

# WAVERLEY BOROUGH COUNCIL

## COUNCIL

19 OCTOBER 2021

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Title:

**Governance Matters -  
Proposals following Council resolutions on 20 April 2021**

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**Head of Service: Robin Taylor, Head of Policy & Governance**

**Key decision: No**

**Access: Public**

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### **1. Purpose and summary**

1.1 On 20 April 2021, Full Council agreed a number of changes to the Council's governance structures, including:

- Moving from four to two overview and scrutiny committees;
- Establishing a new Housing Landlord Services Board;
- Expanding the remit of the Standards Committee to include a range of 'General Purposes' functions; and
- Re-establishing the capacity for Executive Working Groups to be constituted.

1.2 The Standards Committee was asked to bring forward recommendations to Council on appropriate Terms of Reference and consequential amendments to the Constitution to bring into effect the governance arrangements agreed in principle by Council.

1.3 This report presents the recommendations of the Standards Committee following consideration of the report and statements from councillors. The Minutes of the meeting of the Standards Committee are presented to Council on this agenda.

### **2. Recommendation**

The Standards Committee recommends to Council that:

- 1) Two Overview and Scrutiny Committees be established with immediate effect: *Policy and Services*. Each committee will comprise 11 Members and meet a minimum of 5 times a year.
- 2) Subject to approval of Recommendation 1 above, Article 6 of the Constitution and the Overview and Scrutiny Procedure Rules be amended as set out in Annexe 2.
- 3) A Landlord Services Advisory Board be established under the Executive Working Group Protocol with Terms of Reference as set out in Annexe 3.
- 4) That the terms of reference of the Standards Committee be amended as set out in Annexe 4; that the name of the Committee be amended to the Standards and

General Purposes Committee; and the membership be amended to add three politically proportionate Substitutes.

- 5) That the Executive Procedure Rules be amended as set out in paragraph 4.26 below, and the Executive Working Group Protocol as set out in Annexe 5 be adopted.
- 6) That the Council Procedure Rule 21.1 be amended as set out in paragraph 4.27 to allow Members the choice of whether to stand or remain seated to address the Mayor at meetings of the Council.
- 7) That in view of there being only two Overview and Scrutiny Committees, the Overview and Scrutiny Co-ordinating Board be abolished.
- 8) That authority be delegated to the Monitoring Officer to make the necessary changes to the Constitution arising from recommendations 1-7 above.

### 3. Reason for the recommendation

The recommendations respond to the Council instruction to develop the necessary constitutional amendments to achieve the changes to the council's governance arrangements agreed in principle on 20 April by Full Council.

### 4. Background

- 4.1 This report contains some direct recommendations for the constitutional changes that should be proposed to Full Council. Where Officers consider that there are options on the approach to be taken, these are set out so that the Committee may consider and agree the recommendations to be put to Full Council.

### **Proposals regarding Overview & Scrutiny Committees**

- 4.2 All local authorities operating executive arrangements are required by law to have at least one scrutiny committee. In June 2019, the Centre for Governance and Scrutiny (CfGS) published [The Good Scrutiny Guide](#), complementing new [Government statutory guidance](#) for authorities in England, published in May 2019. It contains extensive suggestions on how to conduct overview and scrutiny, covering matters such as culture, workplans, engagement with stakeholders and the public, use of external experts, gathering evidence, engaging with the executive, and making impact on policy.
- 4.3 However, neither the CfGS nor the government guidance make any recommendation on how authorities should structure their scrutiny function. In fact, paragraph 6.1 of the Good Scrutiny Guide (*Structures for Scrutiny*) says: *"There are many different models for committee structures. No one is "best" and trying to compare the committee structures of different authorities in the hope that transposing those models to your own set of circumstances will, on its own, lead to failure."*
- 4.4 The current Overview & Scrutiny structure is aligned to corporate plan (2016-2019) objectives that have now been superseded. Full Council has agreed to replace the current structure of four overview and scrutiny committees with two committees aligned to service areas of the council.

4.5 The proposed revised structure also recognises that the Housing O&S Committee has been used to fulfil the scrutiny function in relation to the housing service, but also to act as an internal governance board for the Housing service and a forum for tenant engagement in the operations of the housing service. The proposed Housing Landlord Services Advisory Board (see below) seeks to provide a separate forum for tenant engagement in delivering the HRA Business Plan, improving services for tenants, and meeting requirements for co-regulation of services, whilst allowing the scrutiny function to be carried out by the *Services O&S Committee*.

