

## EXECUTIVE

Wednesday 3 June 2015

### Present:

Councillor Edwards (Chair)  
Councillors Denham, Hannaford, Leadbetter, Morris, Owen, Pearson and Sutton

### Also present:

Chief Executive & Growth Director, Deputy Chief Executive, Corporate Manager - Legal,  
Corporate Manager Democratic and Civic Support and Democratic Services Manager  
(Committees)

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### DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interest were made.

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### TO REVIEW THE EXETER "CONVENTIONS"

The Leader advised of the recommendation to delete (6) from the Exeter "Conventions" and amend the Scrutiny Procedures Rule to enable Scrutiny Chairs and Deputy Chairs to be drawn from any political group. This was in line with the majority of Councils in Devon and to allow for a fairer representation of positions to the majority group.

Councillor Shiel, having given notice under Standing Order no.44, spoke on this item. He stated that the possession of a majority by the Leader and his group was no justification for voting for the changes. The proposal would compromise the credibility of scrutiny in the Council and should, logically, lead to the disbandment of the Scrutiny Review Working Group a role which would become largely irrelevant. The proposal was contrary to Parliament where opposition groups were allowed to play an important role in scrutiny giving strength and transparency to governance. He asked for the majority group Members to take a stand and, at least, abstain from voting for the proposal for the ruling group to take the Chair of Scrutiny Committees.

Councillor Newby, having given notice under Standing Order no.44, spoke on this item. He stated that he had been on the Council for 12 years and in the past there had been good rapport between the political parties. The current procedure of the opposition Groups taking the Chair and Deputy Chairs of Scrutiny Committees worked well and the status quo should remain.

Councillor Harvey, having given notice under Standing Order no.44, spoke on this item. He stated that the changes proposed to the Scrutiny arrangements were flawed and it was clear that any organisation spending public funds and delivering public services needed a rigorous system of public scrutiny, accountability and transparency. At a time when resources were getting ever tighter, there was a greater need than ever to ensure that robust scrutiny was in place holding Executive to account. The Council would be more likely to see greater innovation and efficiency in the way that it delivered services by further deepening and strengthening the scrutiny process; taking the chair of the Scrutiny Committees away from the opposition ran contrary to that. He stated that the Centre for Public Scrutiny (CfPS) had developed four principles of good scrutiny; providing a 'critical friend' challenge to the Executive; reflecting the voice and concerns of the local community; taking the scrutiny process lead on behalf of the public; and making an

impact on the delivery of public services. Giving Scrutiny Chairs to Members of the ruling Group was contrary to these principles. The move proposed this evening was therefore divisive and unfair.

Councillor Harvey commented that changing the arrangements in relation to Chair of Scrutiny Committees was serious, but when taken alongside Standing Orders 16 and 17 of the constitution, the opposition parties were in an even more disenfranchised position. Under Standing Order 16, where urgent decisions needed to be taken it was the Chair of the relevant Scrutiny Committee that had to sign-off on the decision and this important check would be lost. Under Standing Order 17, a third of the members of any Scrutiny Committee could secure a call-in on a decision of the Executive. Such a call-in could only be achieved with the backing of a third of Scrutiny Committee Members. With Scrutiny Committees having 13 Members and, as the opposition had no more than four Members of any of the Scrutiny Committees, it would be impossible for them to secure the necessary Members for a call-in of any Executive decision.

The South West Charter for Member Development was awarded to the Council's Democratic Services Team this year with particular mention to the development of scrutiny, how it shaped policy and was an example of good practice. The proposed changes therefore undermined the transparent and correct approach to scrutiny. The Council should be proceeding in a way that is in the interests of the city and not just in the interests of the party currently in control of the Council.

Councillor Mottram, having given notice under Standing Order no.44, spoke on this item. He commented that this Council had the reputation as a 'Well Run Council' because, in part, of the way that the Council undertook its scrutiny process. The proposed change to the Scrutiny Committees Chairs would not be good for the city as the ruling group Members would not scrutinise their own Executive decisions. The current system worked well for the Council and should not be changed.

Councillor Holland, having given notice under Standing Order no.44, spoke on this item. He stated that scrutiny should be a process of continual improvement and if a party was scrutinising itself there would be no accountability. Exeter City Council currently had a unique professional scrutiny process which provided a high degree of transparency. He asked Members to think carefully before they voted to change the status quo.

Councillor Henson, having given notice under Standing Order no.44, spoke on this item. He supported the comments of the previous Councillors who had spoken against the proposal. The scrutiny process needed transparency and asked how the ruling group would be able to question its own decisions. He urged the Executive to vote against the recommendation.

Councillor Donovan, having given notice under Standing Order no.44, spoke on this item. He commented that, whilst understanding the Leader's logic behind the recommendation, he thought it was unreasonable. The Council had a good track record of working across political parties to take forward decisions for the good of the City. There were other options and they should be investigated jointly by all political groups.

Councillor Baldwin, having given notice under Standing Order no.44, spoke on this item. She supported the comments of objection to the recommendation. She had been involved in the improvement of the scrutiny process over the past few years and urged reconsideration of the proposal. If the recommendation was approved it would be a very sad day for the Council.

The Leader commented that the proposed changes would bring the Council in line with best practice in Devon and would address the current position of the opposition having ten Members with six positions but the ruling group having 29 Members with only ten positions. Any Member could put an item on a Scrutiny Committee agenda which would still enable the opposition to scrutinise the ruling group. He acknowledged the work undertaken to improve scrutiny by Councillor Baldwin and the Scrutiny Programme Officer. He proposed an additional recommendation that, in light of the forthcoming boundary changes, the Council's Constitution be reviewed to ensure it was fit for purpose.

The majority of Executive Members supported the recommendation as the right way forward for the Council. They felt this would not have a detrimental effect on the Scrutiny process and would bring the Council more in line with best practice of other Devon authorities. There were opportunities for any Member to put items on scrutiny agendas and for them to ask questions of Portfolio Holders and officers at Scrutiny Committee meetings.

Councillor Leadbetter supported the comments of his group and asked that the majority group should examine its conscience when voting through this proposal to take the Scrutiny Chairs away from the opposition groups.

**RECOMMENDED** to Council to:-

- (1) Delete (6) from The Exeter "Conventions";
- (2) Amend Scrutiny Procedure Rules 6.1 to read – Chairs of scrutiny committees will be drawn from amongst the councillors sitting on the committee;
- (3) Amend the Constitution accordingly; and
- (4) That the Corporate Manager Democratic and Civic Support and the Democratic Services Manager (Committees) review the Council's Constitution and Standing Orders to ensure it is fit for purpose. The results of the review to be reported to a Working Group made up of all political parties on the Council and to be implemented from Annual Council 2016.

(In accordance with Standing Order no.43, Councillor Leadbetter requested that his voting against this recommendation be recorded)

(The meeting commenced at 5.34 pm and closed at 6.50 pm)

Chair

**The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 4 June 2015.**