

Report to Council

Ward(s) affected: n/a

Report of Managing Director

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## **Review of Overview and Scrutiny – Annual Report 2016-17**

### **Executive Summary**

This report outlines the work undertaken by overview and scrutiny during the past year and, within Appendix 1, its future work programme as thus far developed.

Decisions taken under the 'urgency' provisions and the use of 'call-in' are detailed within the report. In 2016-17, two decisions were taken under the urgency provisions of the Overview and Scrutiny Procedure Rules, while there were no call-ins.

This report was also considered by the Overview and Scrutiny Committee at its meeting on 11 July 2017. The Committee commended the report to Council.

### **Recommendations to Council:**

- (1) That this report be commended as the annual report of the Overview and Scrutiny Committee.
- (2) That no changes be made to the current rules relating to call in or urgency provisions.

### Reasons for Recommendation:

- Article 8.2 (d) of the Constitution requires the Overview and Scrutiny Committee to report annually to the full Council on its work undertaken during the year, its future work programme, and amended working methods if appropriate.
- Overview and Scrutiny Procedure Rule 17(i), requires the operation of the provisions relating to call-in and urgency to be monitored annually and reported to 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 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 the Council for review if necessary.
- 1.3 Accordingly, this report outlines the work undertaken during 2016-17 and asks the Council to:

- (a) note the issues and topics considered by the OSC during 2016-17;
- (b) review the provisions in the Constitution relating to 'call-in' and 'urgency';
- (c) note the future work programme for the OSC; and
- (d) suggest to the Chairman and Vice Chairman of the OSC future issues for consideration at the next work programme meeting.

## **2. The Council's Strategic Framework**

- 2.1 The overview and scrutiny function assists the Council in delivering quality and value for money services and helping to ensure the Council is open and accountable to its residents.

## **3. Work of the OSC in 2016-17**

- 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 seven joint work programme meetings in 2016-17. These meetings prepare work programmes for submission and approval to the OSC and EABs respectively.
- 3.2 Currently, the process of selecting topics and issues for overview and scrutiny is determined with reference to a work programme development and topic selection flowchart. A proposal to consider adopting the P.A.P.E.R. prioritisation tool is put forward as part of the 12-month review of the Council's revised governance arrangements [considered elsewhere on this agenda].
- 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 public<sup>1</sup>) 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 include the Millmead Refurbishment, Customer Service, Project Aspire, the Corporate Plan, and the Pop Up Village.
- 3.4 By the end of the 2016-17 municipal year, six councillors had attended a Lead Councillor question session, including the Leader of the Council. OSC members have confirmed that these question sessions are to continue in the current municipal year and a provisional programme has been scheduled (within Appendix 1).
- 3.5 The formal issues and topics considered by the OSC:
  - Air Quality Monitoring within the Borough (progressed through a task and finish group<sup>2</sup>)
  - Corporate Plan, 2015-2020
  - Customer Service
  - Fareshare (including the establishment of a Food Poverty task and finish group)
  - Implications of Changes to Policing in Surrey (progressed through a task and finish group<sup>3</sup>)

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<sup>1</sup> 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.

<sup>2</sup> The Air Quality Monitoring report of the OSC is available on the [Council's website](#).

- Later Life strategy
- Managing Employee Health and Wellbeing
- Millmead Refurbishment
- Pop Up Village
- Project Aspire
- Review of Grants and Other Support to Voluntary and Community Organisations
- Service Review Progress Report 2015-16
- Sponsorship Policy
- Surrey Save Credit Union

- 3.6 As indicated above, during 2016-17 two issues were progressed through a task and finish group approach: Air Quality Monitoring and the Implications of Changes to Policing in Surrey.
- 3.7 The investigation into concerns about air quality in the Borough prompted an Executive working group to be established to take forward the work of the task and finish group and ensure that adequate steps are being taken to implement their recommendations.
- 3.8 The overview and scrutiny review of the effects of policing changes identified a number of issues with potential to impact community safety in the Borough. In a report welcomed by external stakeholders, a number of key recommendations are directed to the Council's Executive<sup>4</sup>. An additional phase of work, to review the possible reorganisation or expansion of the Council's anti-social behaviour service, is part of the OSC's work programme for 2017-18.

#### **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 key decision<sup>5</sup> 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.

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<sup>3</sup> The Implications of the Policing Changes in Surrey report of the OSC is available on the [Council's website](#).

<sup>4</sup> To be considered by the Executive on 18 July 2017

<sup>5</sup> A 'key decision' means an executive decision likely to result in expenditure or savings of at least £200,000 or to have a significant impact on two or more wards within the Borough.

- 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.

### **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 2016-17 municipal year, the urgency provisions were used on two occasions as below:
- 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.
- 4.9 This compares to two occasions in 2015-16:
- Authorisation to acquire Armour Buildings from the Asset Investment Fund. Executive decision, 1 September 2015.
  - Disposal of The Nook, Pirbright Road, Normandy. Executive decision, 23 February 2016.
- 4.10 There are no changes proposed to the urgency provisions.

### **5. Future Work Programmes**

- 5.1 The proposed overview and scrutiny work programme for 2017-18 as developed thus far is attached as Appendix 1.
- 5.2 Councillors are invited to suggest further topics to the Chairman and Vice-Chairman to be considered at their next work programme meeting.

### **6. Development of Scrutiny**

- 6.1 The Council introduced revised overview and scrutiny arrangements in January 2016, as part of its governance arrangements changes. 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, with the Officer starting in post in April 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.

6.2 A 12-month review of the new Overview and Scrutiny arrangements will include consideration of whether the changes have enhanced the role and value of overview and scrutiny at the Council.<sup>6</sup>

6.3 To assist with the development of overview and scrutiny, training on questioning techniques and effective challenge was facilitated by John Cade from the Institute of Local Government Studies, University of Birmingham. To an extent, this training complemented the previous facilitated sessions for councillors that accompanied the governance arrangements change in 2015-16. All this training was well received by councillors and additional sessions on aspects of overview and scrutiny are envisaged for 2017-18.

## **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.

## **8. Financial Implications**

8.1 There are no financial implications arising from this report.

## **9. Human Resources Implications**

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

## **10. Equality and Diversity Implications**

10.1 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 through 2016-17. Further revisions, such as adopting the P.A.P.E.R. prioritisation tool or increasing efforts to achieve public engagement, may be made as part of the 12-month review of these governance arrangements. As part of the Annual Report on Overview and Scrutiny, the 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 2017-18, June 2017

Appendix 2: Overview and Scrutiny Procedure Rules, November 2016

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<sup>6</sup> 'Revised Governance Arrangements: 12 Month Review', is a separate item on the meeting's agenda.