

CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 6
8 FEBRUARY 2020	PUBLIC REPORT

Report of:	Fiona McMillan, Director of Law and Governance and Monitoring Officer	
Cabinet Member(s) responsible:	Councillor Farooq, Cabinet Member for Digital Services and Transformation	
Contact Officer(s):	Fiona McMillan, Director of Law and Governance and Monitoring Officer Paulina Ford, Senior Democratic Services Officer	Tel. 452508

TASK AND FINISH GROUP AND WORKING GROUP MEETINGS

RECOMMENDATIONS	
FROM: Director of Law and Governance and Monitoring Officer	Deadline date: <i>n/a</i>
<p>It is recommended that the Constitution and Ethics Committee consider the contents of the report and</p> <ol style="list-style-type: none"> 1. Agree how Task and Finish Groups / Working Groups should operate with regard to meeting in public going forwards, and 2. Agree the relevant amendments to the Constitution to recommend to Council for consideration and approval. 	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Constitution and Ethics Committee following a motion from Councillor Hogg which was agreed at Full Council on 21 October 2021 requesting that *“amendments to the Constitution be made so that by default meetings of task and finish groups and working groups should be held in public, unless it can be demonstrated that there is a clear reason for them to be held in camera.”*

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is for the Committee to consider options of how Task and Finish Groups and Working Groups can practically be held in public and by doing so agree on proposed changes to the Constitution to present to Full Council for consideration and approval.
- 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.

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 At its meeting on 21 October 2020, Full Council received and resolved to approve the following motion from Councillor Hogg:

“Council believes that as a public body spending tens of millions of pounds of public funds, as much as possible of the democratic processes of the City Council should be carried out at meetings which are accessible to members of the public. Council notes that currently task and finish groups and working groups set up by the Peterborough City Council cabinet or its scrutiny committees meet exclusively in private, whereas in many other councils evidence gathering sessions of such groups happen in public and that is also the practice adopted by Parliamentary select committees.

Council instructs the Monitoring Officer to prepare and submit to Council amendments to the Constitution so that by default meetings of task and finish groups and working groups should be held in public, unless it can be demonstrated that there is a clear reason for them to be held in camera. The Monitoring Officer is asked to consult with the Constitution and Ethics Committee in drawing up such amendments.”

4.2 The current practice in Peterborough is to run Cross Party Task and Finish Groups and Working Groups informally in private and to present their findings, conclusions and recommendations in a full report to Cabinet (if a working group) or the parent Scrutiny Committee and then on to Cabinet if a Task and Finish Group.

Whilst holding the meetings in private has been common practice there is nothing in the constitution that states that a Task and Finish Group / Working Group cannot hold any of its meetings in public. There have been occasions in the past where it was felt that a particular topic would benefit from holding a meeting in public in order to engage with and collect evidence from a wider group of people. Examples of this are:

[Scrutiny in a Day: Focus on the Impact of Welfare Reform – 17 January 2014](#)

[The Big Debate: The Effects on Peterborough of the Economic Downturn. -16 February 2010](#)

[Tackling Anti-Social Behaviour - 16 March 2004](#)

4.3 However, it should also be noted that holding scrutiny meetings in public can require more resourcing than the normal informal Task and Finish Group working arrangements, as much more planning and preparation is required.

The advantages of conducting Task and Finish Groups and Working Groups in private session are considered to be as follows:

- Cross Party working is more effective as members of the group are more willing to participate and put forward their opinions openly and without fear of being misquoted.
- Members of the group work together in a non-political way and are more likely to take part in informal and candid discussions to get to the real issues of the topic being reviewed
- Members are more willing to put their names forward to be part of a Task and Finish Group on topics that truly interest them.
- Individuals from external organisations can have fixed perceptions of what an evidence session entails and may be unwilling to subject themselves to detailed public scrutiny if they believe it could reflect badly on them or their employer. Making an informal approach

can help reassure an organisation of the aims of the committee, the type of information being sought and the manner in which the evidence session would be conducted; (*Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities*)

- The group is more able to develop robust recommendations in a considered way working with officers without the time constraints of a formal meeting.

4.4 The Good Scrutiny Guide states:

Structurally speaking there are several ways to investigate a topic, some of which are explored in the guidance. These include a variety of different approaches to “scrutiny reviews”, or “task and finish” reviews. These are more informal approaches to scrutiny, which involve a small group of councillors being commissioned by a formal committee to go and investigate a topic in detail, before reporting back with recommendations.

4.5 The Senior Democratic Services Officer contacted 20 Local Authorities within a Scrutiny Network Group to ask how they conducted scrutiny reviews of which 6 responded as follows:

- Suffolk, Medway and Leeds all responded that all Task and Finish Groups and Working Groups were held in private and in an informal way and reported their findings to the parent scrutiny committee and on to Cabinet.
- Birmingham responded that reviews were held both in public session, as part of the formal committee, and as informal working groups depending on the subject matter and what members were looking to get out of it
- Milton Keynes – In general Task and Finish Group meetings were held in public depending on the subject matter.
- Hertfordshire - Task and finish (topic groups) were held in public for observation, not participation. All the papers, including presentations were published on the website as were the report with the recommendations, executive response and the outcome of monitoring the recommendations 6 months after the scrutiny. The topic was usually dealt with in one day.

4.6 Options for Consideration

Option 1 – To continue running the Task and Finish Groups / Working Groups following the current practice of generally holding them in private session and leaving it to the discretion of the individual Task and Finish Group / Working Group to decide on whether they wish to hold any or all of their meetings in public, depending on the topic being reviewed and if the group considered there would be any benefit in doing so.

Option 2. - Hold evidence gathering sessions with key witnesses in public and hold all other meetings in private. Consideration would need to be given to whether the subject matter was of a sensitive nature in which case it may not be possible to hold the meeting in public. This option may deter some key witnesses from attending and giving evidence and therefore the decision to hold key witness sessions in public would need to be decided on a case-by-case basis.

Option 3 – Hold all meetings in public. This option will require additional meetings to carefully plan the public meetings and therefore will be more resource intensive, and as mentioned in paragraph 4.3 might preclude some Members from joining a Task and Finish Group / Working Group and some Key Witnesses from taking part.

4.7 Proposed wording to amend the constitution can be found highlighted in red text in Appendix 1 of the report.

5. CONSULTATION

5.1 N/A

6. ANTICIPATED OUTCOMES OR IMPACT

- 6.1 It is for the committee to discuss the contents of the report and to agree on which option to take forward and the required amendments to the constitution.

7. REASON FOR THE RECOMMENDATION

- 7.1 The recommendation is in response to the motion put forward by Councillor Hogg and agreed at Full Council on 21 October 2020.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 Alternative options are listed for consideration in section 4.5 of the report.

9. IMPLICATIONS

Financial Implications

- 9.1 None at present. However, if the Task and Finish Groups and Working Groups were to hold ALL meetings in public this would double the workload of officers supporting the groups due to the impact of having to hold additional meetings to plan the public meetings. It is therefore anticipated that additional resourcing may be required to support these additional meetings however the cost of this would not be known until they took place.

Legal Implications

- 9.2 There is no legal requirement to hold meetings of working parties or Task and Finish Groups in public.

Equalities Implications

- 9.3 *None*

Rural Implications

- 9.4 *None*

10. BACKGROUND DOCUMENTS

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

- 10.1 [The Good Scrutiny Guide](#)

[Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities](#)

11. APPENDICES

- 11.1 Appendix 1