

Guildford Borough Council

Report to: Council

Date: 8 October 2024

Ward(s) affected: All

Report of Strategic Director of Legal & Democratic Services

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Councillor(s) responsible: Chair of Overview and Scrutiny Committee –
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Report Status: Open

Overview and Scrutiny Annual Report, 2023-24

1. Executive Summary

- 1.1 This report outlines the work undertaken by overview and scrutiny (O&S) during the 2023-24 municipal year and the future work programmes of the Council's two overview and scrutiny committees as thus far developed.
- 1.2 In addition, the four decisions taken during the past municipal year under the 'urgency' provisions are listed within the report and detailed at Appendix 2.¹ In the past municipal year, the Overview

¹ For this report, urgency provisions refers to the circumstances set out in the Access to Information Procedure Rules 15 (General Exception) and 16 (Special Urgency). See [Guildford Constitution](#), Part 4, Procedure Rules and the preamble to Appendix 2 to this report.

and Scrutiny Committee (OSC) Chair was not requested to waive call-in, while one key decision was called-in for consideration by the OSC.

- 1.3 At its meeting on 10 September 2024, the Overview & Scrutiny Committee Resources was asked to:
 - (a) consider the issues and topics examined by O&S during 2023-24;
 - (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 and consider proposals for improvement.
- 1.4 The Committee was also asked to recommend to Council that:
 - (a) the report submitted to the Committee be commended as the Overview and Scrutiny Annual Report, 2023-24; and
 - (b) the current rules relating to call-in and the urgency provisions remain unchanged.
- 1.5 The Overview and Scrutiny Committee Resources agreed to:
 - (1) Commend the report submitted to the Committee as the Overview and Scrutiny Annual Report, 2023-24.
 - (2) Recommend that the current rules relating to call-in and the urgency provisions remain unchanged, subject to the addition that whenever the general exception provisions are used to take key decisions in accordance with Access to Information Procedure Rule 15 the details of those decisions shall be reported by the Leader to the next ordinary meeting of the Council.
 - (3) Recommend that an Overview and Scrutiny budget of £5,000 per annum be re-established.
- 1.6 The Annual Report will also be considered by the Overview and Scrutiny Committee Services at its meeting on 30 September. Details of any comments/recommendations arising from that meeting will be

reported to members on the Supplementary Agenda Pack for the Council meeting.

2. Recommendations to Council

2.1 Subject to any comments/recommendations arising from the meeting of the Overview & Scrutiny Committee Services on 30 September 2024, the Council is asked to consider the following recommendations:

- (1) That this report be commended as the Overview and Scrutiny Annual Report for 2023-24.
- (2) That the current rules relating to the Council's call-in and urgency provisions remain unchanged, subject to the addition that whenever the general exception provisions are used to take key decisions in accordance with Access to Information Procedure Rule 15 the details of those decisions shall be reported by the Leader to the next ordinary meeting of the Council.
- (3) That the following amendment be made to Access to Information Procedure Rule 17:

“After paragraph 17.3, add the following paragraph:

“17.4 Reports from the Leader on the use of the General Exception Procedure

The Leader will report to the next ordinary meeting of the Council on any executive key decisions taken in the circumstances set out in Procedure Rule 15 (general exception). The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.”

- (4) That consideration be given to the re-establishment of an Overview and Scrutiny budget of £5,000 per annum as part of the ongoing budget setting process.

3. Reasons for Recommendations

- 3.1. 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.
- 3.2. There are no changes proposed to the call-in procedure or the urgency provisions at this time, except for the proposed additional provision with Access to Information Procedure Rules to require the Leader to report to Council on the use of the General Exception procedure.

4. Status of Report

- 4.1. No part of this report is exempt from publication.

5. Purpose of Report

- 5.1. This report outlines the work undertaken by the OSC during 2023-24 and the future work programmes of the Council's two overview and scrutiny committees as thus far developed.
- 5.2. Additionally, this report provides an opportunity for the review, and possible amendment through a report to Full Council, of the operation of the provisions relating to call-in and urgency.

6. Strategic Priorities

- 6.1. The O&S function strengthens the position of the Council to ensure we are able to deliver our strategic priorities. For example, O&S assists the Council in improving services and ensuring we are open and accountable in our decision-making.

7. Work of the OSC in 2023-24

- 7.1. Overview and Scrutiny Procedure Rule 7 indicates that the Chairs and Vice-Chairs of the [now disbanded] OSC and the Executive Advisory Boards (EABs) should 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.