4.6 The role of scrutiny needs to be clear to all stakeholders:

“Authorities should take steps to ensure scrutiny has a clear role and focus within the organisation – i.e. a niche within which it can clearly demonstrate it adds value. Therefore, prioritisation is necessary to ensure the scrutiny function concentrates on delivering work that is of genuine value and relevance to the work of the wider authority – this is one of the most challenging parts of scrutiny, and a critical element to get right if it is to be recognised as a strategic function of the authority.”  
*Government Statutory guidance on overview and scrutiny in local and combined authorities, paragraph 11, p8*

4.7 In this context The Good Scrutiny Guide elaborates on the need for a clear role for scrutiny and the risks of not doing so:

“3.1.0.1 Clarifying what scrutiny “does” is difficult but necessary. It is difficult because it presents a significant cultural shift away from the approach that many councils have taken historically – that scrutiny exists to carry out a generalised oversight of the council and its partners, and that trying to do anything “less” would involve key issues falling between the gaps.”

“3.1.0.2 Resource constraints being what they are, an attempt to keep a general watching brief over everything in the local area is impossible. Not only that, adopting such vagueness for scrutiny’s role increases the risk that scrutiny will duplicate the work done by others – by audit, by contract managers, by council directors, by partners, by the press and by others.”

4.8 The Overview & Scrutiny Coordinating Board (OSCB) has been consulted on the revised committee arrangements, and the report at Annexe 1 sets out the observations and recommendations of the Board. The key constitutional details for the new overview and scrutiny function are considered below and the proposed revisions to the Constitution are set out in Annexe 2.

4.9 The number of overview and scrutiny committees and their remit (Article 6):

4.9.1 Full Council has decided that there will be two Overview & Scrutiny Committees, with remits covering Service Areas broadly split between Corporate and Support services, and those which support customer-facing services.

O&S Committee	Remit (Service Areas)
Policy	Business Transformation Finance and Property Policy and Governance

Services	<p>Commercial Services  Environmental and Regulatory Services  Housing Operations  Housing Delivery and Communities  Planning and Economic Development</p> <p>This Committee will act as the designated Crime and Disorder Committee for the purposes of Section 19 of the Police and Justice Act 2006.</p>
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4.9.2 The OSCB endorses splitting the committee remits based upon service areas but has expressed concern about the potential imbalance in the workload between the committees, given that the *Services* committee will be absorbing the remits of the current Environment, Housing and Community Wellbeing committees. This reinforces the need for those councillors involved in scrutiny at Waverley to identify the role of the scrutiny function in the new structure so that it adds value to the work of the council.

4.10 The committee Membership (O&S Procedure Rules):

4.10.1 The current Overview & Scrutiny committees each have nine members, plus up to eight substitutes. The membership of the Overview & Scrutiny Committee function taken as a whole (36 members) is politically proportional. However, the practicality of having four committees of the same size means that there is some variation in political balance between the committees.

4.10.2 It has also been challenging for the political groups to fill all their allocated seats (and substitutes) with some Members sitting as a full Member on one committee and as a substitute for another one (or more) committees. Having fewer, slightly larger committees should enable Groups to appoint Members who can engage with their committee, without having a responsibility to keep abreast of the work of multiple other committees and will spread the total committee workload more fairly between Members.

4.10.3 The Statutory Guidance (May 2019) emphasises that ‘*selecting the right members to serve on scrutiny committees is essential if those committees are to function effectively.*’ It should not be just to make up the allocated numbers.

4.10.4 Officers suggest that two O&S committees of eleven members, would be appropriate. The OSCB agrees that having fewer councillors on a committee makes for a more engaged membership and allows for meetings to be more focused. Whilst the impact of one or two members being absent is lessened on a larger committee, with a committee membership of eleven members it would be reasonable to continue the practice of appointing substitutes.

4.10.5 No changes are proposed with regards to arrangements for co-opted members, although there would not be a need for co-opted tenants on either committee as their role will be transferred to the Landlord Services Board. It is more likely that non-Members would be co-opted to a Task & Finish Group to provide specific expertise to the subject under consideration.

4.11 Number of meetings per year (O&S Procedure Rules):

4.11.1 The current committees each have five scheduled meetings per year, with the ability to call extraordinary meetings if required (e.g. for a call-in). The OSCB emphasised the importance of O&S meetings fitting in with the broader cycle of Council meetings and did not feel it would be practical to schedule more meetings for each committee although it was noted that this would require the committees to be more selective in the items identified for scrutiny.

4.11.2 The Constitution currently refers to six meetings per committee per year. In practice the committees have met a minimum of five times per year, and it is proposed to correct this anomaly.

4.12 The OSCB has also considered the relationship between the scrutiny function and the Executive, and recommends that the Executive portfolio holders and the Chairs and Vice-Chairs should negotiate a protocol to help to anchor the relationship on a common set of expectations and provide a focus for dialogue. An Executive/Scrutiny Protocol is recommended good practice in the Statutory Scrutiny guidance, and can be pursued as part of the ongoing work of developing the scrutiny function in the new structure.

