

Report to Overview and Scrutiny Committee

Report of Director of Strategy

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## Overview and Scrutiny Annual Report, 2020-21

### **Executive Summary:**

This report outlines the work undertaken by overview and scrutiny (O&S) during the past municipal year and its future work programme as thus far developed.

Decisions taken during the past municipal year under the 'urgency' provisions are listed within the report and detailed at Appendix 2. In 2020-21, call-in was waived by the O&S Committee Chairman on four occasions. No decisions were called-in for consideration by the O&S Committee during the past municipal year.

### **Recommendations to Council (28 July 2021)**

- (I) That this report be commended as the annual report of the Overview and Scrutiny Committee; and
- (II) That the current rules relating to call in or urgency provisions remain unchanged.

### Reasons for Recommendation:

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.

Overview and Scrutiny Procedure Rule 16(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.

## **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 Overview and Scrutiny Procedure Rule 16(i) requires that the provisions relating to 'call-in' and 'urgency' are monitored annually and reported to Full Council with proposals for review if necessary.<sup>1</sup>

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<sup>1</sup> Urgency provisions refers to the circumstances set out in the Access to Information Procedure Rules 15 (General Exception) and 16 (Special Urgency) and Overview and Scrutiny Procedure Rule 16(h) Call-in. [Guildford Constitution](#), Part 4, Procedure Rules.

- 1.3 Accordingly, this report asks the Overview and Scrutiny Committee to:
- (a) note the issues and topics considered by O&S during 2020-21;
  - (b) consider and approve the future work programme for the OSC as developed thus far;
  - (c) review the operation of provisions relating to 'call-in' and 'urgency'.

## **2. The Council's strategic framework**

- 2.1 The 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 services and helps to ensure we are open and accountable to our residents.

## **3. Work of the OSC in 2020-21**

- 3.1 Overview and Scrutiny Procedure Rule 7 requires the chairmen and vice-chairmen of the OSC and the Executive Advisory Boards (EABs) to hold joint work programme meetings. The purpose of these meetings is to exchange, discuss, and agree work programmes for submission to the OSC and EABs respectively. Joint work programme meetings were held on five occasions in the past municipal year (30 June 2020, 11 September 2020, 9 November 2020, 14 January 2021, and 18 March 2021).
- 3.2 The O&S work programme has principally been prepared and progressed through online meetings and discussions between the O&S Chairman, Vice-Chairman, and Senior Democratic Services Officer (Scrutiny).
- 3.3 Lead Councillor question sessions continued at OSC meetings in 2020-21, with five members of the Executive attending such individual sessions. These sessions gave an opportunity for non-Executive Councillors (and members of the public<sup>2</sup>) to question a member of the Executive about decisions and performance. Questioning can focus on targets and performance over time; particular decisions, initiatives, or projects; or on a section of a Lead Councillor's portfolio.
- 3.4 The formal issues and topics considered by the OSC in 2020-21 include:
- Response to COVID-19
  - Guildford & Waverley Integrated Care Partnership – Primary Care Update
  - Air Quality Strategy Action Plan
  - Gypsy and Traveller Unauthorised Encampments and Possible Transit Site in Surrey
  - Aspire – the Council's commitment to improving the quality of life of people who need our help
  - North Downs Housing Limited
  - Guildford Crematorium Redevelopment Post Project Review
  - Guildford Sportsground Pavilion Refurbishment
  - Safer Guildford Partnership Annual Report 2020
  - Review of the New Homes Bonus
  - ICT Refresh Programme
  - Spend on Consultants and Agency Workers

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<sup>2</sup> 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.

- Future Guildford Phase B
- Property Investment Strategy
- Review of the Annual Report and Monitoring arrangements for the operation of the G Live contract, 2019-20
- Operation of the Leisure Management contract, 2019-20

3.6 The business scheduled for the June 2020 OSC meeting was postponed to enable the Committee to focus on the Council's response to the COVID-19 crisis. The OSC continued to monitor the response to the pandemic throughout the year.

3.7 As a result of adjusting and re-prioritising its approach and work plan, the OSC members scheduled three additional Committee meetings in 2020-21. It might be noted that due to pre-election restrictions on publicity the April 2021 OSC meeting was moved to June 2021.

3.8 Two issues had been identified in 2019-20 for progression through an in-depth, task and finish group approach: Social Housing; and Governance of Major Projects. Due to the emerging project and programme governance changes at the Council the OSC removed Governance of Major Projects from its work plan as a task group in late 2020 and replaced it with the topic of Mental Health Provision in the Borough.

