

Item No. 6.	Classification: Open	Date: 12 May 2020	Meeting Name: Overview and Scrutiny Committee
Report title:		Scrutiny Call-in: Delivering a Climate Strategy for Southwark (Cabinet 7 April 2020)	
Ward(s) or groups affected:		All	
From:		Head of Overview and Scrutiny (Acting)	

RECOMMENDATIONS

1. That overview and scrutiny committee consider the call-in request set out at paragraph 9 of the report.
2. That having considered the call-in request, the overview and scrutiny committee decide on the appropriate course of action as outlined in paragraph 13 of the report (potential outcomes available to the call-in meeting).

BACKGROUND INFORMATION

3. On 7 April 2020 cabinet considered a report (attached as Appendix A) on Delivering a Climate Strategy for Southwark.
4. The cabinet agreed:
 1. That the contents of the report and progress on delivering a climate strategy for Southwark be noted.
 2. That the engagement approach, timetable and strategy structure detailed in the report and other actions in response to the Council's declaration of a Climate Emergency in March 2019 be agreed.
 3. That a members' working group be established as set out in the report.
 4. That Cabinet notes the additional officer advice attached to the addendum report and agrees that officers, in consultation with the Cabinet Member for Environment, Transport and the Climate Emergency, make necessary changes to the engagement process due to the impact of the Coronavirus pandemic.

KEY ISSUES FOR CONSIDERATION

5. The overview and scrutiny committee can "call-in" any executive decision which has been made but not yet implemented by the following:
 - a) the cabinet
 - b) an individual member of the cabinet

- c) a committee of the cabinet
- d) an executive decision taken by an individual member
- e) a key decision made by an officer with delegated authority.

6. This enables the overview and scrutiny committee to consider whether the decision is appropriate.
7. It is for the committee to decide what evidence to consider and take into account when considering the call-in. The committee should however be mindful of the grounds for call-in and the specific decision(s) the call-in relates when considering whether the decision is appropriate.
8. The committee should also be mindful of the provisions contained in the Council constitution which enable interested parties to make representations to a decision maker ahead of a decision and the onus of the decision maker to have regard for representations received when taking a decision. The committee should therefore as far as practicable not introduce new issues or rehearse points that have previously been made to the decision maker.

Call-in request

9. On 17 April 2020, Councillor Jane Salmon requested a call-in of the decision. The call-in request was supported by Councillors Humaira Ali and Victor Chamberlain. The call-in request is set out below:

On 7th April 2020 Cabinet resolved:

1. That the contents of the report and progress on delivering a climate strategy for Southwark be noted.
 2. That the engagement approach, timetable and strategy structure detailed in the report and other actions in response to the Council's declaration of a Climate Emergency in March 2019 be agreed.
 3. That a members' working group be established as set out in the report.
 4. That Cabinet notes the additional officer advice attached to the addendum report and agrees that officers, in consultation with the Cabinet Member for Environment, Transport and the Climate Emergency, make necessary changes to the engagement process due to the impact of the Coronavirus pandemic.
- I would like to call-in this decision because I believe there is evidence that the decision maker may not have taken the decision in accordance with the principles of decision making as set out in the constitution.

In particular, I believe that the decision to allow officers to reduce the amount of public engagement is not in accordance with principles a) d) and f) of decision making listed in Article 1.3 of the council's constitution, which are:

- a) the link between strategy and implementation must be maintained
- d) due consultation and the taking of professional advice from officers
- f) a presumption in favour of openness

To explain further, the additional officer advice mentioned in Resolution 4 states that, due to the current lockdown “it is likely that it will not be possible to do any face to face engagement, and that it will not be possible to convene groups”. Cabinet has therefore been asked to agree to amend the engagement strategy in order to allow for “more limited public engagement” before the climate strategy is published in July.

Given the importance placed upon public engagement in the remainder of the reports seen by Cabinet to support decision-making, and in particular the strategic importance of being inclusive of all residents, including those from underrepresented or excluded groups, and of being transparent, I believe the decision to limit public engagement, instead of exploring other engagement modalities (for example holding virtual online meetings to achieve the same levels of engagement) breaks the link between strategy and implementation.