- 7.2. However, no joint work programme meetings were held in 2023-24. As reported to full Council in April 2024, this absence was due mainly to the Council's financial issues leading to work in respect of project mandates being set aside, staff capacity issues and the need to focus on other priorities.²
- 7.3. During the past municipal year, the O&S work programme has principally been prepared and progressed through online meetings and discussions between the O&S Chair, Vice-Chair, OSC members, and the Senior Democratic Services Officer (Scrutiny).
- 7.4. Lead Councillor question sessions continued to feature at OSC meetings in 2023-24 with four members of the Executive attending, including the Leader of the Council. These sessions gave an opportunity for non-Executive Councillors (and members of the public³) 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.
- 7.5. The issues and topics considered by the OSC in 2023-24 include:
 - Water Outages in Guildford
 - Safer Guildford Partnership Annual Report 2022-23
 - Air Quality Strategy workplan
 - Community Services – The Hive

² Review of Executive Advisory Boards and Overview & Scrutiny report to full Council, 16 April 2024. (While no work programme meetings were held in 2023-24, arrangements have now been put in place for regular meetings of O&S Chairs and Vice-Chairs and Executive members to discuss their work programmes and to establish a dialogue between O&S and the Executive. The first two meetings took place on 11 and 25 September 2024.)

³ 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.

- Borough's response to refugees
 - Spend on consultants and agency workers 2022-23
 - Annual report on Council's Procurement
 - Annual report on Modern Slavery Motion
 - Council's Customer Services
 - Guildford and Waverley Councils Collaboration
 - Quarterly Performance Monitoring Reports
 - Review of the G Live Annual Report 2022-23
 - Operation of Leisure Management Contract 2022-23
 - Call-in of option agreement with Blackwell Park Limited
- 7.6. The Committee held a total of seven meetings in 2023-24, including an additional one in March 2024 to consider a call-in.
- 7.7. Issues around the delivery and accessibility of affordable housing in the Borough and improvements to North Down Housing Limited had been identified by the OSC for progression through an in-depth, task and finish group approach. This Affordable Housing task group was expected to report in 2022-23 but due to various difficulties did not.
- 7.8. A narrative summary of the first task group's work was produced in early December 2023, but efforts to re-establish the group in 2023-24 were unsuccessful due to capacity issues within housing services preventing support of an affordable housing review.

8. Current and future O&S work programme

- 8.1. Attached at Appendix 1 is the O&S work programme for 2024-25 as developed thus far. This includes a limited programme of Lead Councillor question sessions.
- 8.2. Seven OSC meetings were scheduled for 2023-24, with an additional meeting held on 19 March to consider a call-in. Following the decision to disband the two Executive Advisory Boards and the single Overview and Scrutiny Committee and to replace them with two new Overview and Scrutiny Committees, seven meetings were scheduled for each OSC in 2024-25. Additional OSC meetings will be scheduled

if needed, for example, an extra meeting of the Overview and Scrutiny Committee – Services was required on 10 July 2024.

- 8.3. 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.
- 8.4. As Appendix 1 shows, 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 Overview and Scrutiny Committee – Services in December 2024.
- 8.5. Each OSC should formally consider and agree its work programme at regular intervals. Potential topics are shortlisted with reference to a P.A.P.E.R. selection tool (attached as Appendix 3).

9. Resourcing O&S

- 9.1. 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.
- 9.2. The cost of external expertise over the last six municipal years totals £504.30 (expenses for two experts to present to and advise the Committee, plus commissioning an external researcher to help map the emergency food aid provision in the Borough).⁴
- 9.3. 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 – the most recent being on 3 June 2024 and 20 June 2024. All this training has been extremely well received by councillors and, budget permitting, additional sessions on aspects of overview and scrutiny would be welcome during 2024-25.

⁴ Until 2023-24, O&S had a separate scrutiny budget (of £5,000 p.a.) for external advice and expertise. As this was rarely used, and in view of the Council’s financial position, this budget was deleted.

- 9.4. The 20 June 2024 event was used to explore financial scrutiny – an area that prior to May 2024 fell within the remit of other committees at the Council. Additional local government finance training for overview and scrutiny members is to be provided by finance officers during 2024-25.
- 9.5. The cost incurred over the last 4 years for induction and ongoing O&S training for members is £3,716 (consisting of the induction training provided in 2023 and the two June 2024 sessions).

