



City of Westminster

# Committee Report

<b>Meeting or Decision Maker:</b>	General Purposes Committee
<b>Date:</b>	14 September 2023
<b>Classification:</b>	General Release
<b>Title:</b>	Policy and Scrutiny Review
<b>Wards Affected:</b>	All
<b>Fairer Westminster/Policy Context:</b>	We are committed to becoming a Fairer Council, putting residents at the heart of decision-making, listening to communities and acting in the most transparent manner possible. Policy and Scrutiny plays a key role in the good governance of the council and contributes to better decision making.
<b>Financial Summary:</b>	There are no direct costs arising from the contents of this report
<b>Report of:</b>	Parveen Akhtar (Director of Law and Governance)

## 1. Executive Summary

- 1.1. In October 2022, Westminster City Council engaged the Centre for Governance and Scrutiny ("CfGS") to undertake an independent review into policy and scrutiny in Westminster. This review would make recommendations to ensure the function meets the high expectations of the Council, our communities and our partners by providing the most effective and impactful scrutiny function possible.
- 1.2. CfGS engaged Members and officers alike in a programme of evidence gathering activity which included a series of conversations with key internal scrutiny stakeholders, focus groups, observations of committee meetings and document research over a period of two months.
- 1.3. The review was completed in May 2023 and the outcome was reported back to the Scrutiny Commission as the Council's overarching body responsible for Policy and Scrutiny on 22 June 2023.
- 1.4. Overall, the review provides a set of recommendations geared towards making scrutiny at Westminster more impactful strategically, on policy making and in accountability terms.
- 1.5. The Scrutiny Commission agreed to establish a Task Group to work through each recommendation and determine the next steps to take. The Scrutiny Improvement Task Group met on 21 July to plan its work, on 25 July to discuss a vision for scrutiny and key roles and relationships for scrutiny members, and again on 24 August to discuss the recommendations relating to the structure of committees. At this final meeting the Task Group reached a consensus on a preferred option to be introduced as put forward in this paper.
- 1.6. All Policy and Scrutiny Committees are standing committees of the Full Council and therefore it must be a decision of the Full Council to amend their terms of reference as well as any other associated Constitutional arrangements which underpin the workings of scrutiny.
- 1.7. This report therefore brings forward the preferred option of the Scrutiny Improvement Task Group for a revised committee structure for consideration and recommendation onward to Full Council on 20 September.
- 1.8. The paper also recommends the adoption of amended sections of the Constitution relating to Policy and Scrutiny, in line with the deliberations of the Scrutiny Improvement Task Group and stemming from the CfGS review. This includes the adoption of an overarching vision statement for scrutiny in Westminster and the adoption of a Scrutiny-Cabinet protocol to guide relations between the executive and those members working in scrutiny.

- 1.9. The Scrutiny Improvement Task Group will continue to meet to work through remaining recommendations from the review and any further Constitutional changes arising will be brought back for further consideration. It is not however, anticipated that any further change is required as the remaining recommendation relate to informal practices and therefore the recommendations contained in this report are being brought forward at this stage so as to enable progress to be made and momentum to be maintained with the review.

## **2. Recommendations**

- 2.1. That the General Purposes Committee recommends to Full Council for approval of:
- The replacement of the existing Policy and Scrutiny Committee structure with a revised Policy and Scrutiny Committee structure as summarised at paragraph 4.8, and for this new structure to take effect from 27 September 2023, following the current round of committee meetings.
  - A revised Chapter 4 (“Policy and Scrutiny”) of the Council’s Constitution as set out at Appendix A, including revised terms of reference for Policy and Scrutiny Committees, including the North West London Joint Health Overview and Scrutiny Committee
  - The delegation of authority to the Monitoring Officer to make other minor amendments to provisions in the Constitution consistent with the contents of this report.

## **3. Reasons for Decision**

- 3.1. The proposals contained in this report respond to the recommendations made by the CfGS and the subsequent deliberations of the Scrutiny Improvement Task Group.
- 3.2. The proposals contribute to the improved and effective operation of Policy and Scrutiny at Westminster – providing a constructive forum for development of new ideas and policy proposals as well as robust accountability and transparency mechanisms.

