

# **CHESHIRE EAST COUNCIL**

## **REPORT TO: ENVIRONMENT AND PROSPERITY SCRUTINY COMMITTEE**

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<b>Date of Meeting:</b>	21 December 2010
<b>Report of:</b>	Borough Solicitor
<b>Subject/Title:</b>	Work Programme update

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### **1.0 Report Summary**

- 1.1 To review items in the 2010/2011 Work Programme and to determine whether or not any additional items need to be included.

### **2.0 Recommendations**

- 2.1 That the Committee note the work programme.

### **3.0 Reasons for Recommendations**

- 3.1 It is good practice to agree and review the Work Programme to enable effective management of the Committee's business.

### **4.0 Wards Affected**

- 4.1 All

### **5.0 Local Ward Members**

- 5.1 Not applicable.

### **6.0 Policy Implications including**

- 6.1 Not known at this stage.

### **7.0 Financial Implications 2010/11 and beyond**

- 7.1 Not known at this stage.

### **8.0 Legal Implications**

- 8.1 None.

### **9.0 Risk Management**

- 9.1 There are no identifiable risks.

## **10.0 Background and Options**

- 10.1 Since the last meeting of the Committee, The Chairman has met with the Portfolio Holders to discuss the work programme and future issues for the Committee.
- 10.2 The monitoring Officer has issued advice to Overview and Scrutiny Committees on the Membership of Task and Finish Groups for those occasions when Members do not wish to set up a task and finish Group on a proportional basis as follows:
- 10.3 The constitution currently requires that Task and Finish are organised on a proportional basis, but this has proved difficult with such small numbers (they usually consist of 5 or 6 members).
- 10.4 If the constitutional requirement for proportionality were removed, there is still a statutory requirement. By virtue of the Local Government and Housing Act 1989, Schedule 1, advisory committees are subject to the proportionality rules contained in the act. Unlike the constitutional requirement, however, the Act permits proportionality to be dispensed with, provided that the scrutiny committee so decides on a 'nem con' vote. Removing the requirement in the constitution would therefore provide greater flexibility.
- 10.5 In effect this means that if members are mindful to set up a Task and Finish group on a non proportionate basis, this can only be done by a 'nem con' vote ie a vote without objection, otherwise the Task and Finish Group must be set up on a proportional basis
- 10.6 In reviewing the work programme, Members must pay close attention to the Corporate Plan and Sustainable Communities Strategy.
- 10.7 Members must also have regard to the general criteria which should be applied to all potential items when considering whether any Scrutiny activity is appropriate. Matters should be assessed against the following criteria:
  - Does the issue fall within a corporate priority
  - Is the issue of key interest to the public
  - Does the matter relate to a poor or declining performing service for which there is no obvious explanation
  - Is there a pattern of budgetary overspends
  - Is it a matter raised by external audit management letters and or audit reports?
  - Is there a high level of dissatisfaction with the service

If during the assessment process any of the following emerge, then the topic should be rejected:

- The topic is already being addressed elsewhere
- The matter is subjudice
- Scrutiny cannot add value or is unlikely to be able to conclude an investigation within the specified timescale

## **11    *Access to Information***

The background papers relating to this report can be inspected by contacting the report writer:

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