

Council Report

Ward(s) affected: all

Report of Director of Finance

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Overview and Scrutiny – Annual Report

Executive Summary:

This report outlines the work undertaken by overview and scrutiny during the past year, its future work programme as thus far developed (within Appendix 1), and measures proposed to develop overview and scrutiny further, principally through greater involvement by residents in Overview and Scrutiny.

Decisions taken under the 'urgency' provisions and the use of 'call-in' are listed within the report. In the previous twelve-month period, three decisions were taken under the urgency provisions of the Overview and Scrutiny Procedure Rules, while there were no call-ins.

In addition, it is proposed that Overview and Scrutiny Committee reports are presented to Full Council.

This report was also considered by the Overview and Scrutiny Committee at its meeting on 10 July 2018. The Committee commended the annual report to Council, including the proposal to present Overview and Scrutiny reports to Full Council.

Recommendations to Council:

- (1) That this report be commended as the annual report of the Overview and Scrutiny Committee.
- (2) That the current rules relating to call in or urgency provisions remain unchanged.
- (3) That measures be enacted to develop Overview and Scrutiny further, including public involvement in work programming, co-option, improved publicity, and more innovative means of scrutiny.
- (4) That the Overview and Scrutiny Committee hold the power to refer its formal recommendations and conclusions for consideration at Full Council, with the Executive response reported to a subsequent Full Council within two months.

Reasons for Recommendation:

The Council's Overview and Scrutiny Procedure Rule 17(i), requires the operation of the provisions relating to call-in and urgency to be monitored annually and a report submitted to Full Council with proposals for review if necessary.

Article 8.2(d) of the Council's Constitution requires the Council's Overview and Scrutiny Committee to report annually to Full Council on the work undertaken during the year, its future work programme, and amended working methods if appropriate.

Proposals are put forward to ensure the continued development of Overview and Scrutiny.

1 Purpose of Report

- 1.1 This report has been prepared in accordance with Article 8.2(d) of the Constitution, which requires the Council's Overview and Scrutiny Committee (OSC) to report annually to Full Council on the work undertaken during the year, its future work programme, and amended working methods if appropriate.
- 1.2 In addition, Overview and Scrutiny Procedure Rule 17(i) requires that the provisions relating to 'call-in' and 'urgency' shall be monitored annually and a report submitted to Full Council with proposals for review if necessary.
- 1.3 With reference to revised overview and scrutiny guidance to be published later this year, this report considers whether the OSC should report to Full Council.

2. The Council's Strategic Framework

- 2.1 The overview and scrutiny (O&S) function strengthens the position of the Council to ensure that we are able to deliver our strategic priorities. For example, O&S assists the Council in improving value for money and efficiency and helps to ensure we are open and accountable to our residents.

3. Work of the OSC in 2017-18

- 3.1 In accordance with Overview and Scrutiny Procedure Rule 7, the chairmen and vice-chairmen of the OSC and the Executive Advisory Boards (EABs) held six joint work programme meetings in 2017-18. These meetings prepare work programmes for submission and approval to the OSC and EABs respectively.
- 3.2 In July 2017, as part of the twelve-month review of the Council's revised governance arrangements, Full Council agreed that the process of selecting topics and issues for O&S be determined with reference to the P.A.P.E.R. prioritisation tool. This change aimed to broaden the approach to the development of the OSC work programme, by introducing a more flexible tool for topic selection than the previous flowchart method.
- 3.3 In 2016, the OSC introduced Lead Councillor question sessions as a regular item at its meetings. This gives an opportunity for non-Executive Councillors (and members of the public¹) to question a member of the Executive about decisions and performance. This questioning could focus on targets and performance over time; particular decisions, initiatives, or projects; or on a section of a Lead Councillor's portfolio. Issues reviewed in this manner during 2017-18 include the Budget gap, traveller strategy and policy, and The Village project.
- 3.4 By the end of the 2017-18 municipal year, all the members of the Executive had experienced a Lead Councillor question session. OSC members have confirmed that these question sessions are to continue and, following the recent changes in the Executive, a programme of Lead Councillor question sessions has been scheduled.
- 3.5 The formal issues and topics considered by the OSC in the previous twelve-month period include:

- Air Quality Management and Air Quality Strategy

¹ Also as part of this process, the Committee may facilitate the asking of questions submitted in advance by members of the public. Council Constitution, Part 2 (Article 8), section 8.2(b)iii.

- Review of The Village project
- Borough-wide watercourse and grill clearance
- Guildford Philanthropy
- Health and Wellbeing Strategy, 2017-22
- Homelessness Strategy, 2018-20
- Local Government Association's Corporate Peer Challenge
- Operation of the leisure management contract, 2016-17
- Proposed revisions to the Council's Fundamental Service Review Process
- Review of grants and other support to voluntary and community organisations
- Annual report and monitoring arrangements for the operation of the G-Live contract, for both 2015-16 and 2016-17
- 12 month review of the Council's revised governance arrangements
- Safer Guildford Partnership Annual Report 2017

3.6 Two additional issues were progressed through an in-depth, task and finish group approach: On-street Parking and Food Poverty. The report of the On-street Parking group was adopted by the OSC in June 2018 and its findings and recommendations will be considered by the proposed new Guildford Joint Committee in September 2018.² The Food Poverty task group will report to the OSC in autumn 2018.

