

TO: GOVERNANCE AND AUDIT COMMITTEE
31 JULY 2012

AMENDMENT TO THE OVERVIEW AND SCRUTINY PROCEDURE RULES
Director of Corporate Services – Legal

1 PURPOSE OF REPORT

- 1.1 This report seeks approval to an amendment to the Overview and Scrutiny Procedure Rules to secure compliance with the legislation relating to Overview and Scrutiny Committees (in this Council, the Overview and Scrutiny Commission and the Overview and Scrutiny Panels).

2 RECOMMENDATION

- 2.1 **That paragraph 9 of the Overview and Scrutiny Procedure Rules in Section 9 Part 4 of the Council’s Procedure Rules be amended to provide that any Member may refer to the Overview and Scrutiny Commission or to an Overview and Scrutiny Panel any matter which is relevant to the functions of the Commission or Panel and which is not an “excluded matter”.**

3 REASONS FOR RECOMMENDATION

- 3.1 To secure compliance with Section 9FC of the Local Government Act 2000 (inserted by the Localism Act 2011)

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None.

5 SUPPORTING INFORMATION

- 5.1 The Council’s Overview and Scrutiny Procedure Rules currently stipulate (paragraph 9) that “Any Member of the Commission or of an Overview and Scrutiny Panel shall be entitled to give notice to the proper officer that he/she wishes an item relevant to its functions to be included on the next agenda for the next available meeting of the Commission or the Panel (as the case may be).....”. The Localism Act amended the legislation relating to Overview and Scrutiny Committees by providing that any Member of the Council (not just a Member of the Commission or the Panel) may refer a matter to such a Committee provided that it is not an “excluded matter”.

- 5.2 “Excluded Matter” is defined to mean:-

- a local crime and disorder matter, or
- a matter specified in regulations

The Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2012 specifies that the following categories of matters are excluded:-

Unrestricted

- any matter relating to a planning decision
- any matter relating to a licensing decision
- any matter relating to a person in respect of which that person has a statutory right of recourse to a review or right of appeal
- any matter which is vexatious, discriminatory or not reasonable to be included in the agenda.

However, in respect of the first three categories a complete failure or failure on a systemic basis in performance of a function is **not** excluded.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

6.1 The Borough Solicitor is the author of this report

Borough Treasurer

6.2 There are no financial implications directly arising.

Equalities Impact Assessment

6.3 Not required.

Strategic Risk Management Issues

6.4 None.

Other Officers

6.5 None.

7 CONSULTATION

Principal Groups Consulted

7.1 None.

Method of Consultation

7.2 None.

Representations Received

7.3 None.

Unrestricted

Background Papers

None.

Contact for further information

Alex Jack, Borough Solicitor – 01344 355679

Alex.jack@bracknell-forest.gov.uk

Doc Ref:

Ai/f/reports/Governance and Audit – 31st July – Amendment to Overview