



Westminster Scrutiny Commission

Date:	20 November 2013
Classification:	General Release
Title:	O &S Public Affairs and Positioning
Report of:	Head of Strategy
Member Portfolio	Westminster Scrutiny Commission
Wards Involved:	All wards
Policy Context:	n/a
Financial Summary:	n/a
Report Author and Contact Details:	Dr Mark Ewbank, Scrutiny Manager, mewbank@westminster.gov.uk (ex.2636) Matthew Trigg, Policy and Scrutiny Officer, mtrigg@westminster.gov.uk (ex.5294)

1. Executive Summary

This paper explores opportunities for the policy and scrutiny function of Westminster City Council to engage and have influence beyond the immediate borough and tri-borough area. It sets out a series of options for each of the four principal Policy & Scrutiny committees, whilst suggesting a rolling programme of updates in relation to further opportunities.

2. Background

Westminster City Council's scrutiny function supports the Council's ongoing commitment to quality, transparent and effective governance. Under Section 21 of the Local Government Act 2000 local authorities are required to appoint at least one committee to provide overview and scrutiny. In Westminster these are termed Policy and Scrutiny Committees, of which there are currently four:

- Adult, Health and Community Protection;
- Children & Community Services;

- Environment;
- Housing, Finance and Customer Services

Additionally, the Westminster Scrutiny Commission (the Commission) is responsible for overseeing their activities and resolving any disputes. Policy & Scrutiny Committees are divided between Cabinet Member portfolios for reporting purposes. Within their terms of reference, the general role of Policy and Scrutiny Committees as defined in the Westminster Constitution is to:

- review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- make reports and/or recommendations to the full Council and/or the executive and/or any policy, joint or area committee in connection with the discharge of any functions;
- **consider any matter affecting the area or its inhabitants; and**
- exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the executive.

The third of the above points forms the principal basis for this report; in exploring opportunities for the O&S function of Westminster City Council to have influence and impact beyond the immediate City and tri-borough area. This could take the form of a more formal programme of public affairs activity or an increased amount of external positioning.

3. General points for consideration

Public affairs activities undertaken by Policy and Scrutiny Committees occurs in consultation with senior officers, Cabinet Members and external experts where appropriate, but would not necessarily be dependent upon them nor required to hold the same position on a given issue.

Scrutiny committees and officers are typically not advised or consulted in relation to most public affairs activities relating to the Council, except where the primary duty of the Committee is to provide formal responses (such as the Health Committee and its role in respect to the NHS).

Consideration should be given to limiting overlap and duplication – but which fully involve Policy & Scrutiny Committees of the Council. Submissions and representations organised independently would represent a position of the committee, rather than a position of the organisation, executive or council as a whole, whilst the Committee itself could seek endorsement from the wider Council. Consideration would need to be given to potential conflicts between the position of the Committee and that of the Council as a whole.

Where relevant, especially in relation to services which are shared, consideration could be given to **providing evidence and responses on a Tri-**

Borough basis. When responding from across three O&S Committees, opportunities such as these may provide a stronger voice. Currently, when the Adults, Health & Community Protection Committee respond to Trust “*Quality Accounts*”, these are often done on a Tri-Borough or Bi-Borough basis dependent on the referral pattern of the NHS Trust in question.

4. Public affairs opportunities

In relation to the non-executive policy (overview) and scrutiny function of the Council, public affairs and positioning activities could include, but are not limited to:

- promotion of Committee activities and recommendations (to community, media, social media, etc)
- commissioning of distinctive research (such as the recent violence against sex workers and investigation into novel psychoactive substances)
- responding to formal consultations (departmental, select committees, EU, non-government, third-sector, industry based, etc) (such as the Adults, Health & Community Protection Committee submission to the *Keogh Review* of Acute Care and the Home Office consultation into immigration and the NHS)
- direct advocacy to decision makers (ministers, executives, regulators etc) (such as the City Management Committee appeals to Ofwat)

The content of these activities could range from promotion of items on existing work programmes through to important strategic issues affecting the area (public health issues, community safety, etc) or specific causes.

