

Constitution Review

Part 4 – Overview and Scrutiny Rules of Procedure

Following approval to implement a new format for the Council's Constitution, Part 4 of the document sets out the Rules of Procedure Section. This particular aspect of the Constitution relates to Overview and Scrutiny Rules of Procedure.

This document seeks to map out how areas of the original Constitution have transitioned to the new Overview and Scrutiny Rules of Procedure section, together with those areas that are recommended for deletion. It should be read in conjunction with the newly proposed Overview and Scrutiny Rules of Procedure section, together with the working copy of the original Constitution which is colour coded as follows:

Green = transferred and embedded into the new Overview and Scrutiny Rules of Procedure section

Red = recommended deletion

The below table sets out those pages of the original Constitution impacted in developing the new Overview and Scrutiny Rules of Procedure section:

Pages	Section(s)	Explanation
47 to 49	Overview and Scrutiny Roles and Responsibilities	This has been moved to Part 2 (Article 6)
49	Role and function	Function already explained in Article 6 and unnecessary reference to the legislation
50	Role and function – reference to Democratic Support Officers	Unnecessary reference to enquires being directed to the Democratic Services Team – any enquiry from any Member can be directed to the team – this does not apply solely to Overview and Scrutiny queries
50	Various	Included in new document
51	Remaining element of previous page	Included in new document
51	Substitutions	Substitutions are covered in Council Procedure Rules
52	Membership	This statement is incorrect as some Overview and Scrutiny Committees have more than 7 Members. The size of the Committee is ultimately decided by Full Council. Recommend deletion of reference to the size of the Committees

53	Paragraph 6.2.4	Any Committee or body is able to do this – reference to scrutiny reviews and associated task and finish groups is included later in the document
51	Substitutions	The process for dealing with substitutions is set out in the Council Procedure Rules – unnecessary duplication
51	Quorum	The quorum for all committees is set out in the Council Procedure Rules – unnecessary duplication
52	Chairmanship	The role of Chairman is specified elsewhere in the new Constitution – unnecessary duplication
52	Co-option paragraph 6.6.1	Unnecessary duplication
52	Paragraphs 6.6.2 and 6.6.3	Included in new document
52	Paragraph 6.6.3 (second part of paragraph)	Unnecessary duplication
52	Paragraph 6.6.4	Included in new document
52	Paragraph 6.7.1	Unnecessary duplication with Council Procedure Rules
53	Paragraphs 6.7.2 to 6.7.5	Included in new document
53	Paragraph 6.7.5 (last part of paragraph)	This could be restrictive if, for example, the next meeting of the Overview and Scrutiny Committee was very close to the date of the meeting of the Working Group and it would therefore not provide sufficient time for a report to be produced and published in time. Removal of this section provides the Committee and Chairman more flexibility in terms of when the Working Group's report can be scheduled into the work programme
53 and 54	Paragraph 6.8.1	Included in new document
54	Paragraphs 6.8.2 to 6.8.4	Superseded by the new Council Procedure Rules
54	Work Programme	Included in new document
54	Finance	Unnecessary – there is no specific allocation of funding devoted to Overview and Scrutiny

55	Paragraph 6.11	Unnecessary inclusion and acts more of a guidance note as opposed to a constitutional procedure rule
55	Paragraph 6.12.1	Unnecessary reference to guidance and quotation/definition of a party whip
55	Paragraph 6.12.2	Included in new document
55	Paragraphs 6.13.1 and 6.13.2	Included in new document
55, 56 and 57	Paragraph 6.13.3 to paragraph 6.14.20	Duplication – all covered in the Access to Information Procedure Rules
57 and 58	Paragraphs 6.15.1 and 6.15.2	Included in new document
58	Paragraph 6.15.3	Does not represent practice followed – Cabinet Members would be required to attend Overview and Scrutiny Committee meetings and be held to account so this seems superfluous
58	Paragraphs 6.15.4 and 6.16.1	Included in new document
59	Various	Included in new document
59	Paragraph 6.16.4	Removal of requirement for consent of whole Committee to be given to allow for non-committee member to speak – this should be at the discretion of the Chairman
59	Paragraph 6.17	This is covered in the Cabinet Procedure Rules – unnecessary duplication
60 and 61	Various	Included in new document
62	Remaining paragraph from previous page	Included in new document
62	Paragraph 6.18.10	Unnecessary rule – Council would be required to meet
62	Paragraph 6.18.11	Included in new document
62	Paragraph 6.18.12	Unnecessary duplication
62	Paragraph 6.19.1	Included in new document
62	Paragraph 6.19.1	Duplication