4.13 There may be a requirement for a joint scrutiny committee as part of the collaboration with Guildford Borough Council and proposals will come forward for the Committee to consider if required as the collaboration progresses.

### **Proposals regarding the Landlord Services Advisory Board**

4.14 The re-structuring of the Overview & Scrutiny committees provides the opportunity to strengthen the arrangements for engagement with tenants and leaseholders on matters relating to the Council's landlord functions, and to put greater emphasis on providing assurance on meeting the requirements of the Government's [Charter for Social Housing Residents for every social housing resident](#):

1. ***To be safe in your home.*** We will work with industry and landlords to ensure every home is safe and secure.
2. ***To know how your landlord is performing,*** including on repairs, complaints and safety, and how it spends its money, so you can hold it to account.
3. ***To have your complaints dealt with promptly and fairly,*** with access to a strong ombudsman who will give you swift and fair redress when needed.
4. ***To be treated with respect,*** backed by a strong consumer regulator and improved consumer standards for tenants.
5. ***To have your voice heard by your landlord,*** for example through regular meetings, scrutiny panels or being on its Board. The government will provide help, if you want it, to give you the tools to ensure your landlord listens.
6. ***To have a good quality home and neighbourhood to live in,*** with your landlord keeping your home in good repair.
7. ***To be supported to take your first step to ownership,*** so it is a ladder to other opportunities, should your circumstances allow.

4.15 The Landlord Services Advisory Board (LSAB) will be established under the Executive Working Group Protocol and will receive reports on matters relating to the

Council's landlord functions. Where those reports relate to items which will be submitted to the Council's Executive, the comments and recommendations of the LSAB will be submitted to the Executive with the officer report. Meetings of the LSAB will be co-ordinated with the timetable for Overview and Scrutiny and Executive meetings.

- 4.16 Officers suggest that the LSAB has a membership comprising the Portfolio Holder with responsibility for Housing (Chairman), plus three non-Executive Members, and three tenants/leaseholders.
- 4.17 Whilst the Executive Working Group Protocol at Annexe 5 proposes that the proceedings of EWGs are normally not held in public, the LSAB may wish to consider holding some or all of its meetings in public or allowing part of the meeting for questions from tenants.
- 4.18 The proposed terms of reference of the Landlord Services Advisory Board are set out at Annexe 3.
- 4.19 Officers have considered the option of establishing an Executive Sub-Committee with co-opted (non-voting) tenant and lease-holder members, and with delegated authority from the Executive to make decisions on certain matters, and to make recommendations to the Executive on others. This model would have more direct responsibility for delivery of the HRA Business Plan, as well as tenant and lease-holder engagement, but represents a significant change in the way Waverley exercises its Executive Arrangements. Whilst this is something that the council may wish to consider as part of the comprehensive review of the Constitution, it should do so in the round, and taking into consideration the roles of other Executive Advisory Boards (Property Investment, CIL).

### **Proposals regarding Standards and General Purposes Committee**

- 4.20 Part II of the Local Government Act 2000 provides for the discharge of a local authority's functions by the Executive of the authority **unless** those functions are specified as functions that are not to be the responsibility of the authority's Executive.
- 4.21 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 [the Regulations] specify the functions that **are not** to be the responsibility of an authority's Executive or **are** to be the responsibility of such an Executive to a limited extent or only in specified circumstances.
- 4.22 It is usual practice for most functions that are not to be the responsibility of the Executive to be delegated to committees of the council, or named officers, unless these functions are reserved by law to council only. For example,
- most functions of the council as the Local Planning Authority are delegated to the planning committee(s), but approval of the Local Plan documents is reserved to Full Council and may not be delegated
  - Similarly, most functions of the council as a Licensing Authority are delegated to the licensing committee, but Full Council is required to approve the council's Statements of Licensing and Gambling Policy.

- 4.23 Part 3 of Waverley's Constitution sets out the Responsibilities for Functions within the council. There are a number of Council functions which currently are not delegated to a committee of council, and which are routed to Council via the Executive with a recommendation. This potentially puts a political slant on matters which are not part of the Executive's remit, and which might benefit more from consideration by a cross-party committee of the council prior to Council decision.
- 4.24 For example, to ensure full cross-party input on the Boundary Commission proposals on council size and warding patterns, a cross-party working group was established to inform the Executive's recommendations. These considerations, relating to the council's electoral arrangements and therefore a council function, could have been within the remit of a politically balanced committee of council.
- 4.25 Annexe 4 proposes adding to the remit of the Standards Committee a broad remit for 'General Purposes' not otherwise delegated to another committee. This will enable a thorough review of the responsibility for functions to be undertaken as part of the Constitution Review, and these to be allocated to the correct and most appropriate committee. There is no change proposed to the terms of reference of the Audit Committee as part of this report, however, these can be reviewed as part of the wider review of the Constitution.