4. Call-In Procedure and Urgency Provisions

4.1 The provisions relating to 'call-in' and 'urgency' are monitored on an annual basis and recommendations for changes will be submitted to the Council for consideration if necessary.

Call-in Procedure

4.2 Call-in is the power of Overview and Scrutiny to scrutinise a decision by the Leader/Executive or an individual Lead Councillor before it is implemented. The call-in provisions also apply to a decision made by an officer with delegated authority from the Leader/Executive.

4.3 The provisions relating to call-in are specified in the Overview and Scrutiny Procedure Rules contained in the Council's Constitution (attached as Appendix 2). The call-in mechanism enables non-Executive councillors to intervene when they feel that a decision being made by the Leader / Executive should be revisited or changed. The effect of call-in is to prevent implementation of a decision until the OSC has examined the decision. The OSC has the power to refer a decision back to the decision-maker or to refer a matter for further review by the Council.

4.4 The call-in procedure has not been exercised at the Council since November 2012 (that is to say, not since the call-in in relation to the future provision of classical music in the Borough).

4.5 The call-in procedure was revised by the Council at its meeting on 7 October 2014 as part of the review of the Council's Constitution. In 2014, the call-in threshold was increased from three councillors to five, while retaining the call-in power of the OSC chairman and amending the call-in period from 96 hours to 5 working days.

4.6 There are no changes proposed to the call-in procedure at this time.

² The On-Street Parking report of the OSC is available on the [Council's website](#). Subject to Council's consideration, 19 September 2018 will be the first meeting of the Guildford Joint Committee.

Urgency Provisions

- 4.7 The 'urgency' provisions are specified in the Overview and Scrutiny Procedure Rules (attached as Appendix 2). The principal purpose of these provisions is to enable the Leader / Executive or individual Lead Councillor, with the consent of the chairman of the OSC, to agree to preclude the call-in of any particular executive decision in cases of urgency.
- 4.8 During the past twelve months, the urgency provisions were used on three occasions:
- Guildford Bus Interchange: Stage 3 Report and Stakeholder Engagement Progress. Executive decision, 27 June 2017.
 - Proposed Surrey Business Rates Retention Pilot. Executive decision, 24 October 2017.
 - Surrey Leaders' Group – nominations for appointment to outside bodies, 2018-19. Executive decision, 22 May 2018.
- 4.9 This compares to two occasions in 2016-17.³
- 4.10 There are no changes proposed to the urgency provisions.

5. Future Work Programme

- 5.1 The proposed overview and scrutiny work programme for 2017-18, as developed thus far, is attached as Appendix 1.
- 5.2 Members of OSC have been invited to suggest further topics to the OSC Chairman and Vice-chairman to be considered at their next agenda setting meeting (on 3 September).

6. Development of Overview and Scrutiny

- 6.1 The continuing development of O&S at Guildford is discussed below with reference to the Council's governance change of 2015-16, O&S training, the Council's LGA Corporate Peer Challenge Review, and the Select Committee Inquiry on the Effectiveness of Local Authority Overview and Scrutiny Committees and the government's subsequent response.
- 6.2 The Council introduced revised O&S arrangements in January 2016, as part of the changes to governance arrangements more generally. This change included:
- the dissolution of the Council's two scrutiny committees in favour of a single OSC with revised terms of reference.
 - the recruitment of a dedicated officer to support the new OSC.

³ Surrey Leaders' Group: Nominations for appointment to outside bodies 2016-17. Executive decision, 31 May 2016. Authorisation to surrender and re-grant the existing lease and enter into an ancillary Development Agreement for Tunsgate Shopping Centre, Guildford, in line with the heads of terms provided. Executive decision, 19 July 2016.

