

Appointments to Overview and Scrutiny 14 September 2011

Report of the Head of Governance

PURPOSE OF REPORT

To approve a change of membership of the Overview and Scrutiny Committee and to consider removing the Constitutional requirement to have at least one Member of the Overview and Scrutiny Committee on the Budget and Performance Panel.

This report is public

RECOMMENDATIONS

- (1) That Council approves the Conservative group appointment of Councillor Parkinson to the Overview and Scrutiny Committee in place of Councillor James.**
- (2) That Council considers removing the constitutional requirement that at least one Member of the Budget and Performance Panel is also a Member of the Overview and Scrutiny Committee.**

1.0 Introduction

- 1.1 At the last Council meeting, the Conservative Group appointed Councillor James to its vacancy on the Overview and Scrutiny Committee. The Group has now requested that Councillor Parkinson be appointed in place of Councillor James.
- 1.2 At the time of her appointment, Councillor James became the link Member between the two bodies and the change of appointment would require a further change of Membership to comply with the Constitutional requirement. in Part 3, Section 13 of the Council's Constitution. This stipulates that the 9 Members appointed to the Budget and Performance Panel on a PR basis must include at least one Member of the Overview and Scrutiny Committee.
- 1.3 Following the July Council meeting a request was received from a Member to review the requirement for at least one Member of the Budget and Performance Panel to be a Member of the Overview and Scrutiny Committee. Should Members wish to remove the requirement, it would necessitate a change to Part 3 of the Constitution, which may only be made by full Council.
- 1.4 The rationale for including the requirement in the Constitution was to provide a link between the Committee and the Panel and for feedback on the work of the Panel to the Committee. During the Municipal Year 2010/11 the link was the Chairman of the Budget and Performance Panel.

2.0 Proposals

2.1 Council is asked to

- (a) approve the appointment of Councillor Parkinson to the Overview and Scrutiny Committee and;
- (b) review the requirement in the Constitution Part 3, Section 13, for at least one Member of the Budget and Performance Panel to be a Member of the Overview and Scrutiny Committee.

3.0 Options and Options Analysis (including risk assessment)

3.1 The options regarding (b) are as follows:-

	Option 1: To remove the requirement for at least one Councillor on the Overview and Scrutiny Committee to be a Member of the Budget and Performance Panel.	Option 2: No change to the Constitution.
Advantages	<p>This would end the risk of the Panel being incorrectly constituted.</p> <p>This is the second time so far this Municipal year that the Panel has been without a link Member and a report to Council has been necessary to correct the issue.</p>	<p>Members of each overview and scrutiny body remain informed of the work of the other through the 'link' Member.</p> <p>Lower risk of duplication of work or of one body straying into the work area of the other.</p>
Disadvantages	<p>Should a query arise at an O&S meeting about an issue being dealt with by B&P (or vice-versa) this may take more time to resolve.</p>	<p>It has proved very difficult so far this year to satisfy this particular Constitutional requirement. The Panel has met three times this year so far. The link Member role was unfilled for the first two meetings and is now vacant again.</p>
Risks	<p>Duplication of work between the two bodies (risk will be minimised by officer support and guidance from Democratic Support).</p> <p>Members of O&S lacking knowledge of the work of B&P and vice versa (again this is minimal, as other mechanisms could be explored to update Members on both bodies).</p>	<p>Risk of the Panel being without a link member and not meeting its Constitutional requirements.</p>

3.2 The Officer preferred option is Option 1, to remove the membership requirement in the Constitution. The risks associated are minimal and there would no longer be a risk of breaching a requirement in the Council's Constitution.

3.3 If Option 2 is chosen and Councillor Parkinson's appointment is approved, Council would have to replace one of the Members of the Budget and Performance Panel with a Member of the Overview and Scrutiny Committee (or vice versa). Removal and

replacement of Members must accord with the PR requirements, therefore the change must be contained within one of the groups with Members on both bodies (Labour, Conservative, Independent or Green). As nominations to Committees are made by the groups, any proposed change must be put forward by the relevant group.

- 3.4 For ease of reference regarding Option 2 the memberships of both bodies, assuming Councillor Parkinson's appointment, are shown below for reference:-

Overview and Scrutiny Committee

David Kerr (Chairman)
David Whitaker
Ian Pattison
Mark Bevan
Pam Pickles
Jane Parkinson
Emma Smith
Roger Dennison
Ceri Mumford

(Substitutes: Janet Hall, Margaret Pattison, Alycia James, Richard Rollins, Mike Greenall, June Ashworth, Dave Brookes.)

Budget and Performance Panel

Susan Sykes (Chairman)
Janet Hall
Elizabeth Scott
Richard Newman-Thompson
Richard Rollins
Alycia James
Tony Anderson
Dave Brookes
Keith Sowden

(Substitutes: Roger Sherlock, Roger Mace, Emma Smith, Mike Greenall, Chris Coates, Paul Woodruff.)

4.0 Conclusion

- 4.1 Council is asked to approve Councillor Parkinson's appointment to the Overview and Scrutiny Committee and to consider removing the requirement that at least one Member of the Budget and Performance Panel must be a Member of the Overview and Scrutiny Committee for the reasons outlined in this report.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

There are no direct implications as a result of this report.

FINANCIAL IMPLICATIONS

There are no implications as a result of this report.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

There are no implications as a result of this report.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

Minutes of Council 23 May 2011 and 20 July 2011.

Contact Officer: Debbie Chambers

Telephone: 01524 582057

E-mail: dchambers@lancaster.gov.uk