### **Proposals regarding Executive Working Groups**

- 4.26 It is proposed that the Executive Procedure Rules are amended to add, at paragraph 1.12:

"1.12 The Executive may at the suggestion of the relevant Portfolio Holder establish an Executive Working Group to assist with the development of policy, in-depth examination of specific service proposals, or to progress major projects. Executive Working Groups have an advisory role only and cannot themselves take decisions. Executive Working Groups will be established and operate in accordance with the Executive Working Groups Protocol at Annexe 1 to the Executive Procedure Rules."

The proposed Executive Working Groups Protocol is attached to this report at Annexe 5.

### **Proposals regarding the Council Procedure Rules**

- 4.27 It is proposed that Council Procedure Rule 21.1 is amended to remove the requirement for Members to stand when speaking at meetings of the Council, but to retain the requirement to address the meeting through the Mayor:

"21.1 ~~Standing to speak~~ Speaking at the meeting

When a member speaks at full Council they must ~~stand and~~ address the meeting through the Mayor, *but may stand or remain seated, as they prefer*. If more than one member ~~stands~~ *indicates they wish to speak*, the Mayor will ask one to speak and the others must ~~sit~~ *wait for the Mayor to invite them to speak*. Other members must ~~remain seated whilst~~ *not speak when* a member is speaking unless they wish to make a point of order or a point of personal explanation."

## **5. Relationship to the Corporate Strategy and Service Plan**

5.1 The Corporate Strategy 2020-2025 sets out the Council's commitment to promoting open, democratic and participative local government. The recommendations set out in the report contribute the strategic priority of local, open and participative government by encouraging participation in local democracy by everyone in the community including local forums to consider current issues.

## **6. Implications of decision**

### **6.1 Resource (Finance, procurement, staffing, IT)**

There are no budget or resource implications of the proposals, which will be implemented with the existing budget and staffing.

### **6.2 Risk management**

N/a

### **6.3 Legal**

The Local Government Act 2000 requires all local authorities to establish arrangements for effective scrutiny with sufficient 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

This report supports the discharge of this function in accordance with the legislative requirements.

### **6.4 Equality, diversity and inclusion**

There are no direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

### **6.5 Climate emergency declaration**

The proposed reduction in the number of formal committees will have a positive impact on the climate emergency actions through a reduction in paper agendas being produced and less car journeys to the Council offices for in-person meetings.

## **7. Consultation and engagement**



- 7.1 Proposals for revised arrangements for the Overview and Scrutiny Committees have been discussed by the Overview & Scrutiny Coordinating Board and the Board's comments are included in the report (above).
- 7.2 The Housing Portfolio Holder, Head of Housing Operations, and Head of Housing Delivery and Communities, and Tenants Panel have been consulted on proposals for the Landlord Services Advisory Board.

**8. Other options considered**

- 8.1 Set out above where relevant.

**9. Governance journey**

- 9.1 The Standards Committee has been directed by Council to consider and bring forward recommendations to put into effect the changes to the council's governance arrangements agreed in principle at the Full Council meeting on 20 April 2021. Recommendations from the Standards Committee will be submitted to Full Council on 19 October 2021.

**Annexes:**

- Annexe 1 – Recommendations from the Overview and Scrutiny Coordinating Board.  
Annexe 2 - Constitutional amendments re Overview & Scrutiny Committees  
Annexe 3 – Landlord Services Advisory Board Terms of Reference  
Annexe 4 – Standards and General Purposes Committee Terms of Reference  
Annexe 5 – Executive Working Group Protocol

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**Background Papers**

There are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

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Agreed and signed off by:

Legal Services: date

Head of Finance: date

Strategic Director: date

Portfolio Holder: date

## **RECOMMENDATIONS ON GOVERNANCE MATTERS FROM THE OVERVIEW AND SCRUTINY COORDINATING BOARD FOLLOWING COUNCIL RESOLUTIONS ON 20 APRIL 2021**

### **Introduction**

The Overview and Scrutiny Coordinating Board consists of the Chairman and Vice-Chairman of each of the four Overview and Scrutiny Committees. Amongst other functions, it exists to co-ordinate the work of the different committees and review their terms of reference and constitutional basis. In this latter capacity, the Board made the following recommendations to Standards Committee regarding the implementation of the resolutions by council:

1. Early on in the process, the Standards Committee should outline what objectives it sees these changes delivering and what evidence might indicate whether they have been achieved.
2. The remit of the Overview and Scrutiny Committees should be based on service areas.
3. The Board preferred the names “Places and People” and “Resources and Performance” to “Corporate” and “Community” which existed before.
4. Avoid significantly expanding the membership of the Overview & Scrutiny committees.
5. Retain substitutes.
6. Establish a practice of co-opting onto task & finish groups when an outside perspective or expertise is required rather than onto either of the main committees. Notwithstanding this general principle, the Board is concerned that unless the practice of co-opting a Tenants Panel representative onto the committee with responsibility for scrutinising housing operations is retained, then there would be a lack of relevant lived experience.
7. a) Maintain the number of committee cycles per annum and b) given the reduced number of committee meetings, the overriding aim of the committees’ work programming should be for more targeted scrutiny considering fewer but better chosen and more thoroughly considered items.
8. Commission the maximum number of Task & Finish groups which resources permit.
9. The Executive Portfolio Holders and the Chairs and Vice-Chairs should negotiate a protocol to help to anchor the relationship on a common set of expectations and provide a focus for dialogue.

