

WELWYN HATFIELD BOROUGH COUNCIL  
COUNCIL – 17 MARCH 2021  
REPORT OF THE MONITORING OFFICER

REVIEW OF OPERATION OF SCRUTINY ARRANGEMENTS AND ADOPTION OF LGA  
MODEL CODE OF CONDUCT

**1 Executive Summary**

- 1.1 This report seeks to update Council on the operation of the new scrutiny arrangements agreed by Council on 6<sup>th</sup> May 2020.
- 1.2 This report also seeks adoption of the Local Government Association (LGA) Model Code of Conduct for Members, with local amendments.
- 1.3 Constitutional updates are part of an ongoing review and modernisation of the Council's governance processes.
- 1.4 In accordance with one of the recommendations in the corporate peer challenge action plan, as agreed by Council on 22 July 2019, the cross-party Constitution Review Group (CRG) was tasked to continue with the review of governance arrangements. This would facilitate the council's ambition - particularly the member/officer scheme of delegation, to help deliver the vision, aims and speed up decision making.
- 1.5 The peer review action was identified as a further step in supporting the Council to become more agile and modern. Work was needed to identify risk appetite and parameters that would be acceptable to members. Involving members in the development of appropriate processes, would give them the confidence that the right decisions would be made through delegation.
- 1.6 In December 2020, arising from a key recommendation of the government's Committee on Standards in Public Life, the Local Government Association (LGA) agreed a Model Code of Councillor Conduct with a recommendation for adoption by all local authorities.

**2 Recommendations**

- 2.1 That Council notes the content of this report.
- 2.2 That Council agrees CRG's recommendations of 14<sup>th</sup> December 2020 (Appendix A) and Standards Committee's recommendations of 8<sup>th</sup> February 2021 (Appendix B) to adopt the LGA Model Code of Conduct for Members to include local amendments (Appendix C).
- 2.3 That Council agrees CRG's recommendations of 24<sup>th</sup> February 2021 (Appendix D) to continue with the scrutiny arrangements trialled since May 2020.

- 2.4 That the Council authorises the Monitoring Officer to make any required consequential amendments to the Constitution.

### **3 Explanation**

- 3.1 **Scrutiny Arrangements-** The cross-party Constitutional Review Group (CRG) was re-appointed at the 2019 Annual Council meeting to review the Constitution and make recommendations for change to update and streamline the Council's governance arrangements to reflect the Council's modernisation programme. The review of the Constitution is a continuing and ongoing responsibility.
- 3.2 A comprehensive review of the council's Constitution had already been started and on 25<sup>th</sup> March 2019, Council agreed CRG's recommendations to approve substantial changes in the Council Procedure Rules, Rules of General Application to all Committees, Petition Scheme and Officer delegations.
- 3.3 Following Council's consideration of the peer review action plan on 22 July 2019 and in response to this, key areas of the Constitution were reviewed by CRG. One key area was the operation of the council's scrutiny arrangements. Detailed work was undertaken to review these arrangements and formulate recommendations to Council for consideration.
- 3.4 Following consideration and agreement by Council on 6 May 2020 to trial new scrutiny arrangements, it was a specific action to report back to Council, through CRG, on how the new scrutiny arrangements had been operating.
- 3.5 Council appointed a new Overview and Scrutiny Committee of 13 Members, politically proportionate, with the Chairman (Administration Member) and Vice-Chairman (Opposition Member) appointed. This replaced the existing three scrutiny committees.
- 3.6 The meeting cycle of the new OSC reflected the cycle of 5 scrutiny meetings in the municipal year, with the ability to mobilise time limited task and finish panels (T&FPs) as required. T&FPs would be set up by the OSC as and when required rather than as established as standing bodies with a minimum of 5 Members, politically proportionate and an Opposition Chairman.
- 3.7 The call-in procedures for scrutiny did not change and remain in place.
- 3.8 As part of the operational arrangements, CRG were authorised to agree the operational arrangements for the OSC.
- 3.9 CRG met on 27<sup>th</sup> May 2020 to consider and agree the relevant documentation including the new rules and protocol for OSC. Training for members and officers on the new arrangements was arranged and took place on 29<sup>th</sup> June, 6<sup>th</sup> and 13<sup>th</sup> July 2020. All members and officer were issued with the new rules and guidance on the new arrangements.
- 3.10 Various pre-meetings took place with the Chairman of the OSC. The first meeting of the new OSC took place on 28<sup>th</sup> July 2020. Further training took place for members of the OSC on 6<sup>th</sup> October 2020.