10. Call-in procedure and urgency provisions

- 10.1 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.
- 10.2 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.
- 10.3 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.
- 10.4 The call-in procedure was exercised once at the Council in 2023-24, when the decision of the Joint Strategic Director – Place in relation to the option agreement with Blackwell Park Limited was called in by five Councillors. Call-in has been seldom used at Guildford Borough Council: prior to March 2024, call-in was last used in 2020, and before that in 2012.

- 10.5 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 Chair, and the call-in period was increased from 96 hours to 5 working days.
- 10.6 Having considered the statutory guidance on scrutiny⁵ 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.
- 10.7 The urgency provisions are specified in the Access to Information Procedure Rules and further in Overview and Scrutiny Procedure Rule 16(h). These provisions enable key decisions to be taken with less than 28 days' notice: either with at least 5 clear days' notification (as a general exception) or if less than 5 clear days' notice with the agreement of the OSC Chair (as a case of Special Urgency).
- 10.8 During 2023-24, the general exception provisions were required on three occasions:
- Approve an initial supplementary budget of £350,000 to the Wisley Appeal and for the initial work to prepare for the North Street appeal, June 2023.
 - Discontinuation of the Parish Councils Concurrent Functions Grants scheme, October 2023.
 - Enter into an option Agreement with Blackwell Park Limited in respect of purchase of Council-owned land, February 2024.

⁵ Overview and scrutiny: statutory guidance for councils, combined authorities and combined county authorities, April 2024:
<https://www.gov.uk/government/publications/overview-and-scrutiny-statutory-guidance-for-councils-combined-authorities-and-combined-county-authorities/overview-and-scrutiny-statutory-guidance-for-councils-combined-authorities-and-combined-county-authorities>

10.9 During 2023-24, the Special Urgency provisions were required once:

- Termination of two housing maintenance contracts, October 2023.

10.10 During 2023-24, the Chair of the OSC was not asked to waive call-in.

11. Consultation

11.1 A draft of this report was shared with the Chairs and Vice-Chairs of both overview and scrutiny committees for comment.

12. Key Risks

12.1 While there are perhaps no key risks arising directly from this report, the matters below warrant a mention.

12.2 The Council's Constitution states that O&S must report annually to full Council on its work undertaken during the year, its future work programme, and amended working methods if appropriate.

12.2 The submission of an O&S Annual Report to full Council is intended to raise awareness of ongoing and upcoming work and underline the importance of the function within the organisation; overview and scrutiny is essential in improving services and ensuring the Council is open and accountable in its decision-making.

12.3 In addition, a well-planned overview and scrutiny function provides a clear picture to the public of planned activity and helps both officers and members plan their workloads.

13. Finance Implications

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

14. Legal and Governance Implications

- 14.1 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.
- 14.2 The Council must 'have regard' to statutory guidance on O&S when exercising and reviewing its O&S function. 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.

15. Human Resources Implications

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

16. Equality and Diversity Implications

- 16.1 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.

16.2 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.

17. Climate Change and Sustainability Implications

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

18. Next Steps

18.1 The Council is asked to consider the issues and topics examined by O&S during 2023-24 and approve the future work programme for O&S as developed thus far. In addition, the Council is requested to review the operation of provisions relating to call-in and urgency.

18.2 Time-limited decisions made through urgency provisions can diminish perceptions of transparency and accountability. Key decisions should only be made using urgency provisions as a last resort, in genuinely urgent situations. Members may consider that the intention to make a key decision could reasonably be expected to be identified and published by the Council to comply with the 28 day notice period.

18.3 To improve confidence that key decisions are made under urgency provisions only when there are good reasons for doing so, in October 2023 Council agreed a procedural change recommended by the OSC; namely, that the Leader of the Council report to the next ordinary meeting of full Council on decisions taken as cases of Special Urgency. The Council may wish to consider extending this provision to all key decisions taken with less than 28 days' notice, that is to say, include those key decisions taken as a general exception for which between 5 and 27 days' notice is given.

18.4 Having considered the statutory guidance on scrutiny, together with current and previously considered approaches to scrutiny at the Council and the changes to O&S committees introduced at the beginning of the current municipal year, officers recommend no substantive change to call-in or urgency provisions at this time. (The

option outlined at 18.3 would be considered a minor procedural change.)

19. Background Papers

None.

20. Appendices

Appendix 1: O&S work programme 2024-25 (including OSC remits and Executive areas of responsibility)

Appendix 2: Table to show key decisions taken in 2023-24 under urgency provisions and call-in waivers.

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