The details of these recommendations and the rationale for them are discussed below.

### **What should the function of Overview & Scrutiny be?**

The Centre for Governance & Scrutiny’s [Good Scrutiny Guide](#) has a short section on structures which argues that: *“Form should follow function, and it is only when members and officers have a clear sense of the role of scrutiny, its approach to work programming and impact, that the structure to support that work can be properly evaluated.”*

This would include a sense of how much emphasis should be placed on the different role O&S plays. These include:

- Pre-scrutiny of upcoming Executive decisions
- Planned scrutiny of particular themes

- Performance Monitoring
- Policy development
- Scrutiny of other statutory organisations which affect the welfare of Waverley's residents
- Commissioning and directing task & finish groups

More broadly, it should also include a vision for what good scrutiny will look like. The Local Government Association's *Councillor's Workbook on Scrutiny* suggests it means O&S:

- tackles issues of direct relevance to local people
- tackles issues where, through the unique perspective of elected councillors, it can add the most value
- is about talking to a wide range of people, drawing them together and building consensus
- is about challenging the accepted ways of doing things and acting as a champion for developing a culture of improvement in the local area

**O&S co-ordinating board recommendation #1:** Early on in the process, the Standards Committee should outline what objectives it sees these changes delivering and what evidence might indicate whether they have been achieved. Clarity about the objectives of these reforms will enable the decisions Standards Committee takes to be better orientated towards them.

### **On what basis should the business of the two committees be divided up?**

There are a variety of approaches used by other authorities: thematic (perhaps tied to the corporate priorities), by service areas, or by the nature of the Council function being scrutinised.

Basing the remits around service areas, is likely to be more efficient. It would in most cases prevent situations where reports go to both committees and negate the need for officers to present them twice.

Conversely, an explicit connection between the Committees' remits and the corporate priorities would have the advantage of recognising that certain issues will cut across service boundaries and require co-ordination between them. In addition, it focuses O&S's considerations on the ultimate ends of the Council's activities.

As a reminder, the Corporate Strategy priorities are as follows:

- Financial Sustainability
- Local, open, participative government
- Supporting a strong local economy
- Taking action on Climate Emergency and protecting the environment
- Good quality housing for all income levels and age groups
- Effective strategic planning and development management to meet the needs of our communities
- Improving the health and wellbeing of our residents and communities

**O&S co-ordinating board recommendation #2:** The remit of the Overview and Scrutiny Committees should be based on service areas.

### **Which work areas should be allocated to which committee?**

Some possible considerations when making this decision:

- Keeping the workload of the committees balanced
- Minimising the number of times the same report goes to both committees

- Allowing members to develop expertise and skills
- Putting related areas together

**O&S co-ordinating board recommendation #3:** The Board preferred the names “Places and People” and “Resources and Performance” to “Corporate” and “Community” which existed before. This would give the new committees a fresh identity.

The chairs and vice-chairs endorsed the following split:

<b>Places and People</b>	<b>Resources and Performance</b>
Community Services	Business Transformation
Careline	ICT
Community Safety – Safer Waverley Partnership	Customer Service
Housing delivery and strategy	General Fund MTFP Budget
Homelessness/Housing Options	Property Investment Advisory Board Report
Private Sector Housing	Asset Management
Leisure activity, sports and recreation	Income generation projects
Culture and arts, including museums	Recovery Plans
Parks & Countryside	Commercial Strategy
Health partnership and strategy	Waverley Training Services
Climate and sustainability	Building Control
Refuse, recycling, street cleaning	Corporate Strategy
Enforcement	Workforce
Car Parking	Complaints
Planning Policy – LPP1 and LPP2, SPDs etc	Economic Development Strategy
Housing Operations	CIL
	Joint Working
	Performance

Particular thought must be given when drawing up remits to ensure that there is sufficient capacity to deal with the large workload arising from Housing. Though the Council decision means a Landlord Services Board will be founded, if this takes on decision-making functions, it will still be necessary for Overview and Scrutiny to retain a role in scrutinising Waverley’s housing operations. Given the scale of the retrofitting and house building programmes likely to be necessary in the next few years, this is likely to require significant capacity. It is worth noting that when the Council last had two Overview and Scrutiny committees this capacity was provided by a housing specific sub-committee.

