



Committee: OVERVIEW AND SCRUTINY COMMITTEE

Date: WEDNESDAY, 6TH SEPTEMBER 2023

Venue: MORECAMBE TOWN HALL

Time: 6.00 P.M.

Councillors are reminded that as Members of Overview and Scrutiny they may not be subjected to the Party Whip, which is prohibited under the Lancaster City Council Constitution.

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting held on Wednesday, 12th July, 2023 (previously circulated).

3. Items of Urgent Business authorised by the Chair

4. Declarations of Interest

To receive declarations by Councillors of interests in respect of items on this Agenda.

Councillors are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Councillors should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Councillors are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

5. Discussions with the Leader of the Council

The Chair has invited the Leader of the Council to attend this meeting.

6. Draft Pre-Decision Scrutiny Protocol (Pages 3 - 9)

Report of Chief Officer – Governance.

7. Work Programme Report (Pages 10 - 13)

Report of Chief Officer – Governance.

8. Forthcoming Key Decisions

The List of Forthcoming Key Decisions can be viewed [here](#)

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Brett Cooper (Chair), Jack Lenox (Vice-Chair), Suhir Abuhajar, Martin Gawith, Chris Hanna, Paul Hart, Abi Mills, Sue Penney and John Wild

(ii) Substitute Membership

Councillors Martin Bottoms (Substitute), Hamish Mills (Substitute) and James Sommerville (Substitute)

(iii) Queries regarding this Agenda

Please contact Jenny Kay, Democratic Services - email jkay@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Democratic Support email democracy@lancaster.gov.uk.

MARK DAVIES,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on 29th August, 2023.

OVERVIEW AND SCRUTINY COMMITTEE
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STATUTORY GUIDANCE ON OVERVIEW AND SCRUTINY IN LOCAL AND COMBINED AUTHORITIES

CABINET – SCRUTINY PROTOCOL

6th September 2023

Report of Chief Officer - Governance

PURPOSE OF REPORT

To consider a report on the introduction of a Pre-Decision Scrutiny Protocol.

This report is public.

RECOMMENDATIONS

- (1) **The Committee is requested to consider the introduction of a Pre-Decision Scrutiny Protocol.**

1. INTRODUCTION

- 1.1 Consideration was requested to be given to the introduction of a Cabinet – Scrutiny Protocol by the Committee. Such arrangements are in place in other authorities and assist both Cabinet and Scrutiny to work together more effectively for the good of the district.

2. PROPOSED DETAILS

- 2.1 At its meeting, held on 14 June 2023, the Committee was provided with a report and a copy of the Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities, previously reported to the Committee in 2019.
- 2.2 It was noted that the Guidance refreshed the understanding of the key principles of scrutiny, as defined by the Centre for Public Scrutiny (**note:** now Centre for Governance and Scrutiny) and underlined by the Statutory Guidance, considered the roles of the function and the tools and techniques for effective scrutiny. Details of an Executive – Scrutiny Protocol were provided at Annex 1 to the Guidance. The terminology for the Executive at this Council is Cabinet, therefore it is proposed to use the title 'Cabinet' in place of 'Executive' on any protocol for Lancaster City Council for clarity.

2.3 After considering the report and Appendix the Committee requested that officers report back on a Cabinet – Scrutiny Protocol for consideration by this Committee.

2.4 Appended to this report are details of the Appendix to the Guidance. This advises that the protocol, as agreed, may contain sections on:

- *The way scrutiny will go about developing its work programme (including the ways in which senior officers and Cabinet members will be kept informed).*
- *The way in which senior officers and Cabinet will keep scrutiny informed of the outlines of major decisions as they are developed, to allow for discussion of scrutiny's potential involvement in policy development. This involves the building in of safeguards to mitigate risks around the sharing of sensitive information with scrutiny members.*
- *A strengthening and expansion of existing parts of the code of conduct that relate to behaviour in formal meetings, and in informal meetings.*
- *Specification of the nature and form of responses that scrutiny can expect when it makes recommendations to the executive, when it makes requests to the executive for information, and when it makes requests that Cabinet members or senior officers attend meetings.*
- *Confirmation of the role of the statutory scrutiny officer*, and Monitoring Officer, in overseeing compliance with the protocol, and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny, with matters relating to the protocol's success being reported to full Council through the scrutiny Annual Report.*

* **Note:** a Statutory Scrutiny Officer is not a requirement for city/borough/district councils.

