

Scrutiny Coordinating Committee

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Update on Legislative Changes and Changes to the Constitution for Scrutiny

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1. Introduction

1.1. There have been a number of recent changes in legislation which impact on Overview and Scrutiny. The Centre for Public Scrutiny have produced a useful briefing note attached at Appendix A which covers these changes and their impact. The Overview and Scrutiny Coordinating Committee is asked to read the briefing provided and note its impact on scrutiny.

2. Constitutional Changes

2.1. As a consequence of the Localism Act, the following parts of the constitution relating to scrutiny will need to be amended

- The Overview and Scrutiny Procedure Rules, section 9, Agenda Items and section 20 procedure at Overview and Scrutiny Committee Meetings
- Councillor Call for Action Protocol

3. Overview and Scrutiny Procedure Rules

3.1. Section 9 will need to be amended to allow any member to put a matter relevant to the functions of the committee or sub committee to be included on the agenda for the next available meeting. At present the rules are that any scrutiny member may put an agenda item forward, the Act broadens this to include all members see explanatory note on the statutory instrument below:

“ Section 9FC(1)(c) of the Local Government Act 2000 (inserted by section 21 of, and Schedule 2 to, the Localism Act 2011) requires the executive arrangements of a local authority in England to include provision enabling those of its members who are not members of the overview and scrutiny committee to refer to that committee any matter relevant to the committee’s functions, which is not an excluded matter.

Section 9FC(5) defines “excluded matter” as a matter which is a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 or a matter of any description specified in an order made by the Secretary of State for the purposes of section 9FC. “¹

¹ As taken from, <http://www.legislation.gov.uk/uksi/2012/1022/note/made>

3.2. As a consequence section 20 will also be amended to reflect this with the addition at (a) (v) of consideration of any matter referred to the Committee by a Member

4. Councillor Call for Action

4.1. As referred to in the briefing note attached at Appendix A the reference to local government matters has been removed. As a consequence the Councillor Call for Action Protocol will need to be updated to remove references to local government matter and replace these with a broader definition. Section 2.1 of the protocol already suggests a broad interpretation to include issues relating to our partners.