Despite the existence of this sub-committee, in the municipal year preceding the move from two committees to four, the average Community O&S committee meeting was twenty minutes longer than the average CWB O&S meeting in the following year. Therefore, the drawing up of remits must take into account the committees having the capacity to effectively scrutinise the corresponding areas in future.

### **How many councillors will sit on each committee?**

The present committees have nine members and four substitutes. There is an argument that if there are fewer committees, then the new committees ought to have more members to share the workload and keep a range of perspectives. On the other hand, a meeting with fewer participants is likely to be more focused and easier to chair. It would also mean there is more time for questions from each councillor on the committee and, therefore, there is more chance for follow-up. It is suggested that an odd number of 11 or 13 would be appropriate.

**O&S co-ordinating board recommendation #4:** Avoid significantly expanding the membership of the Overview & Scrutiny committees. The chairs and vice-chairs felt that having fewer councillors on a committee makes for a more engaged membership and allows for meetings to be more focused.

### **Should there still be substitutes?**

Arguably, this partially depends on the number of members on the committee as if there is a larger committee then the impact of a member being absent is lessened.

**O&S co-ordinating board recommendation #5:** As a corollary of the recommendation above on committee size, it would be sensible to retain substitutes.

### **Will anyone be co-opted onto the new O&S committees?**

At present, the only co-opted members of O&S are the two Tenant's Panel Representatives. The assumption is that under the new arrangements tenant representation will be on the Landlord Services committee. The Centre for Governance & Scrutiny advises that there are two reasons to co-opt:

- ***“Expertise.*** *A co-optee may possess particular technical skill or knowledge – often by virtue of being a representative of a particular organisation. Co-optees brought onto committees for their expertise will naturally have a large role to play when the committee considers items that relate to that issue specifically – but where a committee has especially broad terms of reference, this may not be the case;*
- ***“Personal characteristics.*** *A co-optee may, by virtue of their background, have perspectives or insights that others on the committee may lack. Using co-optees to provide more diverse representation on a committee should be encouraged and welcomed.”*

It is also possible to co-opt non-councillors onto a Working Group and that this *“tends to be more effective than their appointment to sit on a committee, because a task group is not open-ended and has a defined purpose, enabling individuals to be chosen for a specific purpose.”*

**O&S co-ordinating board recommendation #6:** Given the CfGS's advice, establish a practice of co-opting onto task & finish groups when an outside perspective or expertise is required rather than onto either of the main committees. Notwithstanding this general principle, the Board is concerned that unless the practice of co-opting a Tenants Panel representative onto the committee with responsibility for scrutinising housing operations is retained, then there would be a lack of relevant lived experience.

### **How many meeting cycles should there be a year?**

The present four committees meet five times a year (i.e. there are twenty O&S meetings per annum).

If the same number of cycles is maintained then there would be 10 meetings a year rather than 20. Therefore, it will be necessary to be more selective about which items are taken to Committee. However, it may be possible to modestly increase the number of meeting cycles per year.

**O&S co-ordinating board recommendation #7:** The chairs and vice-chairs emphasises the importance of Overview and Scrutiny meetings fitting within the broader cycle of Council meetings. Therefore, they are sceptical of the practical possibility of increasing the number of meeting cycles per year.

Maintaining the same number of cycles but for half the number of committees, would mean that the total number of Overview and Scrutiny meetings per annum would be reduced from 10 to 20. Therefore, it will be necessary to be more selective about which items are taken to Committee. There is currently an agreed criterion for selecting O&S agenda items which is set out at Annexe 1 to this paper. It is suggested that if this is followed then agendas should be manageable.

The overriding aim should be for more targeted scrutiny considering fewer but better chosen and more thoroughly considered items.

### **How should working groups support Overview and Scrutiny?**

Full Council's decision was that O&S will retain their existing constitutional ability to form Working Groups. Assuming that the same resources are devoted to these groups as at present, it would make sense for each committee to run one group within its remit at a given moment and one to two groups per year.

**O&S co-ordinating board recommendation #8:** The Co-ordinating Board felt that it was very difficult to carry out effective policy development within a meeting where multiple items are considered in the space of approximately two hours. There was, therefore, enthusiasm for the contribution of Task & Finish groups, though this was combined with a recognition of the strain they can place upon officer resource. Given this, the chairs and vice-chairs would like to see the maximum number of Task & Finish groups which resources permit.

### **How should O&S relate to the Executive?**

As the Executive and the O&S play complementary functions within the governance of the Council, it is desirable that they have a constructive working relationship. Scrutiny works best when this is the case. The Coordinating Board are asked to consider how improvements could be made to ensure there is constructive dialogue between the Executive and O&S.

