

**Meeting:** OVERVIEW & SCRUTINY COMMITTEE  
(PERFORMANCE & CORPORATE SERVICES)

**Date of Meeting:** 16<sup>TH</sup> FEBRUARY 2010

**Title of Report:** WORKING GROUPS - ATTENDANCE BY NON-MEMBERS

**Report of:**  
Sam Tunney,  
Assistant Chief Executive

**Contact Officer:**  
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This report contains	Yes	No
<b>CONFIDENTIAL</b> Information/		√
<b>EXEMPT</b> information by virtue of paragraph(s).....of Part 1 of Schedule 12A to the Local Government Act, 1972 (If information <u>is</u> marked exempt, the Public Interest Test must be applied and favour the exclusion of the information from the press and public).		√
Is the decision on this report <b>DELEGATED?</b>	√	

**Purpose of Report**

To approve a draft protocol to be followed in the event of non-Working Group Members attending meetings of Overview & Scrutiny Working Groups.

**Recommendation(s)**

That the draft protocol regarding the operation of Overview & Scrutiny Working Groups, be approved and circulated to all Members of the Council, for information.

**Corporate Objective Monitoring**

<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1. Creating a Learning Community		√	
2. Creating Safe Communities		√	
3. Jobs and Prosperity		√	
4. Improving Health and Well-Being		√	
5. Environmental Sustainability		√	
6. Creating Inclusive Communities		√	
7. Improving the Quality of Council Services and Strengthening local Democracy	√		
8. Children and Young People		√	

## **Financial Implications**

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2009/ 2010 £</b>	<b>2010/ 2011 £</b>	<b>2011/ 2012 £</b>	<b>2012/ 2013 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b><u>REVENUE IMPLICATIONS</u></b>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

There are no financial implications as a direct result of this report.

## **Departments consulted in the preparation of this Report**

The Overview & Scrutiny Management Board has been consulted and agreed the Protocol.

## **List of background papers relied upon in the preparation of this Report**

None.

**SEFTON M.B.C.**

## BACKGROUND

1. Working Group meetings are *not* subject to the Access to Information Act. Formal meetings, such as Committee meetings, which *are* subject to the Act, are open to anyone to attend, unless Members are considering information that is considered to be “exempt”, under that Act.
2. In recent weeks a small number of non-Working Group Members have requested to attend certain meetings of an Overview & Scrutiny Working Group, in order to gain an insight into the subject area being investigated, which they felt would be beneficial in their role as Councillors.
3. It was felt there was a need to clarify this issue, for both Members of the Working Groups and for anyone wishing to attend.
4. The Legal Director raised the matter with the 4 Overview & Scrutiny Chairs and suggested that the matter be referred to a meeting of the Overview & Scrutiny (O&S) Management Board, in order for clear guidance to be issued for similar instances in the future.
5. At the last meeting of the O&S Management Board, a draft Protocol for attendance at Working Group meetings of Overview & Scrutiny Working Groups, was presented for consideration.
6. The O&S Management Board discussed the matter, recognised the need for clarity for all concerned and approved the draft protocol, subject to minor additions that the Board felt would strengthen the protocol.
7. The protocol also includes references to the Final Report produced at the conclusion of Working Group reviews. The O&S Management Board recently agreed that, in future, Working Group Lead Members will invite the relevant Cabinet Member to meet informally to discuss the findings and recommendations of reviews, prior to submission of the Final Report to the Cabinet for approval. It was felt, therefore, that this would assist the responsible Cabinet Member and provide clarity in terms of progressing the Final Report.
8. In addition to this, Cabinet Members are invited to attend Overview and Scrutiny Committees to inform the development of the Work Programme, and the Leaders have recently considered whether Overview and Scrutiny should provide greater opportunity to hold Cabinet Members to account through twice yearly meetings, which would then inform their Work Programme.

## **MATTERS FOR CONSIDERATION**

1. The Overview & Scrutiny Management Board does not have the delegated authority to formally approve a protocol that could potentially determine attendance by Members at meetings. Generally, all Members are entitled to attend any formal meeting. However, given the nature of Working Group meetings it is felt a protocol is needed to provide clarity for all Members.
2. The decision by the O&S Management Board requires formal approval by the Overview & Scrutiny Committee that deals with corporate services matters, in order for the protocol to be formally adopted.

## **RECOMMENDATION**

That the draft protocol regarding the operation of Overview & Scrutiny Working Groups, be approved and circulated to all Members of the Council, for information.