3.9 Both the Social Housing and Mental Health Provision in the Borough task groups began in early 2021.

#### **4. Current and future O&S work programme**

4.1 Attached at Appendix 1 is the overview and scrutiny work programme for 2020-21 as developed thus far. This includes a programme of Lead Councillor question sessions for 2021-22.

4.2 The intention is for a long-term work programme that focuses on items that can make a tangible difference, but one flexible enough to accommodate urgent, short term issues that arise.

4.3 The working groups drawn from non-Executive Councillors to scrutinise the Council's Leisure Partnership Agreement and G-Live contracts monitoring are scheduled to report back to the OSC in November 2021 and January 2022 respectively.

4.4 The O&S work programme is considered regularly and agreed formally by the OSC. Topics are shortlisted with reference to a P.A.P.E.R. selection tool (attached as Appendix 3).

#### **Resourcing of O&S**

4.5 Research suggests the resource allocated to scrutiny is fundamental in determining how effective the function is. The Council has a Senior Democratic Services Officer post dedicated largely to scrutiny and a separate scrutiny budget (of £5,000 p.a.) for external advice and expertise.

#### **Training for O&S councillors**

4.6 The Council offers induction training and ongoing skills training to Councillors, which has traditionally been facilitated by John Cade from the Institute of Local Government Studies (INLOGOV), University of Birmingham. All this training has been extremely

well received by councillors and additional sessions on aspects of overview and scrutiny are to be hoped for during 2021-22.

- 4.7 In addition, Councillors are able to attend external O&S courses remotely (for example, with the Centre for Governance and Scrutiny and the Local Government Association).

## **5. Call-In Procedure and Urgency Provisions**

- 5.1 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**

- 5.2 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.
- 5.3 The provisions relating to call-in are specified in the Overview and Scrutiny Procedure Rules contained in the Council's Constitution. 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.
- 5.4 The call-in procedure has not been exercised at the Council in 2020-21. In the previous municipal year call-in was used just once; prior to this it was last exercised in late 2012.
- 5.5 The call-in procedure was revised by the Council in October 2014 as part of a 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 increasing the call-in period from 96 hours to 5 working days.
- 5.6 Having considered the statutory guidance on scrutiny<sup>3</sup> and the current and previously considered approaches to scrutiny at the Council, there are no changes proposed to the call-in procedure at this time.

### **Urgency provisions**

- 5.7 The 'urgency' provisions are specified in the Access to Information Procedure Rules and Overview and Scrutiny Procedure Rules. A 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. In addition, these provisions enable key decisions to be taken with less than 28 days' notice: either with at least 5 clear days' notification or less notice with the agreement of the OSC Chairman.

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<sup>3</sup> Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities issued in May 2019: <https://www.gov.uk/government/publications/overview-and-scrutiny-statutory-guidance-for-councils-and-combined-authorities>

- 5.8 During 2020-21, the urgency provisions were used on four occasions:
- Surrey Leaders' Group – Nominations for appointment to outside bodies 2020-21. Executive decisions, May 2020 and January 2021.
  - Ash Road Bridge: Project Update. Executive decision, March 2021.
  - North Street Development Site, Guildford. Executive decision, March 2021.
- 5.9 Further details of the four occasions during 2020-21 are attached at Appendix 2. This compares to four occasions in the 2019-20 municipal year.
- 5.10 There are no changes proposed to the urgency provisions.

## **6. Legal Implications**

- 6.1 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 16(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.
- 6.2 The Council must 'have regard' to statutory guidance on O&S when exercising and reviewing its O&S function.<sup>4</sup> This means that it is not necessary to follow every detail of the guidance, but it should be followed unless there is good reason not to do so.

## **7. Financial Implications**

- 7.1 There are no financial implications arising directly from this report.

## **8. Human Resources Implications**

- 8.1 There are no human resources implications arising from this report.

## **9. Equality and Diversity Implications**

- 9.1 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.

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<sup>4</sup> Statutory guidance for O&S was published by the Ministry of Housing, Communities and Local Government in May 2019 under section 9Q of the Local Government Act 2000 and Schedule 5A paragraph 2(9) to the Local Democracy, Economic Development and Construction Act 2009. [Note 4 above refers].

9.2 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.

## **10. Climate change / sustainability implications**

10.1 There are no climate change / sustainability implications arising directly from this report.

## **11. Conclusion**

11.1 Having considered the statutory guidance on scrutiny, the work undertaken during 2020-21 and its future work programme, together with current and previously considered approaches to scrutiny at the Council, officers recommend no change to O&S at this time.

11.2 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 2021-22, June 2021.

Appendix 2 – Key decisions taken by Executive in 2020-21 under urgency provisions / call-in waived.

Appendix 3 – P.A.P.E.R. selection tool.