2.5 Most of the bullet points above are already fully covered in the Council's Constitution either in the Overview and Scrutiny Procedure rules in Part 3, Section 3 or elsewhere:-

- The development of the scrutiny work programme is already fully covered by Rule 9.
- Rule 14 sets out the requirements for Cabinet Members, Chairs of Committees, Chief Executive and Chief Officers to attend for matters within their remit.
- Regarding behaviour by Councillors in meetings, that would already appear to be fully covered by the Code of Conduct in the Constitution.
- Rules 10 and 11 both say that Cabinet or Council shall consider any report of Overview and Scrutiny at the first available meeting.
- Pre-scrutiny was featured in the Overview and Scrutiny Annual report, however there was no pre-scrutiny last year. If and when it resumes, it will be reported.

2.6 Taking the above into account and not wishing to duplicate the rules in the Constitution, the area where a protocol would seem to be useful is:

- *The way in which senior officers and Cabinet will keep scrutiny informed of the outlines of major decisions as they are developed, to allow for discussion of scrutiny's potential involvement in policy development. This involves the building in of safeguards to mitigate risks around the sharing of sensitive information with scrutiny members.*

2.7 With this in mind, it would seem that formalising a "Pre-Decision Scrutiny Protocol", rather than a "Cabinet – Scrutiny Protocol" would cover that aspect and provide reassurance to scrutiny members that they are fully able to feed in views before Cabinet decisions are made.

2.8 In order to draft a Protocol for consideration the Committee is asked to consider the following:

- **What the Committee would like to do when they receive the forthcoming list of Key Decisions notice.**

In previous years this has been undertaken with the Chair and Vice Chair of the Committee, Chair and Vice Chair of the Budget and Performance Panel, the Pre-Decision Scrutiny Champion and relevant officers identified by the Chief Executive. This enabled those Members to query and question officers on issues that were to be considered at the next Cabinet meeting and obtain information on background papers.

- **More informal meetings between the Pre-Decision Scrutiny Champion and Scrutiny Chairs and Leader/Deputy Leader/Portfolio Holders.**

The Leader, Deputy Leader and Portfolio holders are asked to attend meetings of the Committee and Panel to discuss and answer questions and queries on their Portfolios.

In developing a Protocol the Committee may wish to cultivate a closer working relationship with Cabinet Members.

- **Cabinet Briefings**

The Committee may want to request that the Pre-Decision Scrutiny Champion be invited to Cabinet briefings and be permitted to ask questions at those briefings. After those briefings the Pre-Decision Scrutiny Champion could raise issues with the Chairs of the Scrutiny Committee and Panel if it is felt that further scrutiny or discussion is necessary.

2.9 The Committee may want to consider the above and other actions it may want to take when considering a Protocol.

2.10 Once the Committee has advised of what it wishes to be included in the Protocol, Officers will produce a draft for consideration by the Committee and Cabinet.

3. DETAILS OF CONSULTATION

3.1 Other local councils in Lancashire were asked to provide details of their Cabinet/Executive-Scrutiny Protocols. These were wide-ranging documents covering areas that would have duplicated our existing rules in the Constitution, so were not that helpful.

3.2 Prior to a final Protocol being considered consultation will need to be undertaken with Members of Cabinet for their input and views, particularly around the inclusion of the Scrutiny Champion at Cabinet briefings, if that is something that this Committee would wish officers to investigate further.

4. CONCLUSION

4.1 If the Committee wishes to recommend the adoption of a Pre-Decision Scrutiny Protocol the Monitoring Officer could then take this forward for a decision regarding inclusion in the Council's Constitution after consultation with Cabinet Members and final consideration by this Committee.

RELATIONSHIP TO POLICY FRAMEWORK

There are no direct implications as a result of this report.

