

CONSTITUTION WORKING PARTY		
Report Title	REFERRAL FROM OVERVIEW & SCRUTINY BUSINESS PANEL	
Key Decision	N/A	
Ward	All	
Contributors	Head of Law	
Class	Part 1	Date 3 September 2014

1 Summary

This report sets out the request of the Overview and Scrutiny Business Panel (the Business Panel) made on 8th July 2014 that:-

- (a) the number of elected members on both the Business Panel (the Business Panel) and the Overview and Scrutiny Education Business Panel (the Education Business Panel) be reduced by one; and
- (b) that the overview and scrutiny of library services become the responsibility of the Safer Stronger Communities Select Committee and no longer be within the terms of reference of the Healthier Communities Select Committee.

2 Purpose

To decide whether to endorse the recommendations of the Business Panel as set out above and recommend that Council amend the Constitution accordingly.

3. Recommendations

To decide whether to recommend to full Council:-

- (a) that the number of elected members on the Overview and Scrutiny Business Panel be amended to be as follows:-
 - The Chair and Vice Chair of Overview and Scrutiny Committee
 - The Chairs of the Select Committees appointed by the Overview and Scrutiny Committee; and

- 2, or the smallest number higher of councillors necessary to reflect the political composition of the Council
- (b) that the elected membership of the Overview and Scrutiny Education Business Panel be the same as the Business Panel; and
- (c) that responsibility for the overview and scrutiny of library services pass to Safer Stronger Select Committee

4. Business Panels

4.1 Since the introduction of the new political management arrangements in 2002, the number of places for elected members on the Business Panel and the Education Business Panel has been as follows:-

- the Chair and Vice Chair of Overview and Scrutiny Committee,
- the Chair of each of the 6 overview and scrutiny select committees appointed by the main overview and scrutiny committee; and
- 3 or the smallest number higher, of councillors required to ensure that the political composition of the Council is reflected.

In practice this has meant that the Committee have at least 11 places for elected members as there are 6 select committees.

4.2 The same provisions are made for the elected members on the Education Business Panel which exercises the right of call in respect of any matter wholly or partly pertaining to the education functions of the executive. In addition to those elected members on the Education Business Panel, by law, there are also places for co-opted representatives of primary, secondary and special schools. There is no proposal to change the provisions relating to co-opted representatives.

4.3 In practice for a number of years, only 10 elected members have been appointed to the Business Panel and the Education Business panel, with one vacancy remaining unfilled.

The Business Panel has asked that the current actual situation be reflected in the Constitution.

5 Overview of Library Services

The Business Panel also referred the question of the overview and scrutiny of library services to CWP. Currently it falls within the remit of the Healthier Communities Select Committee. However the Business Panel formed the view that Safer and Stronger Select Committee

would be better placed to carry out this role, given that the new community hub role has evolved for libraries in recent years and Healthier Communities Select Committee has had to focus on major reforms to the health agenda over the same period. This new approach to scrutiny of libraries was viewed as more consistent with the matters already within the purview of the Safer Stronger Select Committee. That is why the Business Panel is asking the CWP to consider this amendment.

6 Financial implications

There are no specific implications.

7. Legal implications

Legal implications are contained in the body of the report. In addition, it is for full Council to agree any amendments to the Constitution. It is for CWP to make any recommendations in this respect. There are no human rights or equalities implications. The Council must have regard to the public sector equality duty under the Equality Act 2010, but this proposal does not propose any significant change to the way in which the Council fulfils this duty generally in constitutional matters. If the recommendations of Business Panel are agreed they will be incorporated in a report to Council which will deal more comprehensively with the equality duty. The Council remains under a best value duty and should put in place constitutional arrangements which are consistent with it.

8. Environmental Implications

There are no specific implications

9. Equalities implications

There are no specific implications arising.

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