

CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 5
8 JULY 2019	PUBLIC REPORT

Report of:	Fiona McMillan, Director of Law and Governance	
Cabinet Member(s) responsible:	Councillor Farooq, Cabinet Member for Digital Services and Transformation	
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STATUTORY GUIDANCE ON OVERVIEW AND SCRUTINY IN LOCAL AND COMBINED AUTHORITIES AND REVIEW OF THE GROWTH, ENVIRONMENT AND RESOURCES SCRUTINY COMMITTEE TERMS OF REFERENCE

R E C O M M E N D A T I O N S	
FROM: Director of Law and Governance	Deadline date: N/A

It is recommended that the Constitution and Ethics Committee::

1. Note the recently published Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities attached at Appendix 1, and
2. Consider the current role and effectiveness of scrutiny at Peterborough City Council in light of the guidance and if any changes in culture within the council are needed to ensure that the work of scrutiny is challenging, provides impact and positive outcomes for the people of Peterborough in the delivery of services.
3. Look at the Terms of Reference and workload of the Growth, Environment and Resources Scrutiny Committee compared to the other scrutiny committees as listed in Appendix 2 and Appendix 3 and:
 - a. Consider if the remit of the Growth, Environment and Resources Scrutiny Committee should remain the same for this municipal year, or;
 - b. Consider moving some of the services areas within the Terms of Reference of this Committee and redistribute them across to one of the other scrutiny committees if considered more appropriate or;
 - c. Consider if there is a need to set up a new additional Scrutiny Committee to reduce the remit of the Growth, Environment and Resources Scrutiny Committee

1. ORIGIN OF REPORT

1.1 This report is submitted to the Constitution and Ethics Committee following a request from Group Leaders.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is for the Committee to consider the new Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities published by the Ministry of Housing, Communities and Local Government in May 2019. On considering the guidance the Committee should decide what actions, if any, should be taken to implement changes to the way overview and scrutiny is delivered at Peterborough City Council.

The guidance has been put in place to ensure local and combined authorities are aware of the purpose of overview and scrutiny and how to conduct it effectively.

2.2 This report is for the Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.1

Authority to oversee the operation of the Council's Constitution and authority to make recommendations to Full Council as to amendments and improvements to the Council's Constitution (including the codes and protocols) subject to the receipt and consideration of a report prepared by the Monitoring Officer, with the exception of those matters under the remit of the Executive.

2.3 This report links into each of the three Corporate Priorities:

- Pride in our communities and environment
- First rate futures for our children, young people - and quality support for our adults and elderly
- Better jobs and quality homes

3. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. **BACKGROUND AND KEY ISSUES**

4.1 **STATUTORY GUIDANCE ON OVERVIEW AND SCRUTINY IN LOCAL AND COMBINED AUTHORITIES**

Overview and scrutiny committees were introduced by the Local Government Act 2000 and were put in place to act as a counterweight to the new executive arrangements. There had not been an assessment of the effectiveness of overview and scrutiny since they had been put in place. In 2017 the Communities and Local Government Select Committee therefore decided to set up an inquiry into the Effectiveness of local authority overview and scrutiny committees. The terms of reference placed an emphasis on considering factors such as the ability of committees to hold decision-makers to account, the impact of party politics on scrutiny, resourcing of committees and the ability of council scrutiny committees to have oversight of services delivered by external organisations.

The outcome of the inquiry was published on 14 December 2017. The report can be accessed via the following link:

<https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/369/36902.htm>

Following the report statutory guidance was produced by the Ministry of Housing, Communities and Local Government which is aimed at local and combined authorities. It includes a number of policies and practices authorities should have due regard to when deciding how to carry out their overview and scrutiny functions. In particular, it provides advice for senior leaders, members of the overview and scrutiny committees, and support officers.

Key areas covered in the guidance are::

- Culture
- Resourcing
- Selecting Committee Members
- Power to Access Information
- Planning Work
- Evidence Sessions

The Committee are asked to consider the new guidance attached at Appendix 1 and decide if any further action is required.

The Centre for Public Scrutiny had just published an updated version of its “The Good Scrutiny Guide” to complement the new statutory guidance. It can be found at this link and attached at Appendix 4.