**CONCLUSION OF IMPACT ASSESSMENT
(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

There are no direct implications as a result of this report.

LEGAL IMPLICATIONS

The Overview and Scrutiny Committee has overall responsibility for the performance of all Overview and Scrutiny functions (under the Local Government Act 2000) on behalf of the Council and ensuring its effectiveness.

There is no legal requirement for the Council to have a Protocol although it is considered best practice in the 'Overview and Scrutiny: Statutory Guidance for Councils and Combined Authorities (MHCLG)' document published in May 2019.

Any recommendations that require Constitutional amendments will be referred to and be considered by the Monitoring Officer for referral to Council Business Committee and/or Council.

FINANCIAL IMPLICATIONS

There are no financial implications as a direct result of this report. Any further reports on specific issues contained within this report will require further consideration of the financial implications.

OTHER RESOURCE IMPLICATIONS, such as Human Resources; Information Services; Property; Open Spaces:

None.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

MHC&LG Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities.

Contact Officer: Stephen Metcalfe

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Ministry of Housing,
Communities &
Local Government

Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities

Annex 1: Illustrative Scenario – Creating an Executive-Scrutiny Protocol

An executive-scrutiny protocol can deal with the practical expectations of scrutiny committee members and the executive, as well as the cultural dynamics.

Workshops with scrutiny members, senior officers and Cabinet can be helpful to inform the drafting of a protocol. An external facilitator can help bring an independent perspective.

Councils should consider how to adopt a protocol, e.g. formal agreement at scrutiny committee and Cabinet, then formal integration into the Council's constitution at the next Annual General Meeting.

The protocol, as agreed, may contain sections on:

- The way scrutiny will go about developing its work programme (including the ways in which senior officers and Cabinet members will be kept informed);
- The way in which senior officers and Cabinet will keep scrutiny informed of the outlines of major decisions as they are developed, to allow for discussion of scrutiny's potential involvement in policy development. This involves the building in of safeguards to mitigate risks around the sharing of sensitive information with scrutiny members;
- A strengthening and expansion of existing parts of the code of conduct that relate to behaviour in formal meetings, and in informal meetings;
- Specification of the nature and form of responses that scrutiny can expect when it makes recommendations to the executive, when it makes requests to the executive for information, and when it makes requests that Cabinet members or senior officers attend meetings; and
- Confirmation of the role of the statutory scrutiny officer, and Monitoring Officer, in overseeing compliance with the protocol, and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny, with matters relating to the protocol's success being reported to full Council through the scrutiny Annual Report.

OVERVIEW AND SCRUTINY COMMITTEE

Overview and Scrutiny Committee – Work Programme

6th September 2023

Report of Chief Officer - Governance

PURPOSE OF REPORT

To consider the Work Programme report.

This report is public.

RECOMMENDATIONS

- (1) That Members note the updated Work Programme, as detailed in Appendix A.
- (2) That the Committee consider the suggestions set out below and agree what is to be included in the Committee’s Work Programme.

1. Introduction

The Committee is responsible for setting its own annual Work Programme within the terms of reference, as set out in the Council’s Constitution.

Members are requested to consider and note the updated Work Programme attached at Appendix A that has been produced and consider the updates set out below.

2. Updates

The Work Programme attached provides details of the dates agreed at the last meeting including the Annual Community Safety meeting to be held on 15th November 2023.

The Chair and Pre-Scrutiny Champion met with members of Senior Leadership Team. The meeting had been arranged to discussed the topics that the Committee wished to discuss further with Senior Leadership Team. Set out below are the suggestions that emerged from this meeting.

Ethical and Sustainable Investment Policy Formal Task Group

It was felt that this piece of work was out of the Committee’s remit as well as being costly and should not be taken forward.

The Council takes a balanced approach to Environmental, Social & Governance (ESG) ensuring that the principle of security, liquidity and yield is the core investment strategy. In an attempt to address Members concerns the Council seeks to place investment deposits predominantly with other local authorities. This is on the basis that the sector as a whole share common ESG principles. However, these deposits periods can range from 1 week to over a year, as a result pooled or money market funds are required to maintain liquidity. Arrangements exist with Lancashire County Council to make deposits within its "County Fund" but also with other money market funds. Recently we have opened a number of ESG money market funds to meet these principles but also provide additional counterparty head room to mitigate the overall security risk.