## **4. Background, including Policy Context**

- 4.1. The CfGS review undertaken in late 2022 and early 2023 made a number of key findings and recommendations with regard to the effectiveness of Policy and Scrutiny at Westminster City Council.
- 4.2. The review noted a cultural challenge facing Westminster in how Policy and Scrutiny performs its roles and specifically commented that “*several of the issues highlighted [in the review] are rooted in a developing a vision of scrutiny at the council and being clear about the purpose of scrutiny.*”

This led to a recommendation for the Council to “*develop a Westminster vision for overview and scrutiny. Define its purpose and goals of scrutiny using insights from this Review. Use this definition to underpin scrutiny processes, relationships, and work programming. Share the definition with partners, stakeholders, and the public to raise the profile and esteem for scrutiny.*”

- 4.3. The Scrutiny Improvement Task Group responded to this recommendation and has put forward a vision for Policy and Scrutiny at Westminster which is set out in Appendix A (section 1.1) as part of the revised relevant sections of the Constitution.
- 4.4. Similarly, the CfGS review made a number of observations and recommendations on key relationships for Policy and Scrutiny as well as how these relationships affect the impact of Policy and Scrutiny. Many of these can be responded to with adjustments to informal arrangements or will emerge over time as culture changes. However, the review specifically recommended that the council should “*Develop a protocol between Cabinet and Scrutiny around the role of Scrutiny in pre-scrutiny and policy development.*
  - a) *identify how and when policy development items come to scrutiny and how recommendations are embedded in Council processes and timelines.*
  - b) *Ensure scrutiny’s input into policy development can be early and constructive. This will require scrutiny being given early access, information, and clear line of sight to new policy areas are in open discussion stage.*
- 4.5. Following discussion by the Scrutiny Improvement Task Group, such a protocol is proposed for adoption as part of the revised relevant sections of the Constitution (Appendix A – section 2.3). The Task Group also discussed the need to rely on the Nolan Principles for Standards in Public Life in all descriptions of how Members should behave and this is therefore also reflected in the draft protocol.
- 4.6. The CfGS review recommended that the council should: “*review the structure of Overview and Scrutiny in Westminster to identify opportunities to consolidate and integrate functions in the most efficient and proportionate ways*”. This recommendation was supplemented by a separate recommendation that “*scrutiny of children’s services (and associated areas) [should be] be separated from Adult Care and Health, possibly establishing a committee for each service area*”.
- 4.7. The Scrutiny Improvement Task Group considered these recommendations, alongside analysis of practice across London local government, conducted by officers. Within this there was consensus for a move towards Policy and Scrutiny Committees structured and constituted

based on strategic themes, which are important to the organisation and prioritised by scrutiny members. This would represent a move away from the existing practice of constituting Committees solely in opposition to Cabinet Member portfolios which causes committees to try to performance manage Cabinet Members, which is not the role of good scrutiny and it also leads to a lack of focus with committees trying to do too much across sometime disparate portfolios of work. Instead the thematic approach was agreed as preferable as it allows scrutiny to take a more strategic approach to its work, focusing in on areas of major policy or service priority/change and with a view to making impact through meaningful and timely recommendations to decision makers.

4.8. Accordingly the following revisions to Policy and Scrutiny Committees are proposed for adoption:

<b>Current committee</b>	<b>Membership</b>	<b>New committee</b>
Westminster Scrutiny Commission	<b>Councillor Angela Piddock (Chair)</b> Councillor Rachael Robathan Councillor Tim Mitchell Councillor Paul Fisher Councillor Concia Albert Councillor Jason Williams Councillor Lorraine Dean	Overview and Scrutiny Committee
Children & Adults, Public Health & Voluntary Sector	<b>Councillor Angela Piddock (Chair)</b> Councillor Iman Less Councillor Ellie Ormsby Councillor Selina Short Councillor Max Sullivan Councillor Lorraine Dean Councillor Ralu Oteh-Osoka	Young People, Learning and Employment
Climate Action, Housing and Regeneration	<b>Councillor Concia Albert (Chair)</b> Councillor Gillian Arrindell Councillor Robert Eagleton Councillor David Harvey Councillor Elizabeth Hitchcock Councillor Ed Pitt Ford Councillor Hamza Taouzzale	Vulnerable Adults, Health and Communities

Communities, City Management and Air Quality	<b>Councillor Jason Williams (Chair)</b> Councillor Laila Cunningham Councillor Mark Shearer Councillor James Small-Edwards Councillor Judith Southern Councillor Hamza Taouzzale Councillor Tim Mitchell	Climate Action, Environment and Highways
Finance, Planning and Economic Development	<b>Councillor Paul Fisher (Chair)</b> Councillor Md Shamsed Chowdhury Councillor Sara Hassan Councillor Patrick Lilley Councillor Alan Mendoza Councillor Ian Rowley Councillor Paul Swaddle OBE	Housing and Regeneration