Although officers have offered professional advice on their views of the necessity for limiting engagement, while the climate strategy is being developed, there is no evidence of consultation with the voluntary and community sector or councillors to support this decision. Similarly, as elsewhere, the council is considering ways to engage the public in planning and licensing decisions using virtual meeting software solutions, it seems likely that officers from other departments have not been asked to offer advice on the possibility of alternative additional engagement. I therefore believe that this decision has not been taken with due consultation or the taking of sufficient professional advice.

Finally, although the mechanisms for engagement may change, I do not believe it is fundamentally necessary to limit the level of public engagement on the climate change strategy. To decide to limit engagement because it has become more challenging to facilitate it, and in particular to make this decision without a full exploration of the possible alternatives, suggests that this decision has not been made with a presumption in favour of openness.

I believe that calling in this decision for further scrutiny by the Overview and Scrutiny Committee will help facilitate an exploration of potential new avenues and channels for public engagement and will help provide clarity and reassurance that the council is doing everything possible to engage with hard to reach groups in the preparation of the climate strategy.

I also believe that the decision to delay publishing the draft climate strategy breaks the link between strategy and implementation.

The original strategy, as decided at March 2019 Council Assembly, declared a Climate Emergency which Cabinet agreed in June 2019, included 4b) “Develop a strategy, working with local stakeholders, to ensure that the council becomes carbon neutral at a much more rapid pace than currently envisaged...” The words “much more rapid pace than currently envisaged” are key here. Since then, officers presented a report to Cabinet in October 2019 entitled “Delivering a Climate Strategy for Southwark”. This report proposed a draft climate change strategy by February 2020 at paragraph 55. This draft strategy was also referred to at paragraph 7 of the Environment Scrutiny Commission report on the Climate Emergency Road Map – Cabinet Response presented at the February 2020 Cabinet. In the report submitted for March 2020 Delivering a Climate Strategy for Southwark, there is no draft

climate change strategy but it is noted that one is underway at paragraph 27. A draft structure was included at Appendix 1.

Over 12 months later and there is still no draft climate strategy in place to consult on, I feel this is not reasonably meeting the strategic urgency of the original declaration in March 2019 and therefore this decision has not been made in accordance with Article 1.3 a) of the Constitution “the link between strategy and implementation must be maintained”. I am concerned that the Council cannot implement the proposed consultation and engagement set out in this report without a draft climate strategy in place that was required in the timetable agreed in October 2019. Further there is a vague outline of the action plan that should result without any timetable for its delivery in this report which again fails this sense of urgency.

I believe that calling this in to the Overview and Scrutiny committee will allow members to explore whether there are any road-blocks to progress which need to be addressed in order to allow matters to move with the urgency which the strategy demands.

Comments of the Head of Overview and Scrutiny (Acting)

10. The request for call-in covers two areas:

Public engagement
Delay in publishing the draft strategy

11. In respect of public engagement, the reasons given in the call-in request were considered valid grounds for call-in, particularly as calling-in the decision would enable clarification on the proposed engagement and exploration of potential new avenues of public engagement ahead of the implementation of the decision.

12. In respect of the delay in publishing the draft strategy, the grounds given for the call-in were not considered to be in and of itself a valid reason for the call-in of the decision.

Potential outcomes available to the call-in meeting

13. If, having considered the decision and all relevant advice, the overview and scrutiny committee may either:

- a) refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns, or
- b) refer the matter to council assembly if the decision is deemed to be outside the policy and budget framework, or
- c) not refer the matter back to the decision making person or body but decide to undertake a subsequent scrutiny review of a policy or service issue, which shall not affect the implementation of the decision, or
- d) not refer the matter back to the decision making person or body.

14. In an outcome of c) and d) above the decision shall take effect on the date of the scrutiny meeting. Notice of the decision will be issued to all councillors and

published on the council's website.

REASONS FOR URGENCY

15. The overview and scrutiny committee is required to consider a scrutiny call-in as soon as possible. This meeting has been arranged to consider the call-in.

REASONS FOR LATENESS

16. It has taken longer than anticipated to prepare the report for scrutiny due to other work pressures.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Cabinet report – (attached as an Appendix)		

APPENDICES

No.	Title
Appendix A	Report to Cabinet 'Delivering a Climate Strategy for Southwark

AUDIT TRAIL

Lead Officer	Everton Roberts, Head of Overview and Scrutiny (Acting)	
Report Author	Everton Roberts	
Version	Final	
Dated	6 May 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	No	No
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Scrutiny Team	6 May 2020	