

## **Report of the City Solicitor to the meeting of Governance and Audit Committee on 25th January 2018**

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**Subject:**

**Budget Savings to be achieved in Legal and Democratic Services in 2018/19 – Proposed Changes to the Constitution**

**Summary statement:**

**This report provides Members with details of changes that could be made to the Constitution, by combining the Regeneration and Economy and Environment and Waste Management Scrutiny Committees, for recommendation to Council if approved. The changes arise from the need to make savings in the budget of Legal and Democratic Services for 2018/19.**

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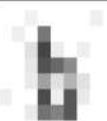
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**Improvement Area:**  
**Corporate**



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## **1. Summary**

- 1.1 This report provides Members with details of possible changes to the Constitution, by combining the Regeneration and Economy and Environment and Waste Management Scrutiny Committees, for recommendation to Council if approved. The changes arise from the need to make savings in Legal and Democratic Services budget in 2018/19.

## **2. Background**

- 2.1 The City Solicitor has been required to make savings of £70K in Committee Services in 2015/16 and further savings of £300K in Legal Services and £20K in Lord Mayoral Support in 2017/18. February's Budget Council also required savings of £55K in Committee/ Scrutiny Services in 2018/19.
- 2.2 This Report makes a suggestion regarding an adjustment to the Committee system which could be made to realise a saving to go towards the target savings of £55K.
- 2.3 Article 14 of the Constitution requires the Monitoring Officer to maintain an up-to-date version of the Constitution and is authorised to make such amendments to the Constitution and related documents as may be necessary, but not including any changes of substance, to reflect and take account of changes in legislation, guidance, Council policy, decisions of the Council and the Executive, and drafting changes and/or improvements.
- 2.4 Article 17 of the Constitution requires the Monitoring Officer to take steps to make himself/herself aware of the strengths and weaknesses of the Constitution and make recommendations for improvement. Changes to the Constitution can only be made following approval by the full Council or by the Monitoring Officer, as at paragraph 2.3 above.
- 2.5 This report concerns a suggestion for changes to the Constitution as a result of the need to achieve budget savings.

## **3. Proposed Amendment to the Constitution**

- 3.1 Article 6 provides for 5 Overview and Scrutiny Committees. In view of the need to achieve budget savings and the creation of the Department of Place, it is suggested that the Regeneration and Economy and Environment and Waste Management Scrutiny Committees be combined to effect a saving and reflect the Council's management structure. This could lead to a reduction in the demands on limited officer time at a time of significant budget reductions. The opportunity could be used to seek to employ other methods to provide effective and relevant scrutiny within available resources.

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3.2 Both Committees met 10 times in 2016/17. The Regeneration and Economy Committee considered 20 reports and the Environment and Waste Management 34 reports. These included detailed scrutiny reviews which also involved informal information gathering sessions and single agenda items such as Regeneration in Keighley. If combined it is envisaged that the merged Committee meet 11/12 times a year with a work programme designed to address key concerns. More meetings may be required if decisions are called in as meetings have to be arranged at short notice (not more than 10 working days from the date of receipt of the call in notice given by the Chair of Corporate O & S).

3.3 If approved, the terms of reference for both Committees will be merged. A draft terms of reference is attached as Appendix A. Should any Officer time in Overview and Scrutiny be released by the combination of the 2 Committees in the first 12 months of operation, it will be absorbed by their undertaking other challenges posed by the development of the inquiry methods referred to later which have not been able to be used fully thus far and/or supporting currently pressured areas of work within the service. Should officer time be released in committee secretariat, this will be deployed on supporting statutory functions where there is an ongoing pressure on current resources. It is expected that the new arrangements will have to have been in place for approximately a year before any significant officer time will be released.

Some officer resources in the Department of Place may also be released assuming 11/12 meetings are held annually. It is, however, difficult to assess the workload of a combined Committee. The merger of the previously separate Health and Social Care OSCs took place at the start of Council year 2013/14. The new Committee met 19 times that year. The previous year, the Committees had met a total of 23 times (including one joint meeting). Since then, the merged Committee has met roughly 13/14 times each year, facilitated by the merging of the policy agendas.