- 4.9. These changes are being proposed as revisions to the existing committees and their terms of reference as opposed to the deletion of the old committees and constitution of entirely new committees. This minimises mid-year disruption and enables existing Chairs to continue in their roles without the need for extraordinary procedural meetings of committees to elect new Chairs.
- 4.10. While Committee Members are attached to the revised committees as set out above, both Groups whips may choose to notify officers of changes to Memberships in advance of the next round of meetings in November/December 2023.
- 4.11. Additionally, Westminster is a member of the Northwest London Joint Overview and Scrutiny Committees through joint committee arrangements and the terms of reference for this committee are also included in Appendix A.
- 4.12. All of the above is reflected in the revised Chapter 4 of the Constitution as set out at Appendix A. In addition to the specific points noted in sections 4.2-4.10 of this report, Chapter 4 has also been subject to a thorough review to ensure it is up to date and that it reflects the new approach to Policy and Scrutiny agreed by the Scrutiny Improvement Task Group. Notable other changes made are as follows:

- Greater clarity around the specific functions of Policy and Scrutiny in pre and post-decision scrutiny (section 1.4);
- Amendment of the section of work programming to provide flexibility for when Cabinet Members and senior officers will engage with Policy and Scrutiny on their priorities – previously there was a requirement for this to be at a “June/July meeting” and in many cases this may be possible earlier in the year so section 2.1.7 has been amended to commit to an annual exercise without specifying a month.
- Added clarity about who may sit on a Task Group (section 2.1.15 (6)) i.e. that only members who sit on a Policy and Scrutiny Committee may do so. This is currently accepted practice and this amendment codifies this arrangement.
- Minor amendments to call-in provisions under 2.1.16 and 2.1.17 to:
  - reflect the proposed thematic model of committees to ensure all executive decisions subject to call-in are visible to the relevant committee based on their terms of reference, including provision for the Monitoring Officer and Statutory Scrutiny Officer to identify the correct committee in cases of ambiguity; and
  - clarify which decisions are subject to call-in, formally codifying national guidance that this applies to all key decisions as defined elsewhere in the Constitution and in law, removing the contradictory arbitrary threshold of £100,000 of expenditure or savings.
- Removal of the form for Councillor Call for Action from the Constitution (section 2.2). The provisions around Councillor Call for Action remain the same but the form is available on request from the Governance and Councillor Liaison team to improve the accessibility and concision of the Constitution itself.

## **5. Financial Implications**

- 5.1. There are no direct financial implications associated with this report.

## **6. Legal Implications**

- 6.1. Section 9F of the Local Government Act 2000 requires the Council to have at least one overview and scrutiny committee and that these committees must have the power:

- to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,
  - to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive,
  - to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,
  - to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive,
  - to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area,
- 6.2. The same section provides for local authorities to enter into joint scrutiny arrangements should they wish to do so, as Westminster has chosen to do with the Northwest London Joint Overview and Scrutiny Committee.
- 6.3. The further provisions of Section 9F as well as associated statutory guidance issued in 2019 by the then Ministry of Housing, Communities and Local Government, provide the wider legal context for the proposals set out in this report. The proposals set out in this report are consistent with these provisions and the statutory guidance.

## **7. Carbon implications**

- 7.1. There are no carbon implications arising out of this report.

## **8. Equalities implications**

- 8.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 8.2. The recommendations of this report do not have any direct equalities implications across protected characteristics since they represent changes to the Council's Constitution and terms of reference for committees.
- 8.3. There are however wider considerations of the benefits this new approach may bring to the Council's ability to critically assess the impact of decision making on different groups within our community through improvements in overall governance and transparency.

- 8.4. It is not possible to quantify these benefits but it is expected that, by revising the way in which policy and scrutiny committees operate and focus their time, emerging policy proposals from the executive will benefit more from the input of Policy and Scrutiny committees at the formative stage, thus enabling more in depth consideration of impacts, including equalities, as well as constructive challenge on how policy objectives should be achieved.
- 8.5. The same principle applies to decisions which have already been implemented and which are subject to review by scrutiny to assess the impact they have had on communities. In this situation, a more, strategic, focused approach to review should enable more in-depth consideration of equalities impacts of decisions and thus the ability to change things for the better.

## **9. Consultation**

- 9.1. The Scrutiny Improvement Task Group comprises of members from both political groups on the Council and the proposals in this report have been drawn up based on the deliberations and consensus of the Task Group.
- 9.2. The Task Group will continue to meet to consider further recommendations of the CfGS review and the next session will consider public engagement with Policy and Scrutiny. Within this, there is an ambition for Policy and Scrutiny Committees to be more open and welcoming environments for our communities. Consideration will be given to how the public can participate in committee meetings, but also how the Policy and Scrutiny function itself reaches out to understand the perspective of our communities on issues under review.

**If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:**

Richard Cressey, Head of Governance and Councillor Liaison

Clare O’Keefe, Lead Policy and Scrutiny Advisor

## **APPENDICES**

Appendix A – Revised Chapter 4 “Policy and Scrutiny” of the Council’s Constitution

### **BACKGROUND PAPERS**

- Centre for Governance and Scrutiny – Scrutiny Improvement Review (Westminster) – June 2023

