



Signed off by	Head of Corporate Policy, Projects and Performance
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To	Overview and Scrutiny Committee
Date	Thursday, 12 October 2023
Executive Member	Portfolio Holder for Environment and Sustainability

Key Decision Required	N
Wards Affected	(All Wards);

Subject	Constitution of Environmental Sustainability Strategy Review Panel
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RECOMMENDATIONS

- (i) To consider the option to convene a scrutiny panel to review the proposed updates to the Environmental Sustainability Strategy.
- (ii) To agree the membership of the proposed Environmental Sustainability Strategy Review Panel and the timetable for scrutiny of the Environmental Sustainability Strategy as set out in the report.
- (iii) To agree the scope of the proposed Environmental Sustainability Strategy Review Panel's work during 2023/24.

REASONS FOR RECOMMENDATION

The panel is proposed to consider and comment on the 2023/24 review of the Environmental Sustainability (ES) Strategy, providing a suitable level of scrutiny of proposed updates to the Strategy. It is envisaged that the Panel will meet once formally, in early 2024. Other opportunities for informal all-member engagement will be presented, which panel members would be encouraged to participate in as well.

The nature of the Environmental Sustainability Strategy means that there is a level of complexity that merits more in-depth discussion than a full O&S committee meeting would normally allow.

EXECUTIVE SUMMARY

To consider the option to convene a scrutiny panel to review the proposed updates to the Environmental Sustainability Strategy. To agree the membership, timetable, and scope of the proposed Environmental Sustainability Strategy Review Panel's work during 2023/24.

The Overview & Scrutiny Committee, at its meeting on 7 September 2023, agreed to request that Democratic Services (in consultation with the O&S Chair and relevant Head of Service) prepare a scoping report looking at establishing a time limited Scrutiny Panel for the forthcoming Environmental Sustainability Strategy Review, to be considered at a future O&S Committee meeting.

The Committee is therefore requested to agree activity for the Panel for 2023/24.

This will focus on consideration of proposed updates to the Environmental Sustainability Strategy.

Overview & Scrutiny Committee has authority to approve the recommendations.

STATUTORY POWERS

1. A formal scrutiny panel or working group is defined as a "sub-committee".
2. Section 102 Local Government Act 1972 states a sub-committee "*may consist of such persons (whether members of the appointing authority or authorities or not) appointed for such term as may be determined by the appointing authority or authorities*".
3. Section 9FA Local Government Act 2000 states:
 - i. "An overview and scrutiny committee of a local authority, or a sub-committee of such a committee, may not include any member of the authority's executive".
 - ii. "An overview and scrutiny committee of a local authority, or any sub-committee of such a committee, may include persons who are not members of the authority." ('Co-opting')

Constitution requirements

4. Procedure Rule 5 (5.2.1) of the Council's constitution: "*All Councillors except Members of the Executive may be Members of the Overview and Scrutiny Committee and Panels appointed by it.*"
5. PR5 (5.3.1) of the Council's constitution: "*The Overview and Scrutiny Committee or its Panels shall be entitled to appoint a number of people as non-voting co-optees.*"
6. What is therefore legal in terms of the membership of the Environmental Sustainability Strategy Review Panel (which is a formal body and therefore defined as a sub-committee) is –
 - i. No Executive Members
 - ii. Any other Member of the Council can be appointed to the Environmental Sustainability Strategy Review Panel, with full voting rights on the Environmental Sustainability Strategy Review Panel.
 - iii. People who are not Members of the authority can be co-opted, but without voting rights.

- iv. Members who are not appointed to the Environmental Sustainability Strategy Review Panel may attend those meetings as 'visiting Members' without any voting rights.

KEY INFORMATION

Membership Selection Criteria

7. Although there is no formal requirement for Members of the Environmental Sustainability Strategy Review Panel to be members of the Overview and Scrutiny Committee, it is advisable that Panel Members are Members of Overview and Scrutiny Committee as these Members have received scrutiny training and will be better equipped to probe and ask questions about the strategy review.
8. It should be noted that there is also already established an informal cross party member sustainability group – for the avoidance of doubt, while the membership of these groups may overlap, there is no formal relationship between the two.

Political proportionality

9. The Environmental Sustainability Strategy Review Panel is proposed to be a 7 Member panel. The political proportionality requirements do not apply to scrutiny panels; however, the Committee has always sought to apply the principles.
10. Group Leaders are asked to put forward nominations for panel membership and the Overview and Scrutiny Committee determines the membership.
11. The membership is proposed as follows:
 - Conservative 4
 - Green 2
 - Residents' Association 1

Nominations

12. The Committee is asked to consider the nominations for Membership of the Panel, and the following nominations have been received:
 - Conservative Party – TBC
 - Green Party – Councillors Booton and Chester
 - Residents; Association – TBC

Outstanding nominations will be confirmed at the O&S Committee meeting.

