

Report to Overview and Scrutiny Committee

Report of Strategic Services Director

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Overview and Scrutiny Annual Report, 2021-22

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.

The two decisions taken during the past municipal year under the 'urgency' provisions are listed within the report and detailed at Appendix 2. In 2021-22, call-in was waived by the O&S Committee Chairman on one occasion; no decisions were called-in for consideration by the O&S Committee during the past municipal year.

Recommendations to Council (26 July 2022)

- (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.¹

¹ 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 2021-22;
 - (b) consider and approve the future work programme for O&S as developed thus far; and
 - (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 in our decision-making.

3. Work of the OSC in 2021-22

- 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 six occasions in the past municipal year (26 May 2021, 21 July 2021, 15 September 2021, 10 November 2021, 19 January 2022, and 16 March 2022).
- 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, OSC members, and the Senior Democratic Services Officer (Scrutiny).
- 3.3 Lead Councillor question sessions continued to feature at OSC meetings in 2021-22 with nine individual sessions with members of the Executive, including one with the Leader of the Council. These sessions gave an opportunity for non-Executive Councillors (and members of the public²) 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 2021-22 include:
- Surrey's Mental Health Improvement Programme
 - Children and Young People's Emotional Wellbeing and Mental Health Service
 - Response to COVID-19
 - Food Poverty and Insecurity
 - Licensing of Houses in Multiple Occupation (HMO)
 - Safer Guildford Partnership Annual Report 2021
 - Air Quality Strategy Action Plan
 - Gypsy, Roma and Traveller Unauthorised Encampments and Potential Transit Site in Surrey
 - Guildford Crematorium Air Quality Audit
 - Review of the Implementation of the Future Guildford Transformation Programme
 - Annual Report: Modern Slavery Motion

² 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.

- Guildford and Waverley Councils Collaboration
 - Spend on Consultants and Agency Workers
 - Report of an investigation relating to the Garden Village at the Former Wisley Airfield
 - Review of the Annual Report and Monitoring Arrangements for the Operation of the G Live Contract 2020-2021
 - Operation of Leisure Management Contract 2020-21
 - Project & Programme Management Governance
- 3.5 As a result of adjusting and re-prioritising its approach and work plan, the OSC members scheduled two additional Committee meetings in the 2021-22 municipal year.
- 3.6 Two issues had been identified by the OSC for progression through an in-depth, task and finish group approach: Affordable Housing; and Mental Health Provision in the Borough.
- 3.7 Due to the ending of the Mental Health Provision in the Borough task group when its membership reducing to two, the issues identified were progressed through items at the October 2021 and April 2022 OSC meetings (with a further update scheduled for the July 2022 OSC meeting.)
- 3.8 The Affordable Housing task group is expected to report in 2022.

4. Current and future O&S work programme

- 4.1 Attached at Appendix 1 is the overview and scrutiny work programme for 2022-23 as developed thus far. This includes a programme of Lead Councillor question sessions for 2022-23.
- 4.2 The number of OSC meetings scheduled for 2022-23 was affected by the Council's adoption of the Pre-Election Period Publicity Policy; however, an additional OSC meeting is to be scheduled for October 2022.
- 4.3 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.
- 4.4 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 2022 and January 2023 respectively.
- 4.5 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

- 4.6 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

- 4.7 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.
- 4.8 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 key 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 2021-22, nor was it used in 2020-21. In the 2019-20 municipal year call-in was used just once and prior to this call-in 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 scrutiny³ 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

³ 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>

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.

- 5.8 During 2021-22, the urgency provisions were used on two occasions:
- Weyside Urban Village Development. Executive decision, July 2021.
 - G Live contract and lease. Executive decision, August 2021.
- 5.9 Further details of the two occasions during 2021-22 are attached at Appendix 2. This compares to four occasions in the 2020-21 municipal year.
- 5.10 The Chairman of the OSC agreed to waive call-in on one occasion: the Weyside Urban Village Development decision by the Executive in July 2021.
- 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.⁴ 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

⁴ 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].

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.

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 2021-22 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 2022-23, 30 June 2022.

Appendix 2 – Key decisions taken by Executive in 2021-22 under urgency provisions / call-in waived.

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