- **What form should dialogue with the Executive take?**
- **Are there more impactful ways to present the output from O&S?**
- **Should the channels of communication between the Executive and O&S be formalised?**
- **Should there be an executive-scrutiny?**

It is worth noting the advice of the CfGS that successful scrutiny is dependent not just on the committees themselves but also "*hinges on the commitment of those in leadership positions*". Therefore, delivering improvements would need to be a two-way process.

**O&S co-ordinating board recommendation #9:** The Executive portfolio holders and the Chairs and Vice-Chairs should negotiate a protocol to help to anchor the relationship on a common set of expectations and provide a focus for dialogue.

**OVERVIEW AND SCRUTINY COMMITTEES**

**Part 1, Summary & Explanation**

“5.0 The Council appoints ~~four~~ TWO Overview and Scrutiny Committees each of 9-11 non-Executive Members.”

“5.1 The Overview and Scrutiny Committees will have call-in powers in relation to individual Executive decisions. Call-in can be triggered by a notice signed by any 3-5 non-Executive members or substitute members of the ~~Committee~~ Council. Details are set out in the Overview and Scrutiny Procedure Rules.”

“5.3 The Chairmen of the ~~four~~ TWO Overview and Scrutiny Committees shall be elected from nominations put forward by the Principal Opposition Group of the Council (this can include non-members of the Principal Opposition Group or members of the administration group(s)), subject to the total number of Opposition members on the Council exceeding 10% of the overall membership (in the current composition of the Council, this would equate to 6 members). The Vice-Chairman of each Overview and Scrutiny Committee shall usually not be from the same political group as the Chairman. Without consent of the Council, no member can be Chairman or Vice-Chairman of more than one Overview and Scrutiny Committee.”

**Part 2, Articles – Article 6**

“6.0 General Comments (4<sup>th</sup> paragraph)

~~At Waverley, Overview and Scrutiny Committees are based on the Council's Corporate Priorities.~~ The membership is politically proportionate.–Each Overview and Scrutiny Committee can carry out investigatory and research work as informal working groups, with appropriate officer support, to study and report back to the main Committee on a particular topic. Currently, a scheduled meeting of each Overview and Scrutiny Committee is held ~~six~~ FIVE times a year, with additional meetings, if necessary, subject to the agreement of the Chairman and Vice-Chairman.

6.1 Terms of Reference

Waverley has ~~four~~ TWO Overview and Scrutiny Committees which will carry out the functions of Overview and Scrutiny in relation to the following Service areas:

O&S Committee	Remit (Service Areas)
Policy	Business Transformation Finance and Property Policy and Governance
Services	Commercial Services Environmental and Regulatory Services Housing Operations Housing Delivery and Communities Planning and Economic Development  This Committee will act as the designated Crime and



	Disorder Committee for the purposes of Section 19 of the Police and Justice Act 2006.
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## Part 4, Overview & Scrutiny Procedure Rules

### 1.0 What will be the number and arrangements for Overview and Scrutiny Committees?

The Council will establish the Overview and Scrutiny Committees set out in Article 6 and will appoint to them as it considers appropriate from time to time.

~~Currently Waverley has four Committees which take the functions of both Overview and Scrutiny.~~

The Committee membership is politically proportional and each Committee can will consist of ~~nine~~ ELEVEN members. In addition, substitute members are also nominated and a list of substitute members to be called will be lodged with the Democratic Services Team.

The Chairmen and Vice-Chairmen will be nominated annually at the Council's Annual Meeting or at the Council meeting setting them up. The Chairmen of the ~~four~~ Overview and Scrutiny Committees shall be elected from nominations put forward by the Principal Opposition Group of the Council (this can include non-members of the Principal Opposition Group or members of the administration group(s)), subject to the total number of Opposition members on the Council exceeding 10% of the overall membership (in the current composition of the Council, this would equate to six members). The Vice-Chairman of the Overview and Scrutiny Committee shall usually not be from the same political group as the Chairman. Without consent of the Council, no member can be Chairman or Vice-Chairman of more than one Overview and Scrutiny Committee.

### 4.0 Meetings of the Overview and Scrutiny Committees

There shall be at least ~~six~~ FIVE ordinary meetings of each Overview and Scrutiny Committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee meeting may be called by the Chairman and Vice-Chairman together of the relevant Overview and Scrutiny Committee or by the Coordinating Board if they consider it necessary or appropriate.

16.0 (c) During that period, the Head of Policy and Governance shall call-in a decision for scrutiny by the committee if so requested by any ~~three~~ five non-Executive members (~~including Substitute Members~~) of the ~~Committee~~ Council where reasons as stated in the call-in form attached at Annexe 6, are valid in the context of Article 13 of the Constitution. Should any Substitute Member be one of those proposing a call-in, he shall have a right to attend the Committee and speak, but not to vote unless he is substituting at that meeting for another Member. The Head of Policy and Governance shall call a meeting of the relevant Overview and Scrutiny Committee on such date as he/she may determine or as reserved in the calendar of meetings, where possible after consultation with the chair of the committee, and in any case within 5 working days of the decision to call-in.

