

Title of report: Scrutiny Recommendations - Implementing the Environment Act 2021

Meeting: Cabinet

Meeting date: Thursday 21 December 2023

Report by: Democratic Services

Classification

Open

Decision type

Non-key

Wards affected

(All Wards);

Purpose

The purpose of this report is to notify Cabinet of the recommendations from the Environment and Sustainability Scrutiny Committee recent work to scrutinise how the council is implementing the Environment Act 2021 - as recorded at its meeting on 27 November 2023 - and to request an executive response.

Recommendation(s)

That:

- a) That the recommendations on Implementing the Environment Act 2021, (set out in Appendix 1) made by the Environment and Sustainability Scrutiny Committee at its meeting on the 27 November 2023 be noted; and
- b) That an executive response to the scrutiny recommendations be prepared for consideration by Cabinet within two months.

Alternative options

1. None proposed; it is a statutory requirement for Cabinet to be notified and consider reports and recommendations made by a scrutiny committee.

Key considerations

2. Scrutiny committees have statutory powers to make recommendations to the executive, and the executive (Cabinet) has a statutory duty to respond. They may also make reports and recommendations to external decision making bodies.
3. Scrutiny recommendations are addressed to the Cabinet, as the main executive decision making body of the council (or, where appropriate, an external agency).
4. Cabinet is being asked to note the scrutiny report and recommendations and that an executive response to the scrutiny recommendations be prepared for consideration by Cabinet within two months.
5. The scrutiny committee will be notified of the executive response made in respect to the scrutiny recommendations and may track the implementation of Cabinet decisions and any actions agreed. This enables the scrutiny committee to track whether their recommendations have been agreed, what actually was agreed (if different) and review any outcomes arising.

Community impact

6. 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

7. As a committee report there are no direct environmental impacts connected with this report or the outcomes it seeks to deliver.

Equality duty

8. 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.
9. 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

10. As a committee report this will not have an impact on our equality duty.

Resource implications

11. This report provides notification to Cabinet on the scrutiny report and recommendations, which have been referred to the executive (Cabinet) for an executive response.
12. Cabinet is requested to provide an executive response within two months, at which stage, in considering its response, a full assessment of resource implications should be undertaken.

Legal implications

16. Section 9F (2) (b) of the Local Government Act 2000 provides that a scrutiny committee can make reports and recommendation to the executive with respect to the discharge of any functions which are the responsibility of the executive. This is reflected in part 4.5.41 to 4.5.51 of the Constitution.
17. Section 9F (2) (e) of the Local Government Act 2000 provides that a scrutiny committee can make reports or recommendations to the executive on matters which affect the authority's area or the inhabitants of that area.
18. The scrutiny report provides the scrutiny recommendations of the committee to be made to the executive (Cabinet).
19. The Cabinet is requested to consider the recommendations and provide an response within two months. The Cabinet is not bound to action or adopt the recommendations but must provide a response to scrutiny.
20. If Cabinet considers that recommendations are contrary or not in accordance with the budget or policy framework, then Cabinet may report the matter to Council (para 4.5.45).
21. Currently, the recommendations are (in part) at too early a formative stage to give a full assessment of legal implications.

Risk management

Risk / opportunity

There is a reputational risk to the council if the scrutiny function does not operate effectively.

Mitigation

The arrangements for the notification of recommendations from the scrutiny committees and agreement of an Executive Response should help mitigate this risk.

22. Cabinet is requested to provide an executive response within two months, at which stage, in considering its response, a full assessment of risk implications should be undertaken.
23. The executive will then need to assess the risks arising from any executive decisions made in respect of the scrutiny committee's recommendations.

Consultees

The Cabinet Member for Environment
 The Chairperson of the Environment and Sustainability Scrutiny Committee

Appendices

Appendix 1 - Environment and Sustainability Scrutiny Committee Environment Act 2021
 Recommendations for Cabinet 21 December

Background papers

[Report - Implementing the Environment Act 2021](#)

Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published		
Governance	Danial Webb	Date 12/12/2023
Finance	Judith Tranmer	Date 11/12/2023
Legal	Sean O'Connor	Date 11/12/2023
Communications	Luenne Featherstone	Date 11/12/2023
Equality Duty	Click or tap here to enter text.	Date Click or tap to enter a date.
Procurement	Lee Robertson	Date 11/12/2023
Risk	Kevin Lloyd	Date 10/12/2023
Approved by	Click or tap here to enter text.	Date Click or tap to enter a date.

Please include a glossary of terms, abbreviations and acronyms used in this report.