

Meeting:	General scrutiny committee
Meeting date:	Monday, 2 July 2018
Title of report:	Work programme
Report by:	Governance services

Classification

Open

Key decision

This is not an executive decision.

Wards affected

Countywide

Purpose and summary

To review the committee's work programme.

Recommendation(s)

THAT:

- (a) the draft work programme as set out at appendix 1 to the report be approved, subject to any amendments the committee wishes to make;**
- (b) the committee considers a replacement appointment to the Minerals and Waste standing panel;**
- (c) the committee considers establishing a task and finish group on highway maintenance – pothole repairs to undertake the work outlined in the draft scoping statement (Appendix 3) and confirming the membership;**
- (d) the committee determines any other matter in relation to the appointment of task and finish groups their chairmanship and any special responsibility allowance or the undertaking of a spotlight review; and**
- (e) the committee decides whether there is any matter for which it wishes to exercise its powers of co-option.**

Alternative options

- 1 It is for the committee to determine its work programme to reflect the priorities facing Herefordshire. The committee needs to be selective and ensure that the work programme is focused, realistic and deliverable within existing resources.

Key considerations

Draft work programme

- 2 The work programme needs to focus on the key issues of concern and be manageable. It must also be ready to accommodate urgent items or matters that have been called-in.
- 3 Should committee members become aware of any issue they think should be considered by the Committee they are invited to discuss the matter with the Chairman and the statutory scrutiny officer.

Hereford Transport Package Options – Phase 2

- 4 On 29 January the committee identified the Hereford Transport Package Options - phase 2 as a potential item for consideration. The report to cabinet on 18 January 2018 stated that: "Subject to cabinet's approval to the recommendations in this report, consultation will commence in February for a period of six weeks. A further report will then be presented to cabinet setting out feedback to this consultation and a recommendation for a preferred route for the bypass and a package of active travel measures for consideration. It is a matter for the general scrutiny committee to determine, but it may choose to exercise its right to pre-decision scrutiny of that decision. At the scrutiny work programming event on 4 June the Hereford Transport Package was identified again as an item of key interest to the committee.
- 5 The provisions in the Constitution relating to pre-decision scrutiny are set out at section 4.5.90 on. Members are reminded that in order not to obstruct the council in its business, the scrutiny committee may call in an executive decision in advance of its actually being taken. Where the scrutiny committee has called-in a key decision from the forward plan before its due date, the decision cannot be called-in again after the final decision has been taken.
- 6 The Committee was invited to consider whether it wished to undertake pre-decision scrutiny at its meeting on 9 April. In the event the length of the debate on the other substantive item on the agenda meant that the agenda item on the work programme was not considered. Accordingly the Committee is invited to determine what course it wishes to pursue.
- 7 Given the timescales involved if the Committee does wish to undertake pre-decision scrutiny of this matter provision has been made for a meeting of the Committee to take place at 10 am on Wednesday 18 July (with the Planning and Regulatory Committee rescheduled for Wednesday 25 July), followed by Cabinet consideration of the matter on the morning of Friday 27 July.

Minerals and Waste Standing Panel

- 8 On 11 July 2017 the Committee appointed a standing panel to maintain a watching brief over proposals for the Minerals and Waste local plan as they develop. Following Councillor Swinglehurst's recent cabinet appointment there is a vacancy on the Panel. Members are invited to consider who, from the committee, should take up the vacant appointment.

Outcome of Scrutiny Workshop

- 9 A number of suggestions for scrutiny were proposed at the workshop on 4 June. A commentary on these proposals and a proposed course of action is set out at appendix 2.
- 10 A draft work programme is attached for consideration at appendix 1. This is based on the proposed course of action set out in appendix 2 being accepted and is subject to any recommendations the committee wishes to make.

Constitutional Matters

Task and Finish Groups

- 11 A scrutiny committee may appoint a task and finish group for any scrutiny activity within the committee's agreed work programme. A committee may determine to undertake a task and finish activity itself as a spotlight review where such an activity may be undertaken in a single session; the procedure rules relating to task and finish groups will apply in these circumstances.
- 12 The relevant scrutiny committee will approve the scope of the activity to be undertaken, the membership, chairman, timeframe, desired outcomes and what will not be included in the work. A task and finish group will be composed of a least 2 members of the committee, other councillors (nominees to be sought from group leaders with un-affiliated members also invited to express their interest in sitting on the group) and may include, as appropriate, co-opted people with specialist knowledge or expertise to support the task. In appointing a chairman of a task and finish group the committee will also determine, having regard to the advice of the council's monitoring officer and statutory scrutiny officer, whether the scope of the activity is such as to attract a special responsibility allowance.
- 13 The Committee is asked to determine any matters relating to the appointment of a task and finish group and the chairmanship and any special responsibility allowance or undertaking a spotlight review including co-option (see below).

Proposed Task and Finish Group – Highway Maintenance – Pothole Repairs

- 14 Further to the Committee's meeting in January the Chairman has proposed that a task and finish group be established to examine this issue. A draft scoping statement is attached at appendix 3.
- 15 To date whilst some members of the Committee have expressed support for scrutiny of the proposed topic, as it is understood some Councillors not on the Committee

have also done, members of the Committee have indicated that other commitments prevent them serving on the group. As referred to above, without at least two members of the committee undertaking to serve on the group the Constitution prohibits the establishment of the group. Members are invited to consider this matter.

Co-option

- 16 A scrutiny committee may co-opt a maximum of two non-voting people as and when required, for example for a particular meeting or to join a task and finish group. Any such co-optees will be agreed by the committee having reference to the agreed workplan and/or task and finish group membership.
- 17 The Committee is asked to consider whether it wishes to exercise this power in respect of any matters in the work programme.

Tracking of recommendations made by the committee

- 16 A schedule of recommendations made in 2017/18 and action in response to date is attached at appendix 4.

Forward plan

- 17 The constitution states that scrutiny committees should consider the forward plan as the chief source of information regarding forthcoming key decisions. Forthcoming decisions can be viewed under the forthcoming decisions link on the council's website:

<http://councillors.herefordshire.gov.uk/mqDelegatedDecisions.aspx?&RP=0&K=0&DM=0&HD=0&DS=1&Next=true&H=1&META=mgforthcomingdecisions&V=1>

Community impact

- 18 The topics selected for scrutiny should have regard to what matters to residents.

Equality duty

- 19 The topics selected need to have regard for equality and human rights issues.

Resource implications

- 20 The costs of the work of the committee will have to be met within existing resources. It should be noted the costs of running scrutiny will be subject to an assessment to support appropriate processes.

Legal implications

- 21 The council is required to deliver an overview and scrutiny function.

Risk management

- 22 There is a reputational risk to the council if the overview and scrutiny function does not operate effectively. The arrangements for the development of the work programme should help mitigate this risk.

Consultees

23 The Chairman and Statutory scrutiny officer meet on a regular basis to review the work programme.

Appendices

Appendix 1 – draft work programme

Appendix 2 - suggestions for scrutiny proposed at the workshop on 4 June, a commentary on these proposals and a proposed course of action

Appendix 3 – draft scoping statement – review of highways maintenance pothole repairs (to follow)

Appendix 4 – schedule of general overview and scrutiny recommendations made and action in response 2017/18.

Background papers

- None identified.