### **HOUSING LANDLORD SERVICES ADVISORY BOARD**

The Council has established a Landlord Services Advisory Board under the Executive Working Group protocol to promote tenant and leaseholder engagement in decisions relating to the Council's housing stock and to provide assurance of the Council's commitment to the Charter for Social Housing Residents.

The Board will consist of:

- The Executive Portfolio Holder with responsibility for Housing (Chairman)
- Three non-Executive members (politically balanced)
- Three co-opted members, two of which will be Waverley tenants, and one which will be a Waverley lease-holder

Co-opted members of the Board will be selected from the Tenants Panel (via application and interview process) during year 1, with arrangements for elections of co-optees to be developed and agreed by the Board by the first anniversary of its constitution.

Substitutes are not permitted.

The Board will normally meet 5 times a year, co-ordinated with meetings of the Overview and Scrutiny Committees and Executive, but the Chairman may call ad hoc meetings as required.

Meetings of the Board will normally meet in the absence of the press and public unless the Board agrees alternative more flexible arrangements for part or all of its meetings.

#### **Specific terms of reference**

The Landlord Services Advisory Board will receive reports on matters relating to the Council's landlord functions. These will include:

- The HRA Business Plan and budget, the Housing Delivery Programme, and the Housing Service Plan
- Other matters relating to the delivery of the housing landlord function, with an emphasis on meeting the requirements of the Charter for Social Housing Residents
- Reviews of existing policies or the introduction of new policies relating to or affecting Council's tenancies
- Matters relating to tenant scrutiny and challenge as part of delivering co-regulation of the housing landlord service
- Performance of the housing landlord function

Where those reports relate to items which will be submitted to the Council's Executive, the comments and recommendations of the Landlord Services Advisory Board will be submitted to the Executive with the officer report.

The Landlord Services Advisory Board has an advisory role only and cannot itself take decisions.

**STANDARDS AND GENERAL PURPOSES COMMITTEE**

**REMIT**

In addition to existing responsibilities for oversight of the Council's Constitution and Ethical Standards, add:

**General Purposes**

Authority to oversee the Council's arrangements, and make recommendations to Council as appropriate, with regard to non-Executive functions (as defined in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)) which are not otherwise reserved to Council and are not within the terms of reference of any other committee and which are not delegated to an officer.

To consider any issues, which in the opinion of the Leader of the Council, Chief Executive or Chief Officers, should be referred to the Committee, and to report back decisions and recommendations.

### **EXECUTIVE WORKING GROUP PROTOCOL**

1. Executive Working Groups are intended to assist the Executive, through the appropriate Portfolio Holder, to:
  - (a) develop policy;
  - (b) examine specific service proposals in depth; and
  - (c) progress major projects.
2. Executive Working Groups have an advisory role only and cannot themselves take decisions.
3. Any Executive member can propose to the Executive that an Executive Working Group should be established, and when making a proposal should:
  - (a) propose terms of reference and the scope of the task; and
  - (b) set out a timescale for the duration of the SIG.
4. The decision to establish an Executive Working Group is for the Executive. All Executive Working Groups must be reviewed by the Executive to confirm that they are still needed before being reappointed at the start of a Council year.
5. Membership of Executive Working Groups will be based on enabling those with the best skills and knowledge of the matter to contribute and will be appointed by the Executive based on recommendations by the appropriate Portfolio Holder. The appropriate Portfolio Holder will convene and chair an Executive Working Group unless they choose to delegate the chairmanship. Substitutes are not permitted.
6. Executive Working Groups may include non-councillors or members from other Councils as non-voting members.
7. Within the overall framework of Waverley's Procedure Rules, Executive Working Groups will be able to develop flexible working arrangements best suited to their task.
8. Executive Working Groups will normally meet in the absence of the press and public.
9. Executive Working Groups will be serviced by officers and Democratic Services will record their meetings in report form and these reports will form background papers to the eventual reports to the Executive on matters they have discussed.
10. Reports to Executive Working Group meetings will not normally be published, and both reports and discussion at meetings will be treated as exempt. They can, however, be requested by Overview and Scrutiny Committees as part of their work, at which time the Monitoring Officer will decide whether any of the reports should be defined as exempt under access to information legislation.
11. Other members of the Council may attend as observers.
12. If a member has taken part in policy development as part of an Executive Working Group, and subsequently is involved in an Overview and Scrutiny Committee review of this policy, they may have a conflict of interest. In this case they should seek the advice of the Monitoring Officer.