3.4 The merger will contribute to the budget reduction required by achieving a saving of £12,970 on a Chair's Special Responsibility Allowance. (The City Solicitor is required to make savings of £55k in Committee/ Scrutiny Services in 2018/19 as a result of the Budget Council decision in February 2016).

3.5 The Council's budget has significantly reduced in recent years and is currently forecast to reduce still further and be in the region of £350 m in 2020 which means it will be around half of what it was in 2010 in real terms. It is felt that with the reduction in the Council's budget, the committee structure should further reflect this reduced budget to some degree

3.6 The following must be recognised, however.

Both Committees currently have full work programmes and there is no current duplication between the agendas.

The Committees between them cover three of the District's priorities as set out in the Bradford District Plan:-

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- Better skills, more jobs and a growing economy
  - Safe, clean and active communities
  - Decent homes that people can afford to live in.

- 3.7 Combining the Committees may affect capacity to scrutinise the delivery of these priorities. This potential change may, however, be the opportunity to develop methods of scrutiny used by other Councils to seek to widen scrutiny engagement by all Councillors, more stakeholders and the public.
- 3.8 As the Council's own financial resources reduce it can be argued that the importance of the Overview and Scrutiny function in holding to account all public bodies operating and making spending decisions in the District becomes even more important. The Committees also have a vital role ensuring that public bodies are working with local people, the voluntary sector and private sector appropriately and using their influence to promote this.
- 3.9 If the Committees merge, and the number of meetings reduce, fewer Members will take part in scrutiny, the principal way in which they are able to have knowledge of, involvement in and influence over the Council's policy and decision making process. However, there are a range of scrutiny options and tools available which are used by other Councils (and used to some degree by Bradford) to add value; some of these are detailed below as options if the two Overview and Scrutiny Committees are combined.
- 3.10 Some Councils (albeit smaller ones) engage all their non-executive Members in scrutiny inquiries, reporting that it allows all Members to develop understanding and specialist knowledge of issues relevant to their constituents. It also provides satisfying roles for non- executive Councillors. This will require exploring in a Bradford context.
- 3.11 There is also evidence from the Annual Overview and Scrutiny Survey that a large majority of those involved in or impacted by scrutiny believe that it currently delivers accountability and contributes to improving local services.
- 3.12 It is suggested that the Regeneration and Economy and Environment and Waste Management Scrutiny Committees be combined, alongside development of other inquiry methods to support and add value to the scrutiny process. It is suggested that the Scrutiny Chairs in developing their draft work programmes for the year ahead consider the extent to which non Committee Members can be involved and the use of the other inquiry methods mentioned below. It is also suggested that Chairs liaise with Portfolio Holders to explore the extent to which the Committees can play a role in emerging policy issues. (The Peer Review commented that such a role could lead to a more balanced position. Reflecting this suggestion where appropriate to do so may refine the Committees' role and enhance their effectiveness). Overview and Scrutiny Committees could engage with officers at an early stage of policy development with Portfolio Holder support, allowing Members to enhance policy development through their comments and observations.

- 3.13 Any new model needs to recognise and support Members in participating in scrutiny activity around their other demands representing their wards and other commitments. A scrutiny training plan, involving both Councillors with experience of scrutiny and new Councillors who might be engaged in either the formal or an informal scrutiny process, could be developed to support Members in the activity. It is also suggested that this proposal, if approved, be reviewed in 12 months time to assess its operation and effectiveness.

<b>Inquiry/Action</b>	<b>Advantages</b>
Workshop to develop the work programme and methods of inquiry , topics to be covered, priority areas, success measure defined	Objectives set, themes covered, evidence methodology and scope is understood. Align scrutiny with outcome performance
Face to Face Interviews	Direct evidence from stakeholders and partners
Structured Conversations and Focus Groups with service users - can include non executive Members, residents, and partners	Promotes understanding of the issues and engages the public, drives efficiency and service improvements
Surveys and Questionnaires	Wider engagement, promotes equality and diversity and access to hard to reach groups using social media.
Desk Task and Finish Reviews	Quick reviews where issues are straight forward
Time Limited Task and Finish Groups, can include non Executive Members, residents, and partners	More effective engagement with public and partners over a limited time horizon. Every member can have the chance to participate
In Depth Task and Finish exercises	Allows more rigorous analysis. Process not restricted to formal committee meetings -Wide range of evidence and perspectives
Cross Cutting inquiries	Allows a wider look at issues and interdependences for example, flood alleviation, flood resilience, and climate change
Site Visits to comparator Councils	Gives an opportunity to benchmark scrutiny and view new ways of working first hand.
Fixed number of Scrutiny Members, with theme Champions to lead inquiry.	Commonly used in smaller district councils, gives ward Members a role to champion specific priorities through to inquiry
Database of Members' skills, knowledge and expertise to ensure these are used in scrutiny	Using Members' skills and knowledge in the most effective and appropriate way, leading to more satisfying roles in scrutiny.
Scrutiny in a Day	Intensive focus on an issue for quick results