- the appointment of an OSC chairman not drawn from the majority political group or chairman of another committee and a vice-chairman not from the same political group as the chairman.
 - a revised work programme setting process, involving the Council's Executive Advisory Boards.
- 6.3 In October 2017, to assist with the continuing development of overview and scrutiny, skills training was facilitated by John Cade from the Institute of Local Government Studies (INLOGOV), University of Birmingham. To an extent, this training complemented the previous facilitated sessions for councillors that accompanied the change to governance arrangements in 2015-16 and skills training provided in 2016-17. All this training was extremely well received by councillors and additional sessions on aspects of overview and scrutiny are to be held (the next is scheduled for 18 September 2018).
- 6.4 In addition to introducing the P.A.P.E.R. selection tool referred to at 3.2 above, in July 2017 Council resolved to establish more proactive measures for public engagement in the work of the OSC. These measures included inviting suggestions for the O&S work programme from the public and partners (in addition to officers and councillors) and alerting the public about the work of O&S through press releases / social media.
- 6.5 In February 2018, the LGA Corporate Peer Challenge Review of the Council supported the aim of the OSC chairman to get residents more involved in the Committee. Underpinning plans to realise this ambition is the belief that, at this time, a primary obstacle to better engagement with residents is more effective work programming. In short, public engagement begins with the selection of issues for investigation that will be of interest and concern to the public with the belief that if we want residents to engage then they need to have something to engage with.
- 6.6 The OSC work programme is the foundation for public engagement in O&S. Measures to achieve public involvement in work programming could include an annual stakeholder event to garner ideas for the OSC work programme, the ability for the public to propose topic suggestions online, and use of the Council's Citizens' Panel⁴ to identify issues of concern.
- 6.7 Co-opted members are a good way to increase public involvement in O&S. However, rather than increase formal co-options, an unintended consequence of the introduction of the governance change has been to reduce them. The co-option of representatives of the Tenants' Action Group, previously on the Customer and Community Scrutiny Committee, was not carried over to the EABs. For various reasons, co-option of members of the public (or experts) has not occurred for task and finish groups held since the introduction of the new governance arrangements.
- 6.8 The marketing of O&S could be improved. Increasing the profile of O&S might be expected to increase resident engagement. Related to this there may be value in the OSC chairman and vice-chairman publicising and promoting O&S with residents (in a manner similar to the roadshow-meetings the Leader and members of the Executive hold with parish councils and residents' associations). Similarly, moving away from a formal committee process and using more innovative ways to scrutinise matters would probably improve public involvement.

⁴ The Citizens' Panel the panel is made up of around 1,000 households chosen to represent a cross-section of the Borough's population.

- 6.9 Reporting in late 2017, a parliamentary select committee inquiry into the effectiveness of local authority OSCs⁵ made several recommendations to improve O&S. The government's subsequent response indicates that revised guidance on overview and scrutiny will be issued in 2018 and confirms some notable changes to be included:
- OSCs should report to Full Council, rather than the Executive;
 - Executive Councillors should not participate at O&S other than as witnesses;
 - O&S support officers should be able to operate with independence and provide impartial advice; and
 - OSCs should actively encourage public participation.⁶
- 6.10 Many of these proposals are either contained within the Council's current approach or recognised as an area to develop; however, the recommendation for O&S to report to Full Council has not been included. Thus, it is useful to consider briefly the advantages of the proposed change.
- 6.11 The report of the parliamentary select committee concludes that formal recommendations and conclusions published by OSCs should be considered at a meeting of Full Council, with the Executive response reported to a subsequent Full Council within two months. In addition to reflecting the independence of O&S and its 'role as a voice for the community', when an OSC presents to Full Council this creates 'the opportunity to create a relevant and interesting debate on a matter of local concern which has been investigated in depth by a group of councillors.' Moreover, such a reporting route suggests O&S is accountable to Full Council; it mirrors the relationship between Select Committees and Parliament and makes clear that 'scrutiny reports and belongs to Full Council, not the executive.'⁷
- 6.12 Councillors may feel it appropriate to delay introducing the requirement for the OSC to report to Full Council until the government publishes the updated guidance. Equally, Councillors may be satisfied with the current approach. However, the Select Committee puts forward a clear rationale for the change, one that is accepted by the government, and which Councillors are recommended to endorse by introducing the improvement.

7. Legal Implications

- 7.1 This report on the operation of overview and scrutiny has been prepared in accordance with the requirements of the Council's Constitution. In particular, the Council's Overview and Scrutiny Procedure Rule 17(i) requires the operation of the provisions relating to call-in and urgency to be monitored annually and a report submitted to Full Council with proposals for review if necessary and Article 8.2(d) of the Council's Constitution requires the Council's Overview and Scrutiny Committee to report annually to Full Council on the work undertaken during the year, its future work programme, and amended working methods if appropriate.

⁵ [Communities and Local Government Select Committee, Effectiveness of local authority overview and scrutiny committees, HC369, December 2017.](#)

⁶ [Government Response to the Communities and Local Government Committee First Report of Session 2017-19 on the Effectiveness of Local Authority Overview and Scrutiny Committees, CM9569, March 2018.](#)

⁷ See pages 12-13 of the [CLG Select Committee report](#) for a fuller discussion.

8. Financial Implications

8.1 There are no financial implications arising directly from this report.

9. Human Resources Implications

9.1 There are no human resources implications arising from this report.

10. Equality and Diversity Implications

10.1 The Council has a statutory duty under section 149 of the Equality Act 2010 which provides that a public authority must, in exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

10.2 This duty has been considered in the context of this report and it has been concluded that there are no equality and diversity implications arising directly from this report.

11. Conclusion

11.1 The changes to the overview and scrutiny structure and procedure agreed by Council as part of its governance arrangements changes have been in place since 2016. Revisions have been introduced, such as adopting the P.A.P.E.R. prioritisation tool, and efforts to achieve increased public engagement are necessary, including involvement in work programming, co-option, improved publicity, and more innovative means of scrutiny.

11.2 To further develop O&S, the report recommends that the OSC reports to Full Council rather than the Executive.

11.3 Officers are not recommending any changes to call-in or urgency procedures at this juncture.

12. Background Papers

None

13. Appendices

Appendix 1: OSC work programme 2018-19, July 2018.

Appendix 2: Overview and Scrutiny Procedure Rules, March 2018.