

MAIDSTONE BOROUGH COUNCIL

COUNCIL

20 JUNE 2012

REPORT OF THE SCRUTINY COORDINATING COMMITTEE

Report prepared by Angela Woodhouse

1. **Changes to the Constitution as Required by the Localism Act concerning: Councillor Call for Action and Overview and Scrutiny**

1.1. Issue for Decision

- 1.1.1. Council is asked to consider and agree the changes to the constitution required as a result of the Localism Act 2011. The changes are outlined in Appendix A

1.2. Recommendation from the Scrutiny Coordinating Committee:

The Council is recommended to approve the amendments to the constitution as set out in Appendix A

1.3. Reasons for Recommendation

- 1.3.1. The Localism Act 2011, has introduced changes for Overview and Scrutiny that will need to be reflected in the Council's constitution. As a consequence of the Localism Act, the following parts of the constitution relating to scrutiny need to be amended:

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

1.3.2. Overview and Scrutiny Procedure Rules

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. The Scrutiny Coordinating Committee also agreed that any Member putting a matter

on a scrutiny agenda should also be present at the meeting to talk on the item. 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

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.

1.3.3. Councillor Call for Action

The Localism act has removed the reference to local government matters. As a consequence the Councillor Call for Action Protocol will need to be updated to remove references to a 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.

1.4. Evaluation by Standards Committee

In accordance with Article 15.02 (a) of the Constitution, the Standards Committee has evaluated the proposed amendments to the Overview and Scrutiny Procedure Rules and the Councillor Call for Action Protocol arising from the changes introduced by the Localism Act 2011, and has no comments to make.

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