62	Paragraph 6.19.2	Unnecessary tule – all processes will be reviewed
62	Paragraph 6.20.1	Included in new document
63	Various	Included in new document

The below table sets out recommended additions not included in the current Constitution, or recommended amendments to sections set out in the current Constitution for inclusion in the new document. These are highlighted in yellow on the new Overview and Scrutiny Procedure Rules document:

Recommended Additions:

Relevant section	Addition	Reason
Paragraph 1	Scope and supporting paragraph	To provide an introduction to the Procedure Rule
Paragraph 2	Membership paragraph	To provide a better format for the Procedure Rule, consistent with other Procedure Rules
Paragraph 3.2	Clarity regarding the calling of extraordinary meetings	To provide greater clarity and consistency, in line with the process followed for extraordinary meetings of Full Council
Paragraph 4.1(a)	Inclusion of reference to questions	To provide greater clarity
Paragraph 4.1(f)	Inclusion of reference to councillor call for action	Omission and should have been included
Paragraph 4.4	Inclusion of Chairman's discretion in managing requests for agenda items	The Chairman should have the ability to appropriately manage the work programme for their respective Committee
Paragraph 5	Addition of public speaking section	To clarify the rules for speaking at Overview and Scrutiny Committee meetings, following the same principles as for Full Council

The below table sets out recommended additions not included in the current Constitution, or recommended amendments to sections set out in the current Constitution for inclusion in the new document. These are highlighted in blue within the new Overview and Scrutiny Procedure Rules document:

Recommended Amendments:

Relevant section	Amendment	Reason
Paragraph 2.3	Revised wording to amalgamate two existing paragraphs	Provides greater clarity
Paragraph 3.1	Signposting to Council Procedure Rules regarding the process for varying published meeting dates and times	Removes duplication/contradictions
Paragraph 3.3	Addition of wording regarding business to be considered at an extraordinary meeting	Provides greater clarity as to what can be considered at an extraordinary meeting
Paragraph 4.1	Inclusion of reference to statements	Provides greater clarity
Paragraph 4.1(b)	Reference to minutes as opposed to action notes	The formal record of an Overview and Scrutiny Committee should be referred to as minutes
Paragraph 6.4	Reference to discretion of the Chairman, but an assurance that the same discretion must be granted equally	Provides greater clarity
Paragraph 10.2	Reference to publication of decisions being 'as soon as is practically possible' as opposed to 2 working days	There may be reasons why decisions cannot be published in such a short turnaround, for a number of unprecedented circumstances. Decisions will always be published as soon as practically possible in any case
Paragraph 10.3	Addition of the word 'decision' to reflect that this is a decision notice	Provides greater clarity
Paragraph 10.5	Reference to Vice-Chairman	In order that the Vice-Chairman can act in the absence of the Chairman
Paragraph 10.7	Reworded paragraph	Provides greater clarity
Paragraph 10.10	Use of the word 'power'	Better reflects the circumstance

Paragraph 10.10	As above, reference to publication of decisions being 'as soon as is practically possible'	There may be reasons why a decision cannot be reconsidered in accordance with a prescribed timescale
Paragraph 11.1	Addition of reference to individual Cabinet Members or Officers	Provides greater clarity
Paragraph 12.3 and 12.4	Reference to Vice-Chairman	In order that the Vice-Chairman can act in the absence of the Chairman
Paragraph 12.7	Re-worded	Provides greater clarity