

24 August 2017		ITEM: 7
General Services Committee		
Establishment of an Overview and Scrutiny Committee or Working Group/Task Force in relation to the Lower Thames Crossing		
Wards and communities affected: All		Key Decision: Key
Report of: David Lawson, Monitoring Officer and Deputy Head of Legal Services		
Accountable Assistant Director: David Lawson, Monitoring Officer and Deputy Head of Legal Services		
Accountable Director: Fiona Taylor, Director of Law and Governance		
This report is public		

Executive Summary

On 26 July 2017 Full Council agreed to request General Services Committee look at options for establishing either a Task Force or Overview and Scrutiny Committee relating to the Lower Thames Crossing. This report sets out the differences between each option for the General Services Committee to consider.

1. Recommendation(s)

- 1.1 That the Committee decide to either establish a Task Force as a working group or to recommend to Full Council it establish an Overview and Scrutiny Committee in relation to the proposed Lower Thames Crossing.**
- 1.2 That the terms of reference (attached as appendices) for the successful option be adopted.**

2. Introduction and Background

- 2.1** In July 2017 Full Council received an update report on the Lower Thames Crossing and subsequently resolved to request General Services establish a working group (entitled a 'Task Force') to consider, challenge and undertake any Member orientated work in relation to the Lower Thames Crossing (LTC) or to recommend to Council that it establish an Overview and Scrutiny Committee in relation to the proposed Lower Thames Crossing.
- 2.2** The governance structure of the Council stipulates a strong leader model and executive power to make decisions lies with Cabinet. It is important for

Members to note that whatever recommendations or views a LTC group/committee wishes to make, the power to enact on these will ultimately lie with the Executive.

- 2.3 The General Services Committee will act as the parent committee to any working group it establishes whereas an overview and scrutiny committee will have autonomous powers as set out in the constitution and the relevant national legislation that applies to all overview and scrutiny committees.

3. Options and Analysis of Options

- 3.1 The table below summarises the main differences between an overview and scrutiny committee and a task force/working group that Members may find useful:

	Task Force/ Working Group	O & S Committee
Membership	Can have any number of Members, co-optees and officers as membership. It does not need to follow political balance calculations if Members so require. All Members are eligible to join such a group.	Membership will consist of 6 Members appointed in accordance with political proportionality. Co-optees may be appointed. No Cabinet member is allowed to join the membership of the committee.
Voting Rights	There are no rules governing a working group and if set out in the terms of reference all the membership could have an equal vote if desired.	Only elected Members have voting rights on overview and scrutiny unless set out in legislation (for example, certain Co-optees on Children's Services O & S Committee have voting rights in relation to education matters)
Chair	The chair would be voted for by the group's membership. It would be advisable to keep the chair for a one year term to be elected upon again at the first meeting of the group at the beginning of each municipal year.	Nominations for chair would be raised at full council and voted for in accordance with normal voting rules in the chamber.
Regularity of the meetings	The Group can meet any time it wishes according to the will and availability of the membership.	All O & S Committees are scheduled to meet every two months. Additional/extraordinary meetings would need to be agreed by

		membership and ratified by the Monitoring Officer in accordance with procedure rules.
Publication of documents	Working Groups by their nature do not need to conform with the requirement to publish agendas at least five working days before the meeting. They may meet without requiring a formal agenda. However, a working group could follow statutory regulations as set out in the constitution if it wished to.	All agendas and meetings are subject to statutory public access rules.
Powers	No executive power. Any recommendation relating to an executive/key decision would need to either: i) pass up to the parent committee (General Services) for ratification and progression to Cabinet; or ii) pass direct to Cabinet if General Services stipulate in their terms of reference.	General powers as set out in relevant legislation. All recommendations relating to executive/key decisions will be directed to Cabinet for agreement/decision.

- 3.2 When considering the options Members should be mindful of how the LTC project will progress and how it will engage with communities and the council committee system (Planning committee and Cabinet) at different stages of its development and the speed with which input will be required or needed from the special body related to it.
- 3.3 In broad terms a Task Force, by virtue of being a working group, would have the ability to meet with less bureaucracy. However, both options would have a defined protocol that ensured sound governance and decision making practices. The proposed terms of reference of each are attached as appendices.

A note on start times for both options

- 3.4 If the Committee establish a Task Force it can start its work as soon as possible once nominations for membership have been received. Conversely, an overview and scrutiny committee would need to be ratified and agreed by Full Council. The next full council meeting is on 27 September.

4. Reasons for Recommendation

- 4.1 Both options would represent an effective way for the Council to discharge any formal Member related activity in relation to the LTC. The table at 3.1 allows Members to compare the two options to decide which option they feel best fits the way they wish to work on the project ahead.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 None.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 The recommendation is seeking to establish a group or committee that will allow the broader membership of elected members, as well as members of the public representing relevant interest groups, to engage and shape the council response to the proposed LTC. This promotes and increases democracy.

7. Implications

7.1 Financial

Implications verified by **Laura Last**
Management Accountant

The establishment of a new Overview and Scrutiny Committee would require potentially two new Special Responsibility Allowances (SRAs) to be paid, depending on whether the Members holding these positions already receive an SRA. The current SRA for a chair of overview and scrutiny committees is £6,633.42 and the vice-chair SRA is £1,326.69. There would be no current SRAs linked to a task force or working group. There is no allowance made for extra SRAs in the budget at present so this would be a budget pressure if the SRAs were paid.

For both options there would be associated costs for officer time to attend meetings and deal with any recommended outcomes in line with other committees of council.

7.2 Legal

Implications verified by **David Lawson**
Deputy Head of Legal and Monitoring Officer

The implications are contained within the body of the report.

7.3 **Diversity and Equality**

Implications verified by **Natalie Warren**
**Community Development and Equalities
Manager**

The membership of both an overview and scrutiny committee and/or a Task Force would be appointed in accordance with political process. Any community representatives appointed to the body as co-optees would need to demonstrate they had been nominated or elected by their respective bodies in a fair and democratic manner.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None.

9. **Appendices to the report**

- Appendix 1: Terms of Reference for the Lower Thames Crossing Task Force
- Appendix 2: Terms of Reference for the Lower Thames Crossing Overview and Scrutiny Committee

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