All the main agencies are now incorporating ESG risks alongside more traditional financial risk metrics when assessing counterparties. As this is already being done by the mainstream rating agencies the Council will use this as the basis for assessment until we are advised otherwise by our treasury consultants.

Eden Project Morecambe - Impact on rented properties and transport plans

It was reported that the Cabinet Member with Responsibility for Housing was establishing a Cabinet Task Force which would look at such issues therefore for the Overview and Scrutiny Committee to consider this would be duplication. The Overview and Scrutiny Committee would be represented on this Group.

The Committee could also request a progress report from the Eden Board that was being set up later in the municipal year.

Property Portfolio Informal Task Group

Since the original scoping of this Task Group in 2019, much of the work that had been highlighted in the scope had been undertaken during the Outcome Based Resourcing review of property assets in the past year.

It was suggested that the Task Group be stood down and that an update report be provided in the new year. A new Property Group structure will then be in place of which an overview could also be provided.

Annual Health Care meeting

It was suggested that this should be removed from the Work Programme but perhaps an update on the current model of the Health Care System could be provided.

RELATIONSHIP TO POLICY FRAMEWORK

There are no direct implications as a result of this report.

**CONCLUSION OF IMPACT ASSESSMENT
(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

There are no direct implications as a result of this report.

LEGAL IMPLICATIONS

The Overview and Scrutiny Committee has overall responsibility for the performance of all Overview and Scrutiny functions (under the Local Government Act 2000) on behalf of the Council and ensuring its effectiveness.

Overview and Scrutiny Procedure Rule 9 (a) advises that the Overview and Scrutiny Committee and Budget and Performance Panel will be responsible for setting their own Annual Work Programme within the Terms of Reference set out in Part 2, Section 5, 9 and 10 of the Constitution.

FINANCIAL IMPLICATIONS

There are no financial implications as a direct result of this report. Any further reports on specific issues contained within the Work Programme will require further consideration of the financial implications.

OTHER RESOURCE IMPLICATIONS, such as Human Resources; Information Services; Property; Open Spaces:

None.

SECTION 151 OFFICER'S COMMENTS

The S151 officer has been consulted and has no comments to make.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments to add.

BACKGROUND PAPERS

None.

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Appendix A - Overview and Scrutiny Committee Work Programme 2023-2024

<u>Matter for Consideration</u>	<u>Detail</u>	<u>Expected Date of Meeting</u>	<u>Outcomes</u>
Leader of the Council	Invite the Leader of the Council to discuss his portfolio and Cabinet's strategies and priorities for the year. Also request an update on Frontierland.	6 th September 2023.	
Cabinet – Scrutiny Protocol	Statutory guidance on Overview and Scrutiny in Local and Combined Authorities.	6 th September 2023.	
Housing and Homelessness	Invite the Cabinet Member with Responsibility for Housing to the meeting to discuss her portfolio and the issues that had been raised previously. Request a briefing note on Social Housing White Paper 2020 to be circulated with the agenda.	25 th October 2023.	
Update on LGA Peer Challenge Review regarding Planning.	Update report from the Chief Officer – Planning and Place.	25 th October 2023.	
Crime and Disorder meeting.	Annual Crime and Disorder meeting. Invite relevant Cabinet Member. Committee requested to submit topics for discussion in advance of the meeting. Invite the Police and request an update report from the Community Safety Partnership.	15 th November 2023.	
Environmental Services	Invite Cabinet Portfolio Holder to the December meeting to discuss their portfolio – to include an update on the Grassland Management, Green Bins and a review of the Recycling Working Group.	6 th December 2023.	
Health Care meeting	Integrated Care Bodies etc. Previously requested by Council.	2023	
Air Quality Management Areas	Add to Work Programme for a Teams Briefing in 2024.		
Flooding in Lancaster - Lancaster City Surface Water Management Plan.	Request an update from County Council.		