12. The Committee is requested to approve the nominations made.

Election of Chair of Scrutiny Panel

13. The Chair of the Panel will be elected at the beginning of the Environmental Sustainability Strategy Review Panel meeting.

Number of meetings and Access

14. The Environmental Sustainability Strategy Review Panel will meet once.
15. Meetings of the Panel are open to any Councillor to attend; however a non-Panel Member does not have the same constitutional entitlement to access information, or

vote as Members of the Panel. This maintains the principle under paragraph 11 above that the Panel should be politically balanced.

Timetable

16. The timetable for the Environmental Sustainability Strategy Review Panel is as follows:

Date	Meeting
January/February 2024	Environmental Sustainability Strategy Review Panel To consider and comment on the 2023/24 review of the Environmental Sustainability Strategy, providing a suitable level of scrutiny of proposed updates to the Environmental Sustainability Strategy.
February/March 2024	Overview & Scrutiny Committee meeting To receive the report of Environmental Sustainability Strategy Review Panel

Role of the Overview and Scrutiny Committee and the Panel

17. The Panel's activity focuses on considering and commenting on the 2023/24 review of the Environmental Sustainability Strategy, providing a suitable level of scrutiny of proposed updates to the Strategy. This is expected to focus on providing an opportunity for Panel members to review the revised draft Environmental Sustainability Strategy, and have an opportunity to meet to discuss it, to raise questions, and to receive verbal / written responses, Members of the Panel are encouraged to take part in informal member engagement as part of the ES Strategy review process as well.
18. The Overview and Scrutiny Committee will consider the report of the ES Strategy Review Panel at its meeting potentially in February or March 2024 and make recommendations on the draft Environmental Sustainability Strategy Review, for consideration by the Executive in line with the Council's Policy Framework and Procedure Rules.

LEGAL IMPLICATIONS

19. There are no immediate legal implications arising from this report.

FINANCIAL IMPLICATIONS

20. There are no financial implications arising from the recommendations set out in this report. Should any of the work undertaken by Overview and Scrutiny generate recommendations with financial implications then these will be highlighted at that time.

EQUALITIES IMPLICATIONS

21. The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between people who share those protected characteristics and people who do not;
- Foster good relations between people who share those characteristics and people who do not.

22. The three parts of the duty applies to the following protected characteristics: age; disability; gender reassignment; pregnancy/maternity; race; religion/faith; sex and sexual orientation.

In addition, marriage and civil partnership status applies to the first part of the duty.

23. The Committee, and the Review Panel, should ensure regard is given to these duties by considering them through the course of its work. This should include considering:

- How budget proposals impact on different groups within the community, particularly those that share the protected characteristics;
- Whether the impact on particular groups is fair and proportionate;
- Whether there is equality of access to services and fair representation of all groups within the Borough;
- Whether any positive opportunities to advance equality of opportunity and/or good relations between people, are being realised.

COMMUNICATION IMPLICATIONS

24. There are no additional communication implications arising from the recommendations in this report. Environmental Sustainability Strategy Review scrutiny supports effective communication of the Environmental Sustainability Strategy Review to key stakeholders.

RISK MANAGEMENT IMPLICATIONS

25. There are no additional risk management implications arising from the recommendations in this report. The Panel will consider whether potential risks associated with the strategy review proposals have been addressed.

HUMAN RESOURCES IMPLICATIONS

26. There are no additional human resources implications arising from the recommendations in this report. The Panel will consider any proposals for changes to the funded staff establishment.

CONSULTATION

27. Environmental Sustainability Strategy Review Scrutiny contributes to effective communication of the Environmental Sustainability Strategy Review proposals.

POLICY FRAMEWORK

28. The ES Strategy is a subsidiary strategy to the Corporate Plan, with the purpose of providing more information about how the Corporate Plan's objective about environmental sustainability will be delivered.

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Background Powers

1. Corporate Plan 2025 - https://www.reigate-banstead.gov.uk/info/20205/plans_and_policies/280/reigate_and_banstead_2025
2. 2020 Environmental Sustainability Strategy 2020 - [Environmental Sustainability Strategy 2020 | Reigate and Banstead \(reigate-banstead.gov.uk\)](#)