

Procedure for Consultation on OSC/Task and Finish Group Reports

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Recommendation: the Committee notes the arrangements introduced by Corporate Team for ensuring Overview and Scrutiny and Task and Finish Group members are given adequate opportunity to receive advice from officers on their recommendations.

1. BACKGROUND

All Councillors are under an obligation under the Council's Code of Conduct to have regard to the advice of statutory officers in making their decisions. Failure to do so could lead to an allegation of a breach of the Code.

2. PRESENT POSITION

There are long-standing procedures in place for screening and signing off of reports by Officers to Executive, Council and Overview and Scrutiny Committees.

Reports from Overview and Scrutiny Committees, or Task and Finish Groups of Overview and Scrutiny, are in a different category since it is clearly not appropriate for Corporate Team or individual officers to have, or to be perceived to have, a right of veto or censorship over the recommendations or content of a group of elected Members reporting to another group of Members.

However it is appropriate for a group of Members who are drawing up a report and/or recommendations to be given an opportunity to take advice from their officers, and in particular the statutory officers, the Monitoring Officer and the Section 151 Officer, in reaching their decisions. Failure to take account of such advice can be a breach of the Code. It should be noted for clarity that the requirement is to take account of such advice, not necessarily to act in accordance with it.

Corporate Team therefore consider it prudent to introduce arrangements which give overview and scrutiny and task and finish group members the opportunity to take advice from officers when formulating their reports and recommendations. The procedure agreed by Corporate Team is reproduced at Appendix "A", which the Committee is asked to note.

3. FINANCIAL AND HUMAN RESOURCES IMPLICATIONS (INCLUDING SOURCES OF FINANCE)

There are no direct financial or resource implications of this report

4. IMPACT ON CORPORATE PLAN

There are no direct impacts on the Corporate Plan of this report.

List of Consultees: Corporate Team.

CHECKLIST FOR DEALING WITH KEY ISSUES

Please confirm against the issue if the key issues below have been addressed. This can be by either a short narrative or quoting the paragraph number in the report in which it has been covered.

Impact on Crime and Disorder	None
Impact on Sustainability	None
Impact on Rural Proofing	None
Health and Safety Implications	None
Impact on Equality and Diversity Issues	None
Children and Young Persons Implications	None
Human Rights Act Implications	None
Section 151 Officer Comments	
Monitoring Officer Comments	

- 1 The OSC group will conduct their review in the normal way, calling witnesses, including where necessary officers responsible for service areas involved in the review. The Group will formulate the main points of their conclusions and recommendations, assisted by the Scrutiny Support Officer.
- 2 The first draft of the report will be circulated to the OSC group Members and simultaneously to relevant Corporate Team Members, including in all cases the Chief Executive, Monitoring Officer and Section 151 Officer. These officers will be invited to comment on the content of the report and recommendations, including resource and other practical implications of implementing proposed recommendations.
- 3 A meeting will be held with the OSC group members to discuss the draft report. Relevant Corporate Team members will be invited to attend, or send a representative, or submit written comments. Where possible officers attending this meeting should not have also acted as witnesses earlier in the process. In call-in cases this meeting is likely to be required at short notice in view of the need to report back to Executive promptly.
- 4 The OSC members will be invited to take account of the advice of officers and frame their recommendations accordingly. The OSC Members may choose, partly or wholly, to disregard the advice of officers. In these cases the officers concerned will be given an opportunity to submit their views separately when the OSC report is considered by the decision-making body (Executive or Council).
- 5 The second draft of the report will be circulated to the officers involved in the consultation meeting to ensure their views have been recorded accurately, though it is likely this will be done in tight timescales. Subject to this, the report can be published in the papers for the decision making body.