



Westminster Scrutiny Commission

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Title:	Task Group and 'Single-Member-Study' Protocols
Report of:	Policy & Scrutiny Manager
Cabinet Member Portfolio:	Leader of the Council
Wards Involved:	All
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1. Executive Summary

This report outlines how task groups and 'single member studies' (SMS) operate at Westminster and a set of potential protocols which could be used to formalise the initiation and operation of these elements of Policy and Scrutiny.

Task Groups and 'single-member studies' are a popular method of in-depth scrutiny in local authorities, and often result in comprehensive evidence-based reports which contain a number of recommendations. Three of the four national awards Westminster has received for Policy & Scrutiny have been based on the operation of task groups in the last four years.

2. Key Matters for the Committee's Consideration

- What are the key requirements in a protocol for the initiation and operation of Task Groups and 'single-member-studies'?
- What are the key challenges for task groups and 'single-member-studies'?

3. Background

3.1 At Westminster, Task Groups are a more focused and intensive tool of the Overview and Scrutiny function. Task Groups offer Members an opportunity to work in small groups, supported by officers, to collate and assess evidence in a cross-party environment and make recommendations based on a substantial amount of collected evidence. Task Groups are supported by Scrutiny Officers. Throughout the current Council's duration, there have been a **29 Task Groups or Single Member Studies (SMS)** (please see Appendix A for full list) with different purposes (i.e. contract re-let steers (Highways Task Group, Customer Services), holding agencies to account (Imperial Task Group) and in-depth cross-departmental investigations on 'wicked or intractable issues' (Sex Workers).

3.2 How are Task Groups and Single-Member-Studies resourced at Westminster?

There are two officers, whose duties include the support of Task Groups commissioned by Policy & Scrutiny Committees. These are the Council's Scrutiny Manager (Section 31 officer) and another officer both based in the Strategy unit of the Strategy and Communications department. There are currently resources to provide support for up to **eight** P&S task groups or single-member-studies for the forty-seven eligible scrutiny members in each municipal year (based on precedent and expected likely workload). Chairmen may also establish 'sub-committees', sitting under a parent committee, which are formal bodies with a wider range of resource.

3.3 How do Task Groups and Single-Member-Studies start at Westminster?¹

There are currently few conditions which need to be met to enable a Task Group or SMS to be initiated:

- Only the five formal P&S Committees have the ability to establish Task Groups or SMS to scrutinise issues put forward. The scope and terms of reference of any Task Group are often defined, endorsed or approved by the Chairman or the Committee. Task Groups and SMS can only be formed in Westminster when Members receive authorisation from the Chairman of the relevant committee to which the **bulk** of the issue falls within. Task Groups, more often than not because of their in-depth nature, tend to straddle departments of the Council, Committee and Cabinet portfolios.
- Task Groups or SMS, which are specifically provided for in the Council's Constitution, operate on an **informal basis** and are not subject to the formal requirements relating to meetings in respect of the issue of agendas, minutes and notice of meetings etc. However, meetings are, at the discretion of the Task Group or Member, usually open to members of the public except where the normal rules on confidentiality apply.

¹ The Budget and Performance Task Group is a "standing task group" commissioned by the Westminster Scrutiny Commission and is a discrete body which would operate independently of any protocol.

- When a **single member study** (a ‘rapporteur’) has been established, the SMS reports back to the original approving committee on issues under consideration.
- An opposition group is granted seats on **any established task group** according to rules governing political proportionality.
- A Member proposing a Task Group or SMS **does not** have to be a part of the Committee to which he or she is proposing a task group or SMS. The only exclusion from making suggestions for Task Groups or SMS are Cabinet Members / or the ‘Executive’ as defined operationally (i.e. Deputy Cabinet Members cannot propose a TG / SMS which relates to their area of operation, but **can** for another area.)
- The only Members **not eligible to participate** in Task Groups or SMS are full Cabinet Members.

3.4 What happens to the Task Group or SMS recommendations?

A Task Group or SMS do not carry any formal powers of their own. The recommendations from any group or member only become the policy of the P&S function of the Council when they are endorsed by their respective parent Policy & Scrutiny Committee.

