

OVERVIEW AND SCRUTINY BOARD- SPECIAL MEETING		AGENDA ITEM:
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DATE OF MEETING:	25 th OCTOBER 2010	
REPORT AUTHOR:	MARK FARMER, OVERVIEW AND SCRUTINY MANAGER	
SUBJECT:	URGENT AMENDMENTS TO THE OPERATIONAL GUIDE	

PURPOSE:

1. The purpose of this report is to propose an amendment to the setting of the membership of Scrutiny Task and Finish Groups.

RECOMMENDATION:

2. **Overview and Scrutiny Board is asked to approve amendments to the Operational Guide section 'Selecting Members to sit on a Task and Finish Group' and to add in a section to the guide 'Filling a vacancy'.**

REPORT:

3. This special meeting of the Overview and Scrutiny Board has been called to consider amending the Operational Guide to amend the length of time a member can express an interest in being on a Task and Finish Group and to amend the guide to allow the Overview and Scrutiny Manager to seek and make appointments, where a member resigns from a Task and Finish Group.
4. The Chair of the Overview and Scrutiny Board, under constitutional Overview and Scrutiny procedure rule 59.2, has agreed to call this special meeting on the basis that there have been a number of resignations from the 'NHS Savings and Development Task and Finish Group'. Consequently meetings of this group are at risk of being inquorate and the Operational Guide does not contain a procedure for dealing with the resignation of members from Task and Finish Groups. The next meeting of the Board is not until the 3rd December, however, there is a meeting of the group before this, and therefore this matter is urgent.
5. The Head of Legal Services, has advised that the Board must determine how vacancies are dealt with, given that Task and Finish Groups are established as sub-committees of the Overview and Scrutiny Board.
6. Members have also raised the issue of not being given a sufficient length of time to express an interest in being a member of a Task and Finish Group. The guide

currently says that members should be given five working days to express an interest in being a Task and Finish Group member, however, experience shows this is an insufficient length of time. It is therefore proposed to amend this to read fifteen working days. It would therefore seem prudent to use this opportunity to update this section of the Operational Guide.

7. It is therefore proposed that the amendments to the section of the Operational Guide on 'Selecting Members to Sit on Task and Finish Groups' shown in bold below, be approved and the 'Filling a vacancy' section be added into the guide:

Selecting Members to sit on Task and Finish Groups

1. Once the Overview and Scrutiny Board has decided to establish a review, it will determine the minimum (to ensure a quorum this can be no less than three) and the maximum (which should be no more than seven) number of members to sit on a Task and Finish Group.
2. The Democratic Services Manager will contact all non-executive members from all political parties informing them of the review, the timescale and inviting their participation in the task and finish group.
3. Members will be allowed **fifteen** working days in which to apply for appointment to the Task and Finish Group [two days in the case of Task & Finish Groups for Call Ins] and will be reminded that they should only apply if they wish to take a pro-active role in the group's work.
4. On receipt of all expressions of interest, if the number of applications meets the number of places available, Members will be appointed and the Democratic Services Manager will write to confirm.
5. Members will not be able to sit on more than two Task and Finish Groups at any one time.
6. If the number of applications exceeds the number of places available on the Task and Finish Group, the Democratic Services Manager will select the members to be appointed by drawing lots. Any Member who has expressed an interest but is already a member of two concurrent task and Finish Groups, will be excluded.
7. All Members who have expressed an interest will be advised of the date and time of the drawing of lots and given the opportunity to attend if they wish.
8. Where there are no expressions of interest for a Task and Finish Group, the Overview and Scrutiny Board will be informed and invited to take a different course of action.
9. If the number of applications does not meet the minimum requirement, the member(s) who have expressed an interest will be appointed to the Task and Finish Group (and so informed) and the Democratic Services Manager will consult the Chair of the Overview and Scrutiny Board about topping up the numbers or varying the size of the Task and Finish Group.

10. If the result of such consultation results in an excess of names, the Democratic Services Manager will select the Members to be appointed by drawing lots as provided for at paragraph 6 above.
11. If the result of such consultation results in an insufficient number of names, the Chair will consider varying the size of the Task and Finish Group; if the result of such consultation results in no additional names, the Overview and Scrutiny Board will be informed and invited to take a different course of action.

Filling a vacancy

1. Any member wishing to resign from a Task and Finish Group must inform the Democratic Services Manager immediately in writing.
2. The Democratic Services Manager will seek a replacement from the leader of the group that the resigning member is from.
3. The relevant group leader will have five working days to inform the Democratic Services Manager of the name of the replacement member.
4. If they are unable to find a replacement, then all groups will be asked to nominate a replacement. All groups will have five working days to respond to this request. If more than one member is put forward, lots will be drawn by the Democratic Services Manager.
5. Following this process, the Overview and Scrutiny Manager will appoint the replacement member to the Task and Finish Group and will inform the Overview and Scrutiny Team, the Chair and Vice-Chairs of the Board and the Chair of the Task and Finish Group and the appointed member of the outcome.
6. Where there are no nominations to the vacant Task and Finish Group position, the Democratic Services Manager will consult with the Overview and Scrutiny Manager and Chair of the Overview and Scrutiny Board and will have the delegated authority to either vary the size of the Task and Finish Group, or, following consultation with the Overview and Scrutiny Manager, will ask the Chair of the Overview and Scrutiny Board to call for a special meeting of the Board to seek an alternative course of action.

LEGAL IMPLICATIONS:

8. The Board is reminded that the rules on political balance have been waived by Full Council in relation to the Council's overview and scrutiny arrangements. Save for legal implications identified elsewhere in the report, there are no direct legal implications to this report. This has been agreed with David Watson, Legal Services on 18 October.

LOCAL GOVERNMENT ACT 1972, SECTION 100D
LIST OF BACKGROUND PAPERS

None.