<https://www.cfps.org.uk/the-good-scrutiny-guide/>

4.2 **REVIEW OF THE GROWTH, ENVIRONMENT AND RESOURCES SCRUTINY COMMITTEES TERMS OF REFERENCE**

It has been suggested by some Scrutiny Members that the workload across the four scrutiny committees is unfairly distributed with the bulk of the workload going to the Growth, Environment and Resources Scrutiny Committee. Appendix 2 shows the remit of each committee and Appendix 3 shows the workload distribution for each committee over the past three years. It should be noted that the Growth, Environment and Resources Scrutiny Committee has only had four substantive items on the agenda at each meeting although these items have largely been policy related over the past two years, some of which have been considerably detailed in content.

Having analysed the meetings over the past two years it has shown that the average length of time for a meeting of this committee is 1 hour 53 minutes. The longest meetings held were as follows:

- 15 March 2017 - 2 hours 29 minutes in length - Items included: Portfolio Progress report for City Centre Management, Culture and Tourism, Update on the Peterborough Housing Strategy 2016 to 2021, Report on the Verge Parking Working Group
- 7 November 2018 - 2 hours 35 minutes in length - Items included a Call in of Fletton Quays Hotel Loan Facility, plus the normal substantive items which were Serco Annual Report, NPS Peterborough limited 2017-18, Portfolio Progress Report for Cabinet Member for Resources, Annual Corporate Complaint Report 2018/18, Affordable Housing Need and Delivery in Peterborough,
- 9 January 2019 - 2 hours 13 minutes in length - Items included Waste fly tipping, Minerals and Waste Local Plan, Shared Services Update, Council Asset Strategy

Current indications are that the workload of the Growth, Environment and Resources Scrutiny Committee is likely to be lighter in content going forward due to less policies and strategic plans due to be presented. The Committee always has the option to hold an additional meeting to scrutinise a specific item if they feel the item needs more in-depth scrutiny.

The above analysis would indicate that the last two years have been exceptional as the majority of items were either policies or strategies and therefore required more in depth scrutiny allowing less time at the meeting for other items on the agenda.

Members have, over the past two years, also felt at times that the work programme appears to have been more officer led due to the requirement for policies and strategies to be overseen by Scrutiny which has led to less opportunity for the Committee to suggest their own items for scrutiny. This year should provide more opportunity for Member-led content in the work programme.

However consideration may still need to be given to the service areas listed for each committee as listed in Appendix 2 and whether they are still relevant now that some services areas have moved directorate.

The Committee should bear in mind that if a recommendation is made to set up an additional scrutiny committee there will be an impact on Democratic Services staff resources. The scrutiny function is currently supported by two Democratic Services Officers who cover the core work for each of the scrutiny committees:

- 5 formal meetings a year per committee

- 4 Group Representatives / Agenda Planning meetings held a year.per committee
- 1 Annual work programming session to draft the work programme for the year held at the beginning of each municipal year per committee

In addition to the above there are 3/4 Joint Scrutiny of the Budget Meetings to support and occasionally call-in meetings. Scrutiny Task and Finish Groups are also set up per year to conduct an in depth review in to a particular issue. Currently there are two active Task and Finish Groups one of which will be completed in July 2019. The Task and Finish Groups run for approximately six months and can hold up to six meetings within that timeframe, all of which need Democratic Services Support.

5. CONSULTATION

5.1 None

6. ANTICIPATED OUTCOMES OR IMPACT

6.1 The Constitution and Ethics Committee will consider the content of the report and decide whether further action will need to be taken in relation to a) the new Statutory Guidance on Overview and Scrutiny in Local and Combined Authority and b) the remit and workload of the Growth, Environment and Resources Scrutiny Committee.

7. REASON FOR THE RECOMMENDATION

7.1 The recommendation has been made so that the Committee can consider the new Statutory Guidance on Overview and Scrutiny in Local and Combined Authority and the remit and workload of the Growth, Environment and Resources Scrutiny Committee.

8. ALTERNATIVE OPTIONS CONSIDERED

8.1 None

9. IMPLICATIONS

Financial Implications

9.1 None at present.

Legal Implications

9.2 None

Equalities Implications

9.3 None

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1 [Effectiveness of Local Overview and Scrutiny Committees](#)

11. APPENDICES

11.1 Appendix 1 - Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities
 Appendix 2 - Current Scrutiny Committees Terms of Reference
 Appendix 3 - Scrutiny Committees Work Programme Comparisons
 Appendix 4.- Good Scrutiny Guide