- 3.5 When a task group or a single-member-study has reported recommendations to a Policy & Scrutiny Committee for endorsement, the Task Group formally ends and the responsibility of the implementation of the recommendations falls to the Chairman of the parent P&S Committee and his or her scrutiny officer.
- 3.6 **How effective are recommendations from Policy & Scrutiny (Committees, SMS & Task Groups)?**
- 3.7 Policy & Scrutiny Committees operate independently from Cabinet Members and recommendations either from or endorsed by committees do not require any endorsement from the Executive. Committee-approved recommendations which are internally directed to change operation or policy can then be **accepted, implemented or rejected-in-entirety** by Cabinet Members.
- 3.8 However, where Policy & Scrutiny has its most functional power, in relation to external stakeholders, it produces a situation where those outside the Council have **two stakeholders** (Cabinet Member and P&S Committee) within a local authority. Under legislation, P&S Committees can request action from a range of organisations that are mandated in law to respond and give due regard to the recommendations of a local authority’s scrutiny function (*see table below*). These recommendations require due regard from external partners.
- 3.9 Stakeholders, in this respect, have a choice whether to change their policies as a result of P&S recommendations or through partnership with a Cabinet

Member. Usually the decision for the stakeholder (i.e. NHS, Police et al.) is based on the evidence provided by either party.

Legislative Powers of Overview and Scrutiny

Local Government and Public Involvement in Health Act 2007 ‘Relevant partner authorities’ (Part 5, Chapter 1, Section 104 – these partners have a legal duty to give due regard to the recommendations from P&S - **contained in the footnote²**)

Police and Justice Act 2006 (Section 19 (8)(b)) – Police and Police Authority – have a duty to act / respond.

NHS Act 2006 – strengthened powers for Health Scrutiny to refer matters directly to the Secretary of State and the Independent Reconfiguration Panel

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- a fire and rescue authority;
- a National Park authority;
- MOPAC (Stephen Greenhalgh)
- Chief Officer of Police
- A joint waste authority (section 207(1))
- A waste disposal authority;
- Transport for London;
- A Clinical Commissioning Group
- Local Probation Board
- Youth offending team;
- NHS Trust
- NHS foundation trust;
- Arts Council of England;
- Sport England
- Environment Agency;
- Health and Safety Executive;
- English Heritage
- Skills Funding Agency and Young People’s Learning Agency
- Natural England;
- Secretary of State (as a *highways or traffic* authority or in relation to *employment and training*)

CASE STUDIES - *Examples of recommendations*

Recommendation 1(2J):

It is recommended that officers develop innovative models of harm reduction with key stakeholders including Public Health England.

