

Report to Overview and Scrutiny Committee

Report of Director of Strategy

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Overview and Scrutiny Annual Report, 2019-20

Executive Summary:

This report outlines the work undertaken by overview and scrutiny (O&S) during the past municipal year and its future work programme in the current circumstances.

Decisions taken during the past municipal year under the 'urgency' provisions and the use of 'call-in' are listed within the report and detailed at Appendix 2. In 2019-20, four decisions were taken under the Constitution's urgency provisions, while there was one call-in.

Recommendations to Council (28 July 2020)

- (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
- 1.3 Accordingly, this report asks the Overview and Scrutiny Committee to:

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.

- (a) note the issues and topics considered by O&S during 2019-20;
- (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 2019-20

- 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 three occasions in 2019-20 (26 May 2019, 11 November 2019, and 3 February 2020).
- 3.2 The O&S work programme has principally been prepared and progressed through frequent meetings between the O&S Chairman, Vice-Chairman, and Senior Democratic Services Officer (Scrutiny).
- 3.3 Lead Councillor question sessions continued at OSC meetings in 2019-20, with three members of the Executive attending such individual sessions, including the Leader of the Council (twice). 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 2019-20 include:
 - The Council's Future Guildford transformation programme
 - The Call-in of the Executive's Decision: Walnut Bridge – Application for additional funding
 - Final report of the Food Poverty task and finish group³ and monitoring of its recommendations
 - Safer Guildford Partnership Annual Report 2019
 - Support for Care Leavers
 - Review of the Joint Enforcement Team (JET)
 - Review of Grants
 - Review of the Council's ICT refresh project
 - Operation of the Leisure Management Contract 2018-19
 - Review of the Annual Report and Monitoring arrangements for the operation of the G Live contract, 2018-19

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.

³ The report of the Food Poverty task group was completed in March 2019 but, due to pre-election restrictions, was not able to be considered (and adopted) by the OSC until June 2019.

- 3.5 Since 2016, the OSC has scrutinised the Council's G-Live and Leisure Partnership Agreement contracts monitoring through a working group reporting back to the Committee. In 2019 the Committee decided to establish separate working groups with different memberships to undertake this role.
- 3.6 Three issues were identified in 2019-20 for progression through an in-depth, task and finish group approach: Sustainable Transport; Social Housing – how to ensure truly affordable homes; and Governance of Major Projects. It needs to be noted that the OSC removed the Sustainable Transport task and finish group from its work plan in early 2020 to avoid duplicating the work of the Executive's Climate Change and Innovation Board.

Impact of COVID-19 on O&S work programme

- 3.7 The Social Housing and the Governance of Major Projects task groups were halted due to the COVID-19 crisis, in particular because it was felt that between the scoping and the delivery of the reviews the world will likely have changed in unpredictable ways and any recommendations put forward are invariably going to be subject to the impact from the COVID-19 crisis.
- 3.8 The OSC meeting scheduled for mid-April 2020 was one of the Council meetings cancelled due to COVID-19.

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. It should be pointed out that the work programme scheduled prior to COVID-19 was effectively suspended, with all Councillors invited to an online discussion in May 2020 to start re-prioritising potential work programme items. (The business scheduled for the June 2020 OSC meeting was suspended to enable the Committee to focus on the Council's response to the COVID-19 crisis.)
- 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. The extent to which the OSC re-prioritises and adjusts its work plan to concentrate on COVID-19 issues, or holds additional Committee meetings, is for Councillors to determine.
- 4.3 A programme of Lead Councillor question sessions will be scheduled for 2020-21.
- 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 2020 and January 2021 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, usually 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 anticipated during 2020-21.
- 4.8 In addition, Councillors are able to attend external O&S courses remotely (for example, with the Centre for Public 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 been exercised at the Council once in 2019-20, in February to review the 'Walnut Bridge – Application for additional funding'. This is the first time since November 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 scrutiny⁴, the call-in enacted in February 2020, 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

⁴ 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>

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.

5.8 During 2019-20, the urgency provisions were used on four occasions:

- Surrey Leaders' Group – Nominations for appointment to outside bodies 2019-20. Executive decision, May 2019.
- Acquisition of an Industrial Holding on Slyfield Industrial Estate Decision taken by Managing Director (under delegated authority), July 2019.
- Ash Road Bridge – Funding Report. Executive decision, September 2019.
- Lease of property in town centre. Executive decision, November 2019.

5.9 Further details of the four occasions during 2019-20 are attached at Appendix 2. This compares to five occasions in the 2018-19 municipal year.⁵

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.⁶ 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.

⁵ Surrey Leaders' Group – nominations for appointment to outside bodies, 2017-18. Executive decision, 23 May 2017. 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.

⁶ 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. 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.
- 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 2019-20 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 2020-21, June 2020.

Appendix 2 – Key decisions taken by Executive in 2019-20 under urgency provisions / call-in waived.

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