

Title of report: Environment and Sustainability Scrutiny Committee Annual Work Plan 2022-2023

Meeting: Environment and Sustainability Scrutiny Committee

Meeting date: 26th July 2022

Report by: The Statutory Scrutiny Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose:

This report presents the Environment and Sustainability Scrutiny Committee Annual Work Plan 2022-2023, drawn up in consultation with members of the Committee, for review and agreement by the Committee.

Recommendation

That the Environment and Sustainability Scrutiny Committee Annual Work Plan 2022-2023 be agreed.

Alternative options

1. The alternative is for the Committees not to agree an Annual Work Programme. This is not recommended as it would undermine the ability of the Committee to plan its work effectively, delay Committee business and provide less transparency and notice to council departments, elected members, the general public and other stakeholders.

Key considerations

2. Each Scrutiny Committees is agreeing its respective work plans for 2022-2023, which now need to be brought together into the Annual Scrutiny Work Programme 2022-2023. The Work Programme will enable better planning ahead by the Committee in receiving requested reports, arranging attendance and inviting any external witnesses identified.
3. It has been agreed with members of the Scrutiny Management Board that Herefordshire Council's Scrutiny Committees will produce an Annual Scrutiny Work Programme 2022-2023, made up of the work plans of each of the Council's Scrutiny Committees. The Work Programme sets out the issues that the Scrutiny Committees will consider during the year, including any in-depth scrutiny inquiries (or scrutiny task groups). The Work Programme should thereafter direct the work of the Committee.
4. The Council has five Scrutiny Committees:
 - i). Scrutiny Management Board
 - ii). Children and Young People Scrutiny Committee
 - iii). Connected Communities Scrutiny Committee
 - iv). Health, Care and Wellbeing Scrutiny Committee
 - v). Environment and Sustainability Scrutiny Committee.
5. The remit of the Scrutiny Committees are set out in the council's Constitution under Part 3, Section 4 - Scrutiny Functions.¹ The remit of the Environment and Sustainability Scrutiny Committee is:
 - i). Core strategy
 - ii). Waste and recycling
 - iii). Transport incl. active travel
 - iv). Climate & ecological emergency
 - v). Climate and nature impact assessment on infrastructure proposals
 - vi). Environmental and energy efficiency standards
 - vii). Nature strategy - Stewardship of natural resources & green spaces
 - viii). Integrated wetlands and water quality
 - ix). Statutory flood risk management scrutiny powers.
6. The Scrutiny Committees will each ordinarily meet formally four to five times a year and the topics identified are timetabled across the year.
7. The work plan for each Committee is considered and agreed by the respective Committees, and the Annual Scrutiny Work Programme 2022-2022, in accordance with the Council's Constitution.

The Annual Scrutiny Work Programme

8. Each year, the Scrutiny Committees should consider and agree a programme of work for the municipal year ahead, after considering the key issues facing the Council and local community where consideration by a Scrutiny Committee might add most value in accordance with its statutory functions. Usually, the work programme is for the municipal year period following the Council Annual Meeting, for June to May the following year.

¹ Herefordshire Council Constitution, Part 3, Section 4 - Scrutiny Functions.

9. In drawing up their work plans, the Committees should consult the relevant Council directorates on the key issues for the Council that may usefully be considered by the Scrutiny Committees.
10. The identified topics can then be combined into an annual work programme for the Scrutiny Committees which can be agreed by the next formal meeting of the Scrutiny Management Board, reported to full Council and used to plan the meetings of the Committees throughout the year ahead.

The Role of Scrutiny Committees

11. The role of Scrutiny Committees is set out in the Local Government Act 2000², but broadly speaking, topics for scrutiny should either be to:
 - i). Hold the Executive (Cabinet) to account
 - ii). Contribute to strategic policy development and review.
12. Generally speaking, topics where a Scrutiny Committee is making recommendations for policy development may lend themselves to questions to seek evidence, which usually require more complex consideration and development of the proposals before they are agreed by the committee.
13. Topics identified for policy development should be timed to be considered before the matter needs to be agreed by the Cabinet or Full Council (or external decision maker). These topics may also be programmed across more than one meeting, to allow time for key findings and scrutiny recommendations to be drawn up in a considered way and for proper consideration of legal, equalities and financial implications, before being agreed by the Committee, or may be considered by a Scrutiny Task Group, which reports back to the main Committee with a report and recommendations to the Executive.
14. In addition, consideration may also be given to other ways in which consideration by the Committee may add value through the scrutiny process, such as stakeholder engagement and consultation, pre-decision consultation with councillors, performance review and improvement, efficiency and best value review.

The Powers of Scrutiny Committees

15. Scrutiny Committees may call Cabinet Members and senior officers to answer questions in committee and may request reports to committee on the issues under review. They may also invite external witnesses, for example from partner organisations, community stakeholders or expert witnesses.
16. Scrutiny committees may make requests for information from Council departments, and from external organisations, with specific statutory powers to request information from certain partner organisations, e.g. NHS bodies and the Community Safety Partnership.
17. Scrutiny Committees may make recommendations to Cabinet or external organisation's decision makers on matters they consider in Committee. The Cabinet has a duty to respond to scrutiny recommendations, setting out what, if any, actions it will take in response.

Outcomes from Scrutiny Work

² The Local Government Act 2000 F19f, Overview and scrutiny committees: functions.
<http://www.legislation.gov.uk/ukpga/2000/22/section/9F>

18. At the end of the municipal year, the scrutiny committees should aim to demonstrate that they have added value to the decision making process for the organisation and community, in terms of their statutory functions and wider implicit opportunities, such as to improve transparency, partnership working and more inclusive decision making.
19. Specifically, the Scrutiny Committees should help the Council and Executive to demonstrate accountability through the scrutiny process, as well as to provide opportunities for non-executive members to participate in policy development, including through their power to make reports and recommendations to the Executive, external agencies (and full Council where appropriate).

Community Impact

20. In accordance with the adopted code of corporate governance, the 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

21. Whilst this is an update on the work programme and will have minimal environmental impacts, consideration has been made to minimise waste and resource use in line with the Council's Environmental Policy.

Equality duty

22. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:
23. 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.
24. The public sector equality duty (specific duty) requires us to consider how we can positively contribute 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 Environment and Sustainability Scrutiny Committee, it is unlikely that it will have an impact on our equality duty.

Resource Implications

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

26. The councillors' allowance scheme contains provision for co-opted and other non-elected members to claim travel, subsistence and dependant carer's allowances on the same basis as members of the council. If the committee agrees that co-optees should be included in an inquiry they will be entitled to claim allowances.
27. It is suggested that a Scrutiny Committee should only have one in-depth scrutiny task group inquiry running at a time.

Legal Implications

28. Sections 9F – 9FI of the Local Government Act 2000 requires council's that have Executive arrangements (Cabinet and Leader) must have in place a committee that provides an overview and scrutiny function for the council. The development of a work programme which is focused and reflects those priorities facing Herefordshire will assist the Committee and the Council to deliver a scrutiny function.
29. The Scrutiny Rules in Part 4 Section 5 of the Council's constitution provide for the setting of a work programme, the reporting of recommendations to the executive and the establishment of task and finish groups within the Committee's agreed work programme.

Risk management

Risk / opportunity	Mitigation
There is a reputational risk to the council if the scrutiny function does not operate effectively.	The arrangements for the development of the work programme should help mitigate this risk.

Consultees

The Chairperson of the Environment and Sustainability Scrutiny Committee.

Appendices

Appendix 1 – The Environment and Sustainability Scrutiny Committee Annual Work Plan 2022-2023.

Background papers

None identified.