

## **East Herts Council Report**

### **Overview and Scrutiny Committee**

**Date of Meeting:** Tuesday 8 November 2022

**Report by:** Scrutiny Officer

**Report title:** Overview and Scrutiny Draft Work Programme

**Ward(s) affected:** All wards

### **Summary**

- This report considers actions for inclusion in the Committee's existing Draft Work Programme and proposes amendments to the ongoing Work Programme

### **RECOMMENDATIONS FOR OVERVIEW AND SCRUTINY COMMITTEE that:**

- (A) The main agenda items listed for the next meeting be agreed;**
- (B) Members make additional recommendations for any items they wish to scrutinise; and**
- (C) The proposed Work Programme as amended at Appendix A, be approved.**

#### **1.0 Proposal(s)**

- 1.1 **Appendix A** sets out the draft work programme as a single report.

- 1.2 Members of the Committee are reminded that guidance is sought on what items they may wish to scrutinise for the remainder of the Civic Year to May 2023. The items listed in the **Appendix A** are suggested items with reference to the Corporate Plan and Members can make their own recommendation on topics for scrutiny.
- 1.3 A key function of the Overview and Scrutiny Committee is to hold the Executive to account for its decisions and to review existing policies and proposals for new policies. In deciding what items the committee should consider, Members should have regard to the Corporate Plan and the Executive Forward Plan (on the intranet) published regularly.

## **2.0 Background**

- 2.1 The draft agenda items for 2022/23 meetings of the Overview and Scrutiny Committee is shown at **Appendix A**. The timing of some items shown may have to change depending on the availability of essential data (e.g. from central government, external sources and officers).
- 2.2 Paragraph 5.21.2 of the Constitution sets out what the Overview and Scrutiny Committee should take into account when setting its work programme.
- 2.3 Members are welcome to submit a scrutiny proposal at any time by completing a Scrutiny Proposal Form where further guidance can be found. This will provide Officers with sufficient information to assess if it is appropriate for scrutiny and to ensure their specific questions are addressed. The Scrutiny Officer will then liaise with Officers and the Overview and Scrutiny Chairman to consider the best way to address the subject and complete a scoping document.

2.4 Members are also asked whether there is any training relevant to scrutiny or the function and remit of the Overview and Scrutiny Committee that they wish to suggest.

2.5 With the consent of the Chairman, the Section 106 Agreement item has been removed from the Work Programme. A report is being presented to Audit & Governance Committee on 15 November 2022 when the lead officer will include concerns expressed by O&S Members specifically on bidding procedures and potential legislative changes (to the Planning “Levelling up Bill”) within the report. An All Member Briefing for Members was held on 3 November 2022 to allow all Members to raise issues under a Q&A session.

### **3.0 Reason(s)**

3.1 This report provides an update on the current situation in relation to issues raised by Members.

### **4.0 Options**

4.1 The Work Programme will be kept under review by the committee throughout the coming year. It is worth noting that this is a draft work programme which is continually reviewed and will evolve as the work programme develops triggered by external and internal influences.

### **5.0 Risks**

5.1 The establishment of an Overview and Scrutiny Committee is enshrined in the Local Government Act 2000 (Section 9). The 2000 Act obliges local authorities to adopt political management systems with a separate Executive. Various sub sections (of the 2000 Act) set out the powers and duties for Overview and Scrutiny Committees including the right to investigate and make recommendations on anything which is

the responsibility of the Executive. Legislative provisions can also be found in the Localism Act 2011 (Schedule 2) with options to retain or re-adopt a “committee system” (section 9B).

- 5.2 Potential risks arise for the Council if policies and strategies are developed and / or expedited without sufficient scrutiny. It is therefore important to ensure that Members review Key Decisions which the Executive are about to make on their Forward Plan which is published and updated regularly. Approval of an updated Work Programme contributes to the mitigation of this risk by ensuring key activities of the council are scrutinised.
- 5.3 Key or non-key decisions can be “Called in” in exceptional circumstances by four Members in writing. The process is set out in paragraph 5.31.1 of the Constitution.

## **6.0 Implications/Consultations**

- 6.1 Scrutiny is an important part of the local democratic process and represents the interests of residents. It holds the Executive to account on behalf of residents and helps review and improve services and function run by the council and its local partners. With proper notification, members of the public can put forward items for scrutiny (section 5.19 of the Constitution) and if accepted by the Chairman, are allowed to address the Committee for a maximum of 15 minutes.

## **Community Safety**

No

## **Data Protection**

No

## **Equalities**

Yes – scrutiny of services provided eg by registered providers of social housing will investigate how some of the most vulnerable people in the district, including those with protected characteristics receive housing services.

## **Environmental Sustainability**

Yes – the proposed Work Programme envisages the Overview and Scrutiny Committee receiving reports on the progress of the council's environmental and Climate Forum and the council's Corporate Plan.

## **Financial**

No

## **Health and Safety**

No

## **Human Resources**

No

## **Human Rights**

No

## **Legal**

Yes – scrutiny is enshrined in statute (the Local Government Act 2000) as amended by the Localism Act 2011.

## **Specific Wards**

No

7.0 Background papers, appendices and other relevant material

7.1 **Appendix A – Draft Work Programme**

**Contact Officer:** James Ellis, Head of Legal and Democratic Services, Tel: 01279 502170.  
[james.ellis@eastherts.gov.uk](mailto:james.ellis@eastherts.gov.uk)

**Report Author:** Lorraine Blackburn, Scrutiny Officer, Tel: 01279 502172. [lorraine.blackburn@eastherts.gov.uk](mailto:lorraine.blackburn@eastherts.gov.uk)