

Title of report: Committee work programme

Meeting: General scrutiny committee

Meeting date: Friday 11 June 2021

Report by: Democratic services officer

Classification

Open

Decision type

This is not an executive decision.

Wards affected

(All Wards)

Purpose

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 terms of reference for the standing panel on the climate and ecological emergency as set out at paragraph 15 of the report be considered, the membership be agreed, and the chairperson be confirmed;**
- (c) 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.**

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

2. The work programme needs to focus on the key issues of local 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 chairperson, vice-chairperson and the statutory scrutiny officer.
4. The draft work programme is attached at appendix 1.
5. The committee on 23 July 2019 authorised the statutory scrutiny officer, following consultation with the chairperson and vice-chairperson, to add items to the work programme where it is necessary to ensure their timely consideration where there is no scheduled meeting to approve their inclusion.

Constitutional matters

Task and finish groups

6. 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.
7. The relevant scrutiny committee will approve the scope of the activity to be undertaken, the membership, chairperson, timeframe, desired outcomes and what will not be included in the work. A task and finish group will be composed of a least two 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). This 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.
8. The committee is asked to determine any matters relating to the appointment of a task and finish group and the chairperson and any special responsibility allowance or undertaking a spotlight review including co-option.

Task and finish group - litter

9. The committee agreed on 26 April 2021 to establish a task and finish group to contribute to an updated litter strategy.
10. At the date of publication of this agenda, one member of the committee has indicated a firm interest in serving on the task and finish group. As referenced in paragraph 7 above, a task and finish group needs to be composed of at least two members of the relevant committee.

11. Following the recent Annual Meeting of Council, some committee membership changes are expected and the new members of the committee will also be approached to serve on the task and finish group.
12. A draft scoping statement will be prepared for consideration at the committee meeting on 12 July 2021.

Standing panel – climate and ecological emergency

13. On 26 April 2021, in considering the executive's response to the task and finish group report on the climate and ecological emergency, this committee agreed: 'subject to confirmation from the Solicitor to the Council, the committee establish a standing panel to monitor the executive response to the committee's recommendations, the members of the former task and finish group being invited to consider if they would wish to serve on this panel in the first instance, with the panel's terms of reference to be reported to the committee's next scheduled meeting'.
14. The Solicitor to the Council has confirmed that the committee can establish this panel.
15. The following terms of reference are proposed:
 - To maintain a watching brief as proposals develop.
 - As part of the above role to act as a sounding board and express comments to the executive for consideration as the executive's response to the climate and ecological emergency is developed.
 - To request a report to be made to the general scrutiny committee should it be considered that any matter warrants public consideration
 - To lead on informing debate at the general scrutiny committee prior to the committee making any recommendations to the executive or to council.
16. The members of the former task and finish group on the climate ecological emergency have all confirmed that they would like to serve on this panel; namely, Councillors Fagan, Hewitt, Stark, Swinglehurst and Wilding.
17. The committee is asked to consider the proposed terms of reference above, to agree the membership, and to confirm a chairperson of the panel.

Suggestions for scrutiny

18. Suggestions for scrutiny are invited from members of the public through the council's website, accessible through the link below.

https://www.herefordshire.gov.uk/info/200148/your_council/61/get_involved/4

Tracking of recommendations made by the committee

19. A schedule of recommendations made and action in response is attached at appendix 2.
20. On 26 April 2021 and in relation to an update on executive responses to the review of the climate and ecological emergency, the committee requested 'the executive to

reconsider its response to those recommendations that have been rejected or accepted in part and the recommendations made during the debate and an updated response be presented to the committee's next scheduled meeting'.

21. In view of the necessary governance process for a further executive decision, it is intended that the further update will be provided to the committee meeting on 12 July 2021.
22. The sustainability and climate change manager has provided the following update for this meeting 'Officers are making good progress on responses to recommendations with the Cabinet member for environment, economy and skills currently reviewing the draft responses to recommendations 1 & 4-10. Draft recommendations for 3 and 11 are close to completion.'

Forward plan

23. 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/mgdelegateddecisions.aspx?XXR=0&DAYS=28&RP=0&K=0&DM=0&HD=0&DS=1&META=mgdelegateddecisions&V=0>

24. An extract from the plan containing items within the remit of this committee is attached at appendix 3.

Community impact

25. In accordance with the adopted code of corporate governance, Herefordshire Council is committed to promoting a positive working culture that accepts and encourages constructive challenge and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development and review. Topics selected for scrutiny should have regard to what matters to residents.

Environmental impact

26. Herefordshire Council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.
27. The topics selected for scrutiny will take environmental impact into account.

Equality duty

28. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the 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 this Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
29. The public sector equality duty (specific duty) requires us to consider how we can contribute positively to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this report concerns the administrative function of the committee, it is not considered that it will have an impact on the equality duty.
30. The topics selected for scrutiny need to have regard to equality and human rights issues.

Resource implications

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

Legal implications

32. The council is required to deliver an overview and scrutiny function. The development of a work programme that is focused and reflects priorities facing Herefordshire will assist the committee and the council to deliver the scrutiny function.

Risk management

33. 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 to mitigate this risk.

Consultees

34. The work programme is reviewed at every committee meeting. The chairperson, vice-chairperson and statutory scrutiny officer also review the work programme.

Appendices

Appendix 1 – Draft work programme

Appendix 2 – Schedule of recommendations made and action in response 2020-21

Appendix 3 – Forward plan of forthcoming decisions, extract as at 6 May 2021

Background papers

None identified.