- 3.11 As part of the new arrangements, it was also agreed that information historically contained in reports “for noting” would not go to OSC, to free up more time and focus for strategic OSC meetings.
- 3.12 However, it was considered important by CRG that Members retained oversight of operational activities of the council services and it was suggested that such information could be made available to them in a different way. Since May 2020, a “Members’ Information Hub” on Microsoft Teams, has been developed and gradually populated with historical and new data. This is now accessible by all members and training on this process was delivered to members on 18 November 2020. The feedback has been positive.
- 3.13 **Work programme of the OSC-** The new Overview and Scrutiny Committee has met five times to date: 28 July 2020, 2 September 2020, 11 November 2020, 13 January 2021 and 3 March 2021. As well as agreeing the new processes for scoring and scoping scrutiny items, business considered by the new OSC has included:
- Reporting back from the Anti-Social Behaviour Scrutiny Sub-Committee that was set up prior to the new arrangements and making recommendations to Cabinet.
  - Setting up and receiving updates from the first Task and Finish Panel under the new arrangements; the panel considering Budget Setting and the Corporate Plan. Recommendations regarding the budget were taken back to OSC in January 2021 for recommending to Special Cabinet; recommendations regarding the Corporate Plan were taken to OSC on 3 March 2021 for recommending to Cabinet on 9 March 2021.
  - Housing Maintenance and Repairs: following a Motion to Full Council in January 2020 this topic was considered by the OSC and the committee used the new Scrutiny Scoring Matrix to ascertain the appropriate way forward. A report was requested for the following meeting and subsequently a Task and Finish Panel has been set up to look in more detail at this.
  - A statutory annual report on the provision of health services in the borough was presented to the OSC in January 2021.
  - A statutory annual report on the provision of the discharge of crime and disorder services in borough was presented to the OSC in March 2021

Feedback received from one of the Vice-Chairs of the new OSC reflects that, considering the new arrangements came into place during the pandemic, things have gone well. However, some further training for members around scrutiny may be helpful; especially around how to identify issues for scrutiny. As the relevant guidance on scrutiny arrangements suggest it is for the committee to set its own work programme, the Members’ Information Hub will continue to be populated with all relevant executive information, including the Forward Plan.

- 3.14 **Work programme of T&F Panels and outcomes-** Two Task and Finish Panels have been set up under the new arrangements as mentioned above:
- Budget Setting and Corporate Plan: this panel met seven times between September 2020 and February 2021; a longer period than we would expect most task and finish panels to operate for but the frequency and timing of the meetings was planned to coincide with the budget setting process.

Feedback from the Chair of the Panel has been positive: reporting more engagement with the Cabinet Member and greater opportunity to suggest different ways of working and to challenge better.

- Housing Maintenance and Repairs: the scoping for the work of this panel took place on 18 January 2021, with meetings commencing in February. This panel reported back to OSC with some initial findings on 3 March and is due to complete its scrutiny work by the end of April. A report will be brought back to OSC in the new municipal year.

3.15 **Call-In-** there has been one ‘call-in’ under the new OSC protocol. The process appears to have worked well.

3.16 **Executive Member Decision Notices (EMDN)-** although there was no express requirement to trial the operation of the introduction of EMDN, this was a key action of the peer review to enable the council to work in a more agile and modern way. The use of EMDN has facilitated this objective and it is generally agreed that this has been without loss of member oversight and scrutiny. From June 2020 to February 2021, twenty-four Executive Member Decision Notices have been published on the council’s website. These have been reported to Cabinet meetings within the Actions Status Report. Following publication, decisions are emailed to all Councillors and relevant call-in periods highlighted. To date, no decisions made in this way have been called in.

3.17 **Member Information Hub –** There are two information hubs for Members hosted on Microsoft Teams. The first one to go live was the “Councillor Corporate Information Hub” which was launched in August 2020. This hub was intended for use for sharing cross-service information including risk reporting and performance data; as well as for member training resources and other guidance documents. Until the second hub went live it was also used to share service-specific information. The second hub, the Councillor Service Information Hub, was launched in January and is split into ten channels; one for each of the council’s service areas and an additional “general” channel. A summary document for each service area including key contact information is pinned to each relevant channel. Engagement with the information hubs is increasing as members become more familiar with the platform and how to engage with it. Presently documents uploaded to the hub receive between five and 30 viewers; with Covid-related information being the most widely engaged with.

