

Executive Summary and Recommendations

Title of Report: Constitutional Issues Relating to Policy and Scrutiny Committees

Date: 21 October 2009

1. Executive Summary

1. The Council last undertook a formal review of its Policy and Scrutiny arrangements in 2006, resulting in, among other things, the establishment of the Westminster Scrutiny Commission. Since then there have been minor changes to processes, including the change in name of "Overview and Scrutiny Committees" to "Policy and Scrutiny Committees" to emphasise the role of these Committees in policy development.
- 1.2 The transition of the Council to a new organisational model provides a further opportunity to review policy and scrutiny processes. At the time of the last review arrangements were included to allow topics for scrutiny to be looked at by Task Groups, in the main, on a "task and finish" basis. Task groups are currently formally constituted Sub-Committees and this particular arrangement is reviewed in this report and changes are proposed.
- 1.3 Certain other changes, as referred to in paragraphs 5.2, 5.3 and 5.4 to the operation of the Westminster Scrutiny Commission (WSC) are also proposed. These changes are in line with views expressed at the last meeting of the WSC.

2. Recommendations

- (i) That the Council be recommended to approve the changes to the Policy and Scrutiny rules set out in Appendix A, aimed primarily at enabling Task Groups to operate more flexibly and informally.
- (ii) To approve the changes relating to the number of WSC meetings each year, the Policy and Scrutiny Committee Work Programmes and the Policy and Scrutiny Annual Report, as set out in paragraphs 5.2, 5.3 and 5.4 of the report.



City of Westminster

General Purposes Committee

Item No:	
Date:	21 October 2009
Classification:	For General Release
Title of Report:	Constitutional Issues Relating to Policy and Scrutiny Committees
Report of:	Head of Administrative Services
Wards involved:	Not applicable
Policy context:	Business like approach
Financial summary:	There are no financial implications arising from this report
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3. Background Implications

- 3.1 The establishment of a Members' Services Support Team, brings together elements of the Council that support all Members - including Cabinet, Scrutiny and Backbench Members. The new team will focus on high quality policy and administrative support/advice, developing scrutiny and area champion roles and enhancing Member development, etc. The core democratic/quasi-judicial functions remain with the Committee team. However, as support for the scrutiny function is included in the new team, posts have moved to it from the Committee team.
- 3.2 The Council's Policy and Scrutiny Committee function is "overseen" by the Westminster Scrutiny Commission (WSC) and carried out in accordance with the procedures contained within the Policy and Scrutiny Committee Rules in the Constitution.
- 3.3 Members of the WSC have been consulted regarding the proposals set out in this report and no adverse response has been received.

4. Move to "Informal" Task Groups

- 4.1 At present the WSC approves the establishment of Task Groups on the recommendation of the Policy and Scrutiny (P&S) Committee wishing to have a scrutiny carried out by a Task Group. Task Groups are established as formal Sub-Committees and therefore subject to all the rules governing formal meetings i.e. statutory notice of meeting dates; issuing of agenda and reports five days in advance; public access; formal minutes, etc. It is proposed that the Task Groups should no longer have the status of formal sub-committees. This will enable the Task Groups to operate much more flexibly, informally and less bureaucratically. A change in their formal status will have only a very limited effect on the formal position or role of Task Groups in the scrutiny function. An informal Task Group could not have formally delegated to it a statutory function of a Policy and Scrutiny Committee, for example the power to call in an executive decision, or a power to require officers or members or third parties to attend, but Task Groups, in practice, have never exercised these powers. It would not involve any changes to the role of the Policy and Scrutiny Committees which would continue to be able to appoint Task Groups, but not have to go through the process of establishing them as formal Sub-Committees.
- 4.2 Whilst the removal of formal status will mean that the automatic right of the public to access these meetings will be removed there is no reason why Task Groups cannot still be held in public, if that is the wish of the particular Task Group. As is presently the case, Task Groups would be able to continue to gather evidence in public and to encourage public and stakeholder interest and engagement. Briefing papers for informal task groups would be available to the public as background documents to the report(s) submitted by task groups to their relevant parent committee, subject to the normal rules on confidentiality,

- 4.3 Support to Task Groups will in future be provided from within the new Members Support Team who will arrange meetings, in consultation with the relevant Members, produce briefings and undertake follow-up action without the need for formal agenda and minutes.
- 4.4 The less formal approach will also enable single Member scrutiny to be undertaken, where a Policy and Scrutiny Committee considers this appropriate, with the findings being reported to the relevant Policy and Scrutiny Committee.
- 4.5 Other than the Health Sub-Committee (or any other formally established Sub-Committee), which has a statutory role and will continue to be serviced within the Committee Secretariat, as a formally constituted Sub-Committee, the rules relating to proportionality of Members on task groups need not apply. It is, however, proposed to retain provision within the Constitution that each task group contain at least one member of the Minority party (except in the case of single Member scrutiny), otherwise membership is proposed to be a matter for the relevant Policy and Scrutiny Committee to determine.
- 4.6 In summary, these proposals are intended to offer greater flexibility and opportunities for scrutiny by removing unnecessary restrictions. This will permit for a greater flexibility of Member involvement in Scrutiny allowing for example single Member scrutiny, whereby a member of a Policy and Scrutiny Committee can, subject to the approval of the parent Committee, conduct a scrutiny project with an Officer and submit a report thereon to the relevant P&S Committee. These arrangements do not detract from the role of the parent Committee which will determine its work programme. The Policy and Scrutiny Committee will also be able to establish a formal Sub-Committee should they consider that a particular issue would benefit from scrutiny in a more formal manner or as now hold a special meeting of the full Committee.

5. Other Changes to Policy and Scrutiny Process

- 5.1 In addition to the above, a number of other changes are proposed aimed at streamlining the current processes. These relate to the following:

Number of WSC meetings each year	see para 5.2
P&S Work Programmes	see para 5.3
P&S Annual Report	see para 5.4

- 5.2 Currently the WSC is scheduled to meet four times a year. It is proposed to remove this requirement and allow the WSC to determine the number of meetings it requires itself.
- 5.3 It is also proposed to remove the requirement for the WSC to approve the work programmes annually of the Policy and Scrutiny Committees and to allow each Policy and Scrutiny Committee to approve its own work

programme. The WSC will still be responsible for allocating cross cutting scrutinies and for the scrutiny of the work of the Leader and Chief Executive.

- 5.4 Although there is no statutory requirement to publish an Annual Report, it has been the practice since the new political management arrangements were introduced in 2001. It is now proposed that future arrangements for publicising policy and scrutiny activity be delegated to the Director of Communications and Strategy for determination in consultation with the WSC. This proposal is made in recognition of the likelihood that there may be more effective ways of publicising and generating interest in the work of the WSC and the Committees and the desire to be more proactive than reactive when using resources.

6. Legal Implications

- 6.1 The City Council is required to exercise the Overview and Scrutiny functions as set out in the Local Government Act 2000 and to appoint at least one Committee for this purpose. The Council must also make provision for the exercise of the statutory functions relating to Health Scrutiny and Crime and Disorder which it does through the Health Sub-Committee and the Community Safety Policy and Scrutiny Committee, respectively.

7. Financial Implications

- 7.1 There are no financial implications arising from this report.

8. Conclusion

- 8.1 The changes proposed in this report fully accord with the principles behind the current restructuring and the approach set out by the WSC meeting on 7 July.

<p>If you have any queries about this report or wish to inspect any of the Background Papers, please contact: Mick Steward on 020 7641 3134</p>

Background Papers

- Constitution
- Minutes of the Westminster Scrutiny Commission meetings held on 7 July and 14 July 2009