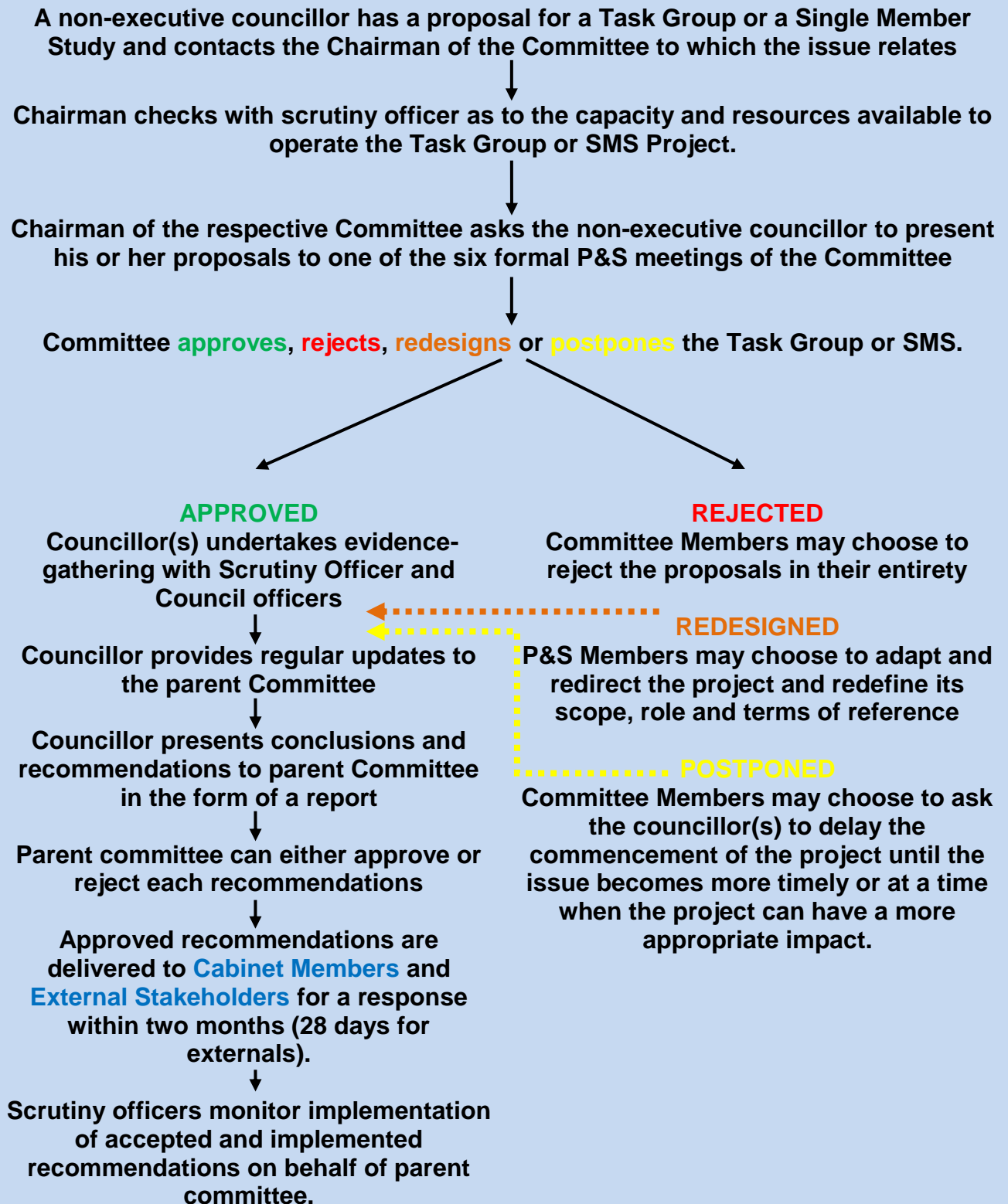
The above recommendation is internal and goes to the Cabinet Member for acceptance, implementation or rejection-in-entirety. The Cabinet Member must respond to this recommendation, *giving due regard to the evidence which provided the recommendations*, within **two months** (as defined by legislation).

Recommendation 4B:

When Police do X, the Police should follow a set of protocols as described below.

The above recommendation is external and goes to the Police (not the Cabinet Member) for acceptance, implementation or rejection-in-entirety. The Police must respond to this recommendation, *giving due regard to the evidence which provided the recommendations*, within **28 days** (as defined by legislation, not Westminster City Council's constitution).

Proposed Protocols of Task Group or SMS Commencement and Operation



APPENDIX A

Council Year	Name
10 – 11	Go Green Task Group
	Young People’s Scrutiny Panel (Winner of CfPS Award)
	Parking Policy Task Group
	Westminster Wardens Task Group
	Pimlico District Heating Undertaking Task Group
	Customer Service Task Group
	Transformation Task Group
	Budget and Performance Task Group ³
11 - 12	Youth Provision and Housing Task Group
	Young People’s Scrutiny Panel (Winner of CfPS Award)
	Budget and Performance Task Group ¹
12 - 13	Remuneration Task Group
	Housing Task Group
	Sex Worker Task Group
	Young People’s Scrutiny Panel
	Police & Fire Task Group
	Central London Fire Task Group ⁴
	Highways and Transportation Contract Re-Let Task Group
	Waste Disposal Task Group
13-14	Budget and Performance Task Group ¹
	Children and Young People’s Mental Health (Single Member Study)
	Club Drugs Project (Single Member Study)
	Childhood Obesity (Single Member Study)
	Cycling Strategy Task Group
	Highways and Transportation Contract Re-Let Task Group
	Waste Disposal Task Group
	Customer Services Task Group
Budget and Performance Task Group ¹	
Imperial Task Group	

If you have any queries about this Report or wish to inspect any of the Background Papers please contact Mark Ewbank x2636
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BACKGROUND PAPERS

³ Standing Task Group commissioned by the Westminster Scrutiny Commission

⁴ Broader than Westminster membership