

**JOINT OVERVIEW AND SCRUTINY TRANSITION BOARD  
27 FEBRUARY 2009**

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**EXECUTIVE MEMBER ATTENDANCE AT OVERVIEW AND SCRUTINY (OS)**

**COMMITTEES IN THE NEW COUNCIL**

**Purpose**

1. To report on the proposed arrangements for Executive member attendance at OS committees in the new council as requested at the last meeting.

**Background**

2. JOSTB asked for this particular issue to be included in the final OS arrangements for the new council which the Board approved for consultation on 19 December. The outcome of the consultation on the arrangements overall is reported separately elsewhere on the agenda. This report deals with the specific request of Executive member (and officer) attendance.
3. As indicated in the arrangements it was always intended to prepare an Executive/OS protocol to set out the operational relationships and responsibilities between the two functions. This protocol will include the specific issue of Executive member attendance at OS committees.

**Constitution**

4. Much of what is required is already catered for in the WCC constitution which is being used as the basis of the new Council's draft constitution. Currently it is proposed to include the following under the specific section within the OS Procedure Rules headed "members and officers giving account":

*(1) The OS Committees may scrutinise and review decisions made or actions taken in connection with the discharge of any council functions. As well as reviewing documentation they may require any Cabinet member, the Head of the Paid Service or any corporate and/or service director to attend a meeting to explain in relation to matters in their remit:*

- *Any particular decision (including those intended to be taken either by the Cabinet or under delegated authority);*
- *The extent to which the actions implement Council policy and support the aims of the Corporate Plan;*
- *Their performance in discharging their responsibilities.*

*(2) A standing invitation exists for Cabinet members to attend OS committees however where a specific invitation has been made then it is the duty of those persons to attend if so required. This requirement extends to any*

*sub-committees, task groups or rapid scrutiny exercises established by an OS committee.*

- (3) Where any member or officer is required to attend an OS committee under this provision, the Head of Democratic Services shall inform the member or officer in writing giving at least 10 working days notice. The notice will state the nature of the topic on which he/she is required to give an account and whether any written evidence needs to be produced for the meeting. The sufficient notice should be given to allow reasonable time to produce the written evidence.*
- (4) The Chairman of the OS committee shall determine the reasonableness of the notice if disputed.*

## **Observations**

5. Some minor editing is still needed to reflect the new Council as the constitution develops in the lead up to April and beyond. As mentioned in discussion at the last meeting, the prominence and support given to this requirement often comes down to the relationship and communication between the leading members and senior officers on both sides.
6. It is acknowledged that past engagement could be further improved and the new Council provides the ideal opportunity to make clear the expectations on Executive members to recognise and support the important and beneficial role undertaken by OS in the Council's decision-making process. Good early experiences in the new Council will certainly help to embed the requirement.
7. Executive members and corporate and service directors should be encouraged where appropriate to seek early engagement with OS in advance of final decision in order to bring greater credibility and transparency to the outcome, and reduce the potential for post-decision challenge or even call-in. Attendance by Executive members to explain the intentions clearly helps address any potential concerns or worries at an early stage. External assessment will look for evidence of effective OS in contributing to strong governance.

## **Matters for Consideration**

8. As requested, JOSTB now has the opportunity in advance of finalising the OS arrangements, constitution and Executive/OS protocol to comment on the proposal set out in paragraph 4.
9. JOSTB will also be given the opportunity to consider the draft OS article and procedure rules proposed for the new constitution in their entirety at its next meeting.

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