



# LEICESTERSHIRE COUNTY COUNCIL

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## **REPORT TO THE SCRUTINY COMMISSION**

**WEDNESDAY 5<sup>TH</sup> SEPTEMBER 2001**

## **REPORT OF THE CHIEF EXECUTIVE**

### **ACTION BETWEEN MEETINGS**

#### **Purpose**

1. This report addresses the issue of how matters can be handled when it is not practical to put them to a meeting of the Scrutiny Commission or appropriate Scrutiny Committee.

#### **Background**

2. The Cabinet regularly refers matters to the Scrutiny Commission/Scrutiny Committees for their comments before arriving at a final decision. Normally these can be considered at the next meeting of the appropriate body. However, there are occasions, often outside the Cabinet's control, where this is not possible in view of the urgency of the matter (for example to meet a Government deadline).
3. As a result, the practice has developed of consulting the Chairman and Spokesmen of the Scrutiny Commission or relevant Committee when it has not been possible to put the matter to a meeting of the whole Committee. This was seen as a pragmatic approach to resolving problems of timing and has not lead to any problems in practice. However the procedure has never received any formal endorsement from the Commission or any Committee.
4. The following points are relevant to the exercise of this practice:-
  - (a) Any proposal which constitutes a change to the budget or policy framework will require the approval of the full Council. The Council would normally expect to have the views of the appropriate Scrutiny body on the matter. Only in exceptional cases would Chairman and Spokesmen be consulted in lieu of the full Committee and there would be a reasonable expectation for the reasons why it was not possible to put the matter to a meeting of the full Committee to be explained.

- (b) The Chairman or either of the two spokesmen could decline to address a matter where they felt that the request was unreasonable and/or where they felt the matter justified a meeting of the Commission/Committee being called, possibly at short notice.
  - (c) The Forward Plan of Key Decisions should enable the programme of meetings of the Scrutiny bodies to take into account issues where it could be expected that a scrutiny view would be required.
  - (d) In the case of a Key Decision the call in procedure contained in Rule 14 of the Overview and Scrutiny Procedure Rules would still be available, unless the urgency procedure set out in Rule 15 has been invoked.
  - (e) The County Council is regularly asked to respond to consultation documents issued by Government Departments and similar bodies, at short notice. Very often the timescale imposed will not fit with the timetable of Scrutiny bodies, which do not meet as frequently as the Cabinet.
5. The Scrutiny Commission may wish to monitor the use of the practice in future for example by
- (a) requiring a report on any action taken to be submitted for information to the next meeting of the relevant body, or
  - (b) requiring a report to be submitted to the Scrutiny Reference Group at, say, 6 monthly intervals showing the number of times the procedure has been used and a summary of the matters involved.

### **Recommendation**

6. That the Chairman and Spokesmen of the Scrutiny Commission or appropriate Scrutiny Committee be authorised to take action between meetings on behalf of the body concerned in commenting on matters referred from the Cabinet which are of an urgent nature.

### **Officer to Contact**

Mr D. O. Pitt Tel 0116 –265 - 6034