3.18 CRG made the following observations on the Information Hub:

- Much had been achieved over the last municipal year in modernising the scrutiny function and developing digital and remote resources
- Some training had been delivered for using MS Teams, but as more functionalities were introduced, updated training (for both Members and Officers) was required.
- The Information Hubs were welcomed, but it was accepted that this was still ‘work in progress’ and further liaison should take place with Heads of Service, to ensure Service Teams were proactively uploading the right information for Members to review.

- As more information is uploaded on a regular basis, a summary notification (potentially weekly) informing Members of what information has been made available would be useful

3.19 **LGA Model Councillors Code of Conduct-** This document was considered by CRG on 14<sup>th</sup> December 2020 and Standards Committee on 8<sup>th</sup> February 2021. After due consideration, members recommended the adoption of the new Model Code by the council, together with local amendments relating to the retention of the 'One Team ethos' and adherence to council Social Media Protocols.

#### **4 Legal Implication(s)**

- 4.1 Section 9P of the Local Government Act 2000 (as amended) requires a local authority to prepare and keep up to date a Constitution.
- 4.2 There is also Government Guidance 'DETR New Council Constitutions Local Government Act 2000 Guidance to English Local Authorities'
- 4.3 A Constitution Direction was issued by the Secretary of State, 'DETR Local Government Act 2000 (Constitutions) (England) Direction 2000', requiring around 80 matters to be included within council Constitutions. These are prescribed matters that must be included in a local authority's Constitution.
- 4.4 These documents should be read in the context of superseding legislation including the Local Government and Public Involvement in Health Act 2007 and Localism Act 2011.
- 4.5 Sections 27 and 28 of the Localism Act 2011 requires a local authority to secure a councillor code of conduct that is consistent with the Nolan principles and may revise its code as it considers appropriate.
- 4.6 A relevant authority must publicise its adoption, revision or replacement of a code of conduct in such manner as it considers is likely to bring the adoption, revision or replacement of the code of conduct to the attention of persons who live in its area.

#### **5 Financial Implication(s)**

- 5.1 No direct financial implications associated with this report.

#### **6 Risk Management Implications**

- 6.1 The risks related to this proposal are:
  - 6.1.1 Risk: Reputational - proposed changes may not meet everyone's requirements resulting in possible adverse publicity  
Assessment: Low  
Mitigating Actions: Consider if consultation at appropriate stages may assist. No adverse publicity has been received on the previous changes.
  - 6.1.2 Risk: Reputational - Council fails to take the opportunity to modernise the Constitution.  
Assessment: Low  
Mitigating Actions: Officers to continue work to with CRG and Group Leaders to help devise and adopt a modern Constitution. Much headway has been made into

## **7     Security and Terrorism Implication(s)**

- 7.1     Members are obliged to consider security and terrorism implications when making decisions and any proposed changes to committee structures and reporting processes need to ensure such considerations can continue to be made. There are no implications under this section for the proposals in this report.

## **8     Procurement Implication(s)**

- 8.1     There are no implications under this section for the proposals in this report.

## **9     Climate Change Implication(s)**

- 9.1     There are no implications under this section for the proposals in this report.

## **10    Human Resources Implication(s)**

- 10.1    There is a substantial call on Officer(s) time to service committees and panels including time to draft and produce any major re-writes to the procedures within the Constitution.

## **11    Health and Wellbeing Implication(s)**

- 11.1    There are no specific identified health and wellbeing implications directly arising from the content of this report.

## **12    Communication and Engagement Implication(s)**

- 12.1    The Constitution is a public document and will be updated accordingly on the website to make it available and assist with the transparency of governance.

## **13    Link to Corporate Priorities**

- 13.1    A modernised and updated Constitution will support the Council's corporate priorities corporate and the peer challenge action plan.

## **14    Equality and Diversity**

- 14.1    I confirm that an Equality Impact Assessment (EIA) has not been carried out in connection with the proposals that are set out in this report as it is not currently required.

Name of author	Alison Marston 01707 357413
Title	Governance Services Manager
Date	5 March 2020

### Appendices:

Appendix A – Minutes from Constitution Review Group 14 December 2020  
Appendix B – Minutes from Standards Committee 8 February 2021  
Appendix C – LGA Model Councillor Code of Conduct with local amendments  
Appendix D – Minutes from Constitution Review Group 24 February 2021