Resource requirements will vary considerably depending on the type of public affairs activities. If committees are moved to do more of this type of activity, then consideration will need to be given to how this will be resourced, especially given the size and scale of the potential opportunities.

The following section of the report outlines some of the current opportunities available to Committees, and a rolling list could be kept to update Chairmen of future opportunities.

5. Adults, Health and Community Protection Policy and Scrutiny Committee

The Adults, Health and Community Protection Policy and Scrutiny Committee examines the wide range of council services and projects that generally fall within the portfolios of:

- Adults and Public Health, and
- Community Protection, Premises and Parking.

Westminster Select Committees

The following Parliamentary committees are of particular interest to this committee:

- Communities and Local Government Committee
- Health Committee
- Intelligence and Security Committee of Parliament
- National Security Strategy
- Homes Affairs Select Committee

Up and coming

At the current time, the following are consultations and other public affairs opportunities which may be of interest to this committee:

- [Knowledge strategy: harnessing the power of information to improve the public's health \(Public Health England\)](#)
The government are consulting on their draft strategy on the role of data in improving public health. Consultation closes 22 November.
- [New requirements for NHS audit committees \(DoH\)](#)
Proposed new requirements for some NHS audit committees from 2015 onwards, when the Audit Commission is expected to close. Consultation closes 31 December 2013.

6. Children and Community Services Policy and Scrutiny Committee

The Children and Community Services Committee examines the wide range of council services and projects that generally fall within the portfolios of:

- Children and Young People, and
- The Community.

Westminster Select Committees

The following Parliamentary committees may be of particular interest to this committee:

- Communities and Local Government Committee
- Culture, Media and Sport Committee
- Education Committee

Up and coming

The following are consultations and other public affairs opportunities which may be of interest to this committee:

- [Supporting the introduction of the single Family Court – Proposed changes to Family legal aid remuneration schemes \(MoJ\)](#)
This consultation sets out the Government's proposals for amendments to the current family legal aid remuneration schemes in England and Wales, which are required as a result of the planned introduction of the new single Family Court (FC). Consultation closes 25 November 2013.
- [New A levels: subject content consultation \(DoE\)](#)
A consultation following recommendations made in Professor Smith's review of A-Levels and proposed changes to subject criteria. Consultation closes 20 December 2013.
- [Special Educational Needs \(SEN\) Code of Practice: under-16s \(DoE & DoH\)](#)
Consulting young people on a new code of practice and on replacing SEN statements with 0 to 25 education, health and care plans. Consultation closes 20 December 2013.
- [Special Educational Needs \(SEN\) Code of Practice: 16 to 25 \(DoE & DoH\)](#)
Consulting young people on a new code of practice and on replacing SEN statements with 0 to 25 education, health and care plans. Consultation closes 20 December 2013.
- [Special Educational Needs \(SEN\) Code of Practice and regulations \(DoE & DoH\)](#)
We're consulting on a new SEN code of practice and on replacing SEN statements with 0 to 25 education, health and care plans. Consultation closes 9 December 2013.

- [Looked-after children: improving permanence. \(DoE\)](#)
The Department for Education is consulting on a range of proposals to strengthen the team around the looked-after child, improve the status, security and stability of long-term foster care, and strengthen the requirements for returning children home from care. Consultation closes 29 November 2013.

7. Environment Committee Policy and Scrutiny Committee

The Environment Policy and Scrutiny Committee examines the wide range of council services and projects that generally fall within the portfolios of:

- Built Environment, and
- City Management, Transport and Environment.

Westminster Select Committees

The following Parliamentary committees may be of particular interest to this committee:

- Business, Innovation and Skills Committee
- Communities and Local Government Committee
- Economic Affairs Committee
- Energy and Climate Change Committee
- Environment, Food and Rural Affairs Committee
- Environmental Audit Committee
- Olympic and Paralympic Legacy Committee
- Transport Committee

Up and coming

The following are consultations and other public affairs opportunities which may be of interest to this committee:

- [Transforming the Highways Agency into a government-owned company \(DfT\)](#)
Proposals for setting up the Highways Agency as a new government-owned company responsible for operating, managing and improving the strategic road network. Consultation closes 20 December 2013.