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Sources:-

(Council websites  
Centre for Public Scrutiny  
Good Scrutiny Good Question report  
National Assembly of Wales - Public Engagement Toolkit)

- 3.14 The Committee is requested to consider whether to amend Article 6 Overview and Scrutiny Committees by combining the Regeneration and Economy and Environment and Waste Management Scrutiny Committees.

#### **4. Financial and Resource Appraisal**

- 4.1 The savings achieved by implementing this suggestion will contribute £12,970 to the budget reduction required of £55K.

#### **5. Risk Management and Governance Issues**

- 5.1 The risks involved with the suggestion are capacity to scrutinise effectively the Council Plan priorities may be affected. In developing the merged Committee's workplan, care will be needed to ensure that these risks are mitigated effectively.

#### **6. Legal Appraisal**

- 6.1 Overview & Scrutiny was introduced as part of the modernisation of local government by Section 21 of the Local Government Act 2000. It requires the Council to have at least one O & S committee:
- 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,
  - and in the case of an authority to which section 244 of the National Health Service Act 2006 applies—(i) to review and scrutinise, in

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accordance with regulations under that section, matters relating to the health service (within the meaning given by that Act as extended by that section) in the authority's area, and (ii) to make reports and recommendations on such matters in accordance with the regulations.

The Committees are intended as a counterweight to the executive structures created by the 2000 Act. The legislation applying to O & S was amended by the Localism Act 2011.

Early guidance from the Government indicated that all but the smallest local authorities should have more than one overview and scrutiny committee, and that they should meet frequently. It also stated the expectation that they should have a cross-cutting rather than service-based view of the local authority's business.

## **7. Other Implications**

- 7.1 There are no Equality and Diversity, Sustainability, Greenhouse Gas Emissions Impacts, Community Safety, Human Rights Act, Trade Union, Ward and Area Committee Action Plan implications of this report.

## **8. Not for Publication Documents**

- 8.1 None

## **9. Options**

- 9.1 The options are either to continue with the existing 5 Overview and Scrutiny Committees or recommend the merger of the 2 Committees.

## **10. Recommendations**

- 10.1 That Governance and Audit Committee consider the suggested changes to the Constitution as described in this report. If the Committee wish to recommend adoption of the merger of the Committees it will form a recommendation to Council as an amendment to the Constitution.

## **11. Appendices**

Appendix A - Proposed terms of reference for a combined Committee

## **12. Background Papers**

None

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## Appendix A

### Draft Terms of Reference

To replace Articles 6.5 and 6.6 of the Constitution

#### Current

##### 6.5 Regeneration and Economy Overview and Scrutiny Committee

6.5.1 The strategies, plans, policies, functions and services directly relevant to the corporate priority about creating a more prosperous district.

##### 6.6 Environment and Waste Management Overview and Scrutiny Committee

6.6.1 The strategies, plans, policies, functions and services directly relevant to the corporate priority about improving waste management, neighbourhood services and the environment.

#### Proposed

##### 6.5 Regeneration and Environment Overview and Scrutiny Committee

6.5.1 The strategies, plans, policies, functions and services directly relevant to the corporate priorities about Better skills, more jobs and a growing economy, Safe, clean and active communities and Decent homes that people can afford to live in.

The references to the Regeneration and Economy Overview and Scrutiny Committee and Environment and Waste Management Overview and Scrutiny Committee in Articles 6.7.3 and 6.8.3 shall be replaced by a reference to the Regeneration and Environment Overview and Scrutiny Committee