numbers, Council may view this as reasonable position to adopt.

3. CONSULTATION

- 3.1 None.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 4.1 The Portfolio Holder for Finance, Governance and Resources suggests that the Constitution be amended to better reflect the political balance of the Council. The proposal is reasonable and workable.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 5.1 A properly functioning democratic system is crucial in assisting the Council in achieving its approved plan. An integral part of this democratic system is the Overview & Scrutiny function and the proposed changes will, if approved, better reflect Council's wishes.

Contact Officer: Mark Lambert

Ext: 7019

Appendices attached to report:

In compliance with Section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's – None.

Economic Development – None

Governance – The Overview & Scrutiny Procedure Rules are contained within the Constitution. Council has reserved the right to amend the said Constitution to itself. The Monitoring Officer is required to report to Council on any proposed changes to the Constitution proposed in writing by a Member (Article 15.02).

Local Environment – None

Resources - None