

Report to: **Hub Committee**
Date: **12 September 2017**
Title: **OVERVIEW AND SCRUTINY COMMITTEE TERMS OF REFERENCE AND PROCEDURE RULES**
Portfolio Area: **Leader of the Council**
Wards Affected: **All**
Relevant Scrutiny Committee: **N/A**

Urgent Decision: **N** Approval and clearance obtained: **N/a**

Date next steps can be taken: **Council meeting on 26 September 2017**

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Recommendation:

That the Hub Committee RECOMMEND to Council that the amended Overview and Scrutiny Committee Terms of Reference and Procedure Rules (as outlined at Appendices A and B respectively) be approved.

1. Executive summary

1.1 It is a legal requirement of the Council to formally adopt its Constitution;

1.2 This report requests that the Committee recommend to Council that the amended Overview and Scrutiny Committee Terms of Reference and Procedure Rules (as outlined at Appendices A and B respectively) be approved.

2. Background

2.1 At the Annual Council meeting held on 23 May 2017, Members considered the Annual Review of the Council Constitution.

As part of the Review and, to reflect the previous decision to reduce the number of Overview and Scrutiny Committees from 2 to 1, the Council was presented with a draft version of a revised set of Terms of Reference and Procedure Rules. In so doing, the Council resolved (Minute CM 8 refers) that:

'the suggested amendments of the Overview Terms of Reference and Procedure Rules be referred to the Overview and Scrutiny and Hub Committees for further consideration.'

2.2 As a result, the Overview and Scrutiny Committee considered at length the draft documents and suggested inclusion of a series of amendments before recommending that they be presented to the Hub Committee and Council for ultimate approval (Minute O&S 17 refers).

2.3 The revised Terms of Reference and Procedure Rules have been appended to this report.

3. Outcomes/outputs

3.1 The Council is required to have an up to date Constitution that reflects the law and its working practices (together with best practice) to ensure that it delivers efficient services and lawful decisions.

4. Options available and consideration of risk

4.1 The options are limited as the Council has a statutory duty to adopt its Constitution annually and to review that document to ensure that it remains fit for purpose and reflects both statutory requirements and the Council's working practices.

4.2 If the Council does not review its Constitution, then there is a risk that the Council may make unlawful decisions with a consequent risk of challenge.

5. Proposed Way Forward

5.1 The Hub Committee is asked to consider the recommendations made by the Overview and Scrutiny Committee and recommend these to the Council for approval.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Local Government Act 2000 requires the Council to have (and to maintain) a Constitution.

		It is a function of the Council to approve and adopt the Council's Constitution.
Financial	N	There are no financial implications to this report
Risk	Y	There is a risk arising from a failure to review the Constitution and approve the necessary changes because it may lead to unlawful decisions being taken by the Council. By regularly reviewing the Constitution allows the Council to mitigate this risk by ensuring that the Constitution is up to date and reflects current practice and law.
Comprehensive Impact Assessment Implications		
Equality and Diversity		None arising from this report
Safeguarding		n/a
Community Safety, Crime and Disorder		n/a
Health, Safety and Wellbeing		n/a
Other implications		n/a

Supporting Information

Appendix A: Draft Overview and Scrutiny Terms of Reference; and
Appendix B: Draft Overview and Scrutiny Committee Procedure Rules.

Background Papers:

- Agenda and minutes arising from the Annual Council meeting held on 23 May 2017; and
- Agenda and minutes arising from the Overview and Scrutiny Committee meeting held on 11 July 2017.