- [Proposals for implementation of Electricity Market Reform \(DECC\)](#)
Setting out implementation proposals for key mechanisms for reform. Consultation closes 24 December.
- [Energy - review of the balance of competences \(DECC\)](#)
Call for evidence on the balance of competences between UK and EU in the area of energy. Consultation closes 14 January 2014.
- [Legislative Reform Order: Changes to entertainment licensing \(DCMS\)](#)
Proposals to amend the Licensing Act 2003 so that certain entertainment activities in defined circumstances no longer require a licence. Consultation closes 17 December 2013.
- [Local Authority Environmental Regulation of Industrial Plant: 2014 to 2015 fees and charges in England \(DERA\)](#)
Seeking views on freezing fees and charges for Local Air Pollution Prevention and Control (LAPPC) and Local Air - Integrated Pollution Prevention and Control (LA-IPPC) at current levels until April 2015. Consultation closes 18 December 2013.
- [Domestic market: licence conditions to implement the EU Energy Efficiency Directive provisions on consumer access to consumption and export data from smart meters \(DECC\)](#)
Seeking views on draft licence conditions to give effect to the implementation of the EU Energy Efficiency Directive requirements for domestic consumers. Consultation closes 3 December 2013.
- [New Smart Energy Code Content \(Stage 2\) \(DECC\)](#)
To help inform the content of Stage 2 of the Smart Energy Code, which governs the end-to-end management of smart metering in Great Britain. Consultation closes 29 November 2013.

8. Housing, Finance and Customer Services Policy and Scrutiny Committee

The Housing, Finance and Customer Services Policy and Scrutiny Committee examines the wide range of council services and projects that generally fall within the portfolios of:

- Business, Skills and Housing, and
- Finance, Resources and Customer Services.

Westminster Select Committees

The following Parliamentary committees may be of particular interest to this committee:

- Communities and Local Government Committee
- Treasury Committee

Up and coming

The following are consultations and other public affairs opportunities which may be of interest to this committee:

- [Rents for social housing from 2015 to 2016 \(DCLG\)](#)
This consultation invites views on the proposed changes to the policy, draft direction and draft guidance. It runs for 8 weeks and closes on 24 December 2013.
- [Review of UK and EU balance of competences: call for evidence on social and employment policy \(multiple\)](#)
The government is carrying out a review of the balance of competences between the UK and the EU. The review will provide an analysis of what the EU does and how it affects the UK. Consultation closes 17 January 2014.
- [Review of UK and EU balance of competences: call for evidence on cohesion policy \(DBIS & FCO\)](#)
Seeks evidence on the balance of competencies between the UK and EU on activity supporting the EU's cohesion (economic development) policy. Consultation 13 January 2014.
- [Review of UK and EU balance of competences: call for evidence on competition and consumer policy \(DBIS & FCO\)](#)
Seeks evidence on the balance of competencies between the UK and EU relating to competition and consumer protection policy. Consultation closes 13 January 2014.
- [Review of UK and EU balance of competences: call for evidence on the single market - free movement of services. \(DBIS & FCO\)](#)
Seeks evidence on the balance of competencies between the UK and EU relating to the single market and the free movement of services. Consultation closes 13 January 2014.
- [Providing social housing for local people \(DCLG\)](#)
Consultation on new statutory guidance on social housing allocations, residency and local association. Consultation closes 22 November 2013.
- [Company filing requirements \(DBIS\)](#)
The government is consulting on proposals to remove duplication, simplify requirements and ease burdens on companies when filing information with Companies House. Consultation closes 22 November 2013

9. Westminster Scrutiny Commission

The Westminster Scrutiny Commission examines the wide range of council services and projects that generally fall within the portfolios of:

- Chief Executive, and
- Leader of the Council.

Westminster Select Committees

The following Parliamentary committees may be of particular interest to the commission:

- Communities and Local Government Committee
- Public Administration Select Committee (PASC)

Up and coming

No upcoming consultations are listed for the Commission.

**If you have any queries about this Report or wish to inspect any of the Background Papers please contact Mark Ewbank x2636
mewbank@westminster.gov.uk**

BACKGROUND PAPERS

None