

OVERVIEW AND SCRUTINY COMMISSION

Agenda Item 10

Brighton & Hove City Council

Subject: O&S and the Council's Forward Plan
Date of Meeting: 3 June 2008
Report of: Director of Strategy and Governance
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Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 The report describes the working of the Council's Forward Plan and how the Overview and Scrutiny Commission (OSC) and Overview and Scrutiny Committees may choose to use it.

2. RECOMMENDATIONS:

(1) To note the report.

3. BACKGROUND INFORMATION

3.1 Under the Council's new governance arrangements the Executive produces a Forward Plan of the key decisions expected to be made over the next four months. The Forward Plan is detailed in the Council Procedural Rules Part 8 Section 15.

3.2 As set out in Article 13 of the Constitution a key decision is defined as one which is likely to:

- result in expenditure or savings of more than £500k per year

or

- have a 'significant' effect on communities living or working in an area comprising of two or more wards.

3.3 The constitution states that, under normal circumstances, no key decision may be taken unless it has been placed on the Forward Plan and at least three clear days have elapsed since the publication of the Forward Plan. It is, however, expected that key decisions will be included in the Forward Plan at least one calendar month prior to the date of the decision. If a key decision is included less than one month prior, the report to the executive shall state the reasons why.

3.4 Details included in the Forward Plan

The Forward Plan is to be prepared by the Leader of the Council to cover a four month period beginning with the first day of any month. The Plan will be prepared on a monthly basis and subsequent plans will cover the period beginning with the first day of the second month covered in the preceding plan.

3.5 As far as possible, the Forward Plan will include matters which the Leader has reason to believe will be the subject of a key decision to be taken by the Cabinet, Individual Members of the Cabinet, officers or under joint arrangements. It will normally include: the matter for decision, name of the decision taker; the date when the decision will be taken; the main groups who are to be consulted and how they will be consulted; how and when any person may make representations to the decision-taker; and the details of any other documents that will be submitted for consideration in relation to the matter.

3.6 Exempt information need not be included in the Forward Plan, although an indication of the decision to be taken, even if in Part Two, must be included.

3.7 Urgency

If a matter which is likely to be a key decision has not been included in the Forward Plan, that decision may still be taken if: it is impractical to defer it; if the Chairman of a relevant overview and scrutiny committee has been *informed* (or each member of that committee and the Leaders/Convenors of all political groups in writing by notice of the matter have been *informed*) if copies of the notice have been made available to the public; and if at least 3 clear days have elapsed since these things were done.

If there are not at least 3 clear days, the decision can only be taken if the Chairman of a relevant overview and scrutiny committee, or the Mayor/Deputy Mayor *agrees* that the taking of the decision cannot be reasonably deferred.

3.8 Overview and scrutiny committees and the Forward Plan

If an overview and scrutiny committee thinks that a key decision has been taken which was not included in the Forward Plan and was not the subject of the general exception procedure or did not have the agreement of the Chairman (as above), then the Committee may require the Executive to submit a report to the Council within such a ('reasonable') time as the committee specifies. The Chairman (or any 3 members) may request such a report, or the committee itself may pass a resolution requesting a report.

3.9 The Forward Plan can be accessed on the Wave and the Council's internet site. All Councillors will be able to monitor the Plan and make suggestions for scrutiny to examine items on it.

3.10 It is intended that the Forward Plan will be discussed at OSC Chairman meetings and the Chairman will make recommendations to the OSC on items the Commission may wish to consider further.

4. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

4.1 Additional staffing resources have been dedicated to supporting the scrutiny function, the Cabinet and the political parties.

Legal Implications:

4.2 The overview and scrutiny arrangements are in accordance with the relevant legislation.

Equalities Implications:

4.3 One of the functions of the OSC is to review and scrutinise all matters, Executive decisions and service provision relating to Equalities.

Sustainability Implications:

4.4 One of the functions of the OSC is to review and scrutinise all matters, Executive decisions and service provision relating to sustainability.

Crime & Disorder Implications:

4.5 None directly in relation to this report.

Risk and Opportunity Management Implications:

4.6 None directly in relation to this report.

Corporate / Citywide Implications:

4.7 Within the new Leader and Cabinet style Council Constitution the Overview and Scrutiny function is extended as set out in the report.

SUPPORTING DOCUMENTATION

Appendices:

1. Timeline for Key Decisions

Background Documents

15 May 2008 Council Constitution

APPENDIX 1

Days before key decision taken	Action on key decisions
Four months or more	Matter for key decision may be included on the Forward Plan
One month or more	Matter for key decision is normally expected to be included on the Forward Plan
Less than one calendar month	Report on the key decision to the executive meeting shall state the reason why the matter was not included on the Forward Plan
Less than one calendar month but at least three clear days (General Exception, Part 8 Paragraph 16)	Key decision may still be taken if the Chairman of a relevant Overview and Scrutiny Committee has been informed (or if there is no such person each Member of that Committee and the Leaders/Conveners of all political groups have been informed) in writing by notice of the matter and copies of that notice are available to the public at offices of the Council
Less than three clear days (Special Urgency, Part 8 Paragraph 17)	Key decision may still be taken if the Chairman of a relevant Overview and Scrutiny Committee (or if there is no Chairman or he/she is unable to act, the Mayor/Deputy Mayor) agrees that the decision cannot be reasonably deferred. All Leaders/Conveners of political parties must be notified. Quarterly reports are submitted to Council on decisions made under special urgency rules.