

BRIEFING NOTE

Motion on notice to amend the Constitution to encourage non-Cabinet groups holding Scrutiny Chair positions

Proposed by: Cllr Jason Wood

Seconded by: Cllrs Phillip Black, Colin Hartley, Jean Parr, Louise Belcher, Joanne Ainscough.

Preamble:

This proposed amendment to the Constitution below is intended to encourage opposition groups to nominate and hold Scrutiny Chairs. Scrutiny plays an important role in being a critical friend to any administration. The Local Government Association (LGA) describes this 'critical friend' role as being necessary "... for scrutiny to be effective ... identifying where decisions could be improved and how to prevent mistakes being made or repeated. Scrutiny is, by its nature, political; that is, it is driven by politicians whose insights are a fundamental part of scrutiny's work to review decisions which are themselves political and may be politically contentious."

Where political groups who are actively involved in the executive by holding portfolios on the Cabinet, public perception may question this 'critical friend' role and perhaps ask if Scrutiny in practice at Lancaster is Cabinet groups marking their own homework.

Public perception should have full confidence in our formal scrutiny processes.

Proposal:

To amend the Constitution Part 2, 2.5 clauses 9 and 10 to take effect from annual business Council on 12 May 2025

To ADD to both clauses 9 and 10:

"The Chair shall not be a member of any political group which has Councillors on the Cabinet (except where no nominations from non-Cabinet groups are received)."

The current clauses currently state:

"9 Overview and Scrutiny Committee

Composition: Nine Councillors in political balance.

Members of the Committee shall not be members of the Cabinet.

The Chair of the Overview and Scrutiny Committee will be appointed by Council annually. However, only non-Cabinet Councillors are entitled to vote for the Chair.

The Chair and Vice Chair shall not be members of the largest political group which has Councillors on the Cabinet.

10 Budget and Performance Panel

Composition: Nine Councillors in political balance.

Members of the Committee shall not be members of the Cabinet.
The Chair of Budget and Performance Panel will be appointed by Council annually. Only non-Cabinet members are entitled to vote for the Chair.

The Chair and Vice Chair shall not be members of the largest political group which has Councillors on the Cabinet. “

If the amendment is approved by Council, these clauses will then read ...

“9 Overview and Scrutiny Committee

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Members of the Committee shall not be members of the Cabinet.
The Chair of the Overview and Scrutiny Committee will be appointed by Council annually. However, only non-Cabinet Councillors are entitled to vote for the Chair.

The Chair and Vice Chair shall not be members of the largest political group which has Councillors on the Cabinet.

The Chair shall not be a member of any political group which has Councillors on the Cabinet (except where no nominations from non-Cabinet groups are received).

10 Budget and Performance Panel

Composition: Nine Councillors in political balance.

Members of the Committee shall not be members of the Cabinet.
The Chair of Budget and Performance Panel will be appointed by Council annually. Only non-Cabinet members are entitled to vote for the Chair.

The Chair and Vice Chair shall not be members of the largest political group which has Councillors on the Cabinet.

The Chair shall not be a member of any political group which has Councillors on the Cabinet (except where no nominations from non-Cabinet groups are received).”

OFFICER BRIEFING NOTE

The Local Government Act 2000 introduced a new political governance system for councils in England and Wales, requiring them to have a separate ‘executive’ in the form of a leader, or elected mayor, and cabinet. To provide a counterweight to this, the Act also introduced the concept of ‘overview and scrutiny,’ whereby every council with an executive governance structure is required to have an overview and scrutiny committee. This enables the rest of the council to scrutinise the decisions and policies of the executive, issuing reports and recommendations informed by evidence and understanding of the needs of local communities.

Scrutiny is an essential part of ensuring that local government remains transparent, accountable, and open—resulting in improved public policies, services and outcomes. Councils that operate under executive governance arrangements are required by law to have an overview and scrutiny committee. This must be composed to reflect the political proportions of the council as a whole and members of the council's executive **may not** sit on the overview and scrutiny committee

While there are political proportionality requirements that must be met, the selection of the chair and other committee members is for each authority to decide for itself.

The chair of a scrutiny committee should seek to provide, through strong leadership, a good environment for the constructive challenge of decision-makers. They should foster discussion and encourage all concerned stakeholders to be involved in the process, while ensuring that all opinions are expressed in a constructive manner that contributes to the intended outcomes of the process. Statutory guidance says the chair should possess the ability to lead and build a sense of teamwork and consensus among committee members.

The chair is also responsible for ensuring that the scrutiny process – within and outside the context of formal committee meetings – is managed in a way that creates a fair and balanced environment, keeping the scrutiny process free from political point scoring and allowing for the effective scrutiny of all evidence that is produced.

Amendments to the Constitution will be made by the Monitoring Officer should this motion be passed.

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| SECTION 151 OFFICER'S COMMENTS |
| The s151 Officer has been consulted and has no further comments to add |
| MONITORING OFFICER'S COMMENTS |
| The Monitoring Officer has drafted this note |