

Governance for Biodiversity and Climate Change

Final Decision-Maker	Democracy and General Purposes Committee
Lead Head of Service	Angela Woodhouse, Head of Policy, Communications and Governance
Lead Officer and Report Author	Angela Woodhouse, Head of Policy, Communications and Governance
Classification	Public
Wards affected	All

Executive Summary

This report provides information on possible options for the governance of Biodiversity and Climate Change going forward. Options proposed include a separate overview and scrutiny committee, no change to the current arrangements, Communities, Housing and Environment Committee taking responsibility as the decision-making committee or taking a scrutiny role and splitting responsibility amongst the service committees. The Committee are asked to consider the options and recommend one to full Council.

Purpose of Report

To make a recommendation to Council on the governance arrangements for Biodiversity and Climate Change.

This report makes the following recommendations to this Committee:

1. To consider the governance options as detailed in the report and at Appendix A and recommend one option or an alternative to Council to ensure the effective governance of Biodiversity and Climate Change going forward.
2. That the Constitution be amended to reflect the option the Committee recommend to Council, with the amended Constitution going directly to Council for approval.

Timetable

Meeting	Date
Democracy and General Purposes Committee	27 January 2021
Council	24 February 2021

Governance for Biodiversity and Climate Change

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>The Biodiversity and Climate Change Strategy and Action Plan will make a significant contribution to clean and green as part of the Safe, Clean and Green Priority.</p>	Head of Policy, Communications and Governance
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendation(s) supports the achievement(s) of the Biodiversity and Environmental Sustainability is respected cross cutting objective by including actions and objectives that promote and enhance biodiversity and actions to combat climate change.</p>	Head of Policy, Communications and Governance
Risk Management	<p>A key part of the governance will be to ensure risk is appropriately managed.</p>	Head of Policy, Communications and Governance
Financial	<p>The options set out in the report are within current resources. If a new Committee is created the role of Chairman would need to be assessed to determine if it should be remunerated – this could lead to an increase in costs.</p>	Section 151 Officer & Finance Team

Staffing	We will deliver the recommendations with our current staffing.	Head of Policy, Communications and Governance
Legal	<p>Local authorities have a duty to have regard to the conservation of biodiversity in exercising their functions. This Duty was introduced by the Natural Environment and Rural Communities Act 2006. The Duty affects all local authorities and make it an integral part of policy and decision making in relation to all the council functions, services and actions of the Council.</p> <p>Local authorities who have adopted a committee system model of governance is not required to have an overview and scrutiny committee, but may by resolution appoint one or more committees as the authority's overview and scrutiny committee(section 9JA Local Government Act 2000).</p> <p>In addition the Local Authorities (Committee System) (England) Regulations 2012/1020 sets outs the functions, composition and procedure and powers to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions of the authority and limits the functions which can be discharged by an overview and scrutiny committee it to those set out in the Regulations.</p> <p>If it is proposed to establish an overview and scrutiny, the Regulations require that the committee would only permitted exercise the scrutiny functions set out in the 2012 Regulations.</p> <p>Communities Housing and Environment Committee cannot be responsible for scrutiny of biodiversity functions as this would not be in accordance with the 2012 Regulations as the committee has other decision making responsibilities in relation to housing and environmental matters whose decision could then be subject to scrutiny in relation to biodiversity.</p>	Team Leader, Corporate Governance

Privacy and Data Protection	Not applicable	Policy and Information Team
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Policy & Information Manager
Public Health	Any recommendation to increase the visibility and accountability of the Biodiversity and Climate Change Strategy and Action Plan will improve Public Health outcomes for residents as improvements to the environment are associated with improved Public Health outcomes.	Public Health Officer
Crime and Disorder	Not applicable	Head of Policy, Communications and Governance
Procurement	Not applicable	Head of Policy, Communications and Governance

2. INTRODUCTION AND BACKGROUND

- 2.1 Following a motion to Council a working group was commissioned to create a Biodiversity and Climate Change strategy and Action Plan supported by a Biodiversity and Climate Change Officer. The Strategy and Action Plan were approved by Policy and Resources Overview and Scrutiny Committee in October 2020 with an ambition to be carbon neutral for the whole Borough by 2030. The matter of future governance was considered by the working group with a preference for the creation of a new Overview and Scrutiny Committee focussed solely on Biodiversity and Climate Change.
- 2.2 It was agreed by the Policy and Resources Committee on 21 October that the Head of Policy, Communications and Governance bring a report to Democracy and General Purposes Committee outlining the Committee structure options for Biodiversity and Climate Change functions, including a dedicated Overview and Scrutiny Committee, or having Overview and Scrutiny functions embedded in the Communities Housing and Environment Committee.
- 2.3 This report sets out several options for consideration by the Committee and resource implications. This has been summarised in Appendix A as diagrams.
- 2.4 At present because the matter is cross-cutting it sits with the Policy and Resources Committee. There is no scrutiny function in the current committee style governance arrangement other than for crime and disorder matters. The Council can choose to include scrutiny committees within its current governance model.

- 2.5 It should be noted that the Action Plan agreed covers every aspect of Council business with a considerable £1million capital budget allocated for completion of the action plan. The Action Plan is ambitious and includes expenditure beyond that £1million on the basis that grant funding will be bid for and spend to save investment can be made.
- 2.6 As can be seen in **Appendix A** the 9 themes of the strategy are cross cutting and hit most of the committees. The Council's constitutions sets out that the Policy and Resources Committee will deal with any cross cutting policies that impact on other committee areas.
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3. AVAILABLE OPTIONS

3.1 Option One – Maintain Status Quo

At present because of the cross-cutting nature of the topic, Policy and Resources Committee has had responsibility for the Biodiversity and Climate Change Strategy and Action Plan. The work to create the plan was undertaken by a cross-party member working group similar in nature to a scrutiny working group. Monitoring and refreshing the Biodiversity and Climate Change Strategy will sit with Policy and Resources, the Biodiversity and Climate Change Officer will report into the Committee at regular intervals throughout the year.

3.2 Option Two – Policy and Resources Committee with an Overview and Scrutiny Committee

The Member working group favoured the creation of a new Overview and Scrutiny Committee with responsibility for scrutinising the progress of the action plan and making recommendations for policy development to decision makers. This will have resource implications both in terms of Member capacity and Democratic Services Committee administration. The proposal is the Committee comprising of nine members would meet four times a year to scrutinise progress of the action plan. As a biodiversity and climate change officer is in post they would be reporting into the committee and taking forward actions and recommendations so democratic services support would be clerical and could be managed within current resource.

3.3 Option Three – Split across the Service Committees by theme

At Appendix A the themes have been matched to the service committees. To split the plan by Committee would be very difficult as nearly all themes hit more than one service committee and some hit all four. This option is not recommended as it is far too complex and cross cutting.

3.4 Option Four -Communities, Housing and Environment Committee

Both biodiversity and climate change sit within CHE's terms of reference, however as the actions and budgetary commitment required to progress this are cross cutting it currently sits with Policy and Resources. Council

could decide that the new strategy and action plan should be moved to CHE as the committee with the most synergy and relevance to the topic, however any funding issues outside of budget for the plan would need to be referred to Policy and Resources (as they are now for issues outside of budget).

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The options are presented with considerations in section 3. The Committee will need to review these to identify a preferred option. The cross-party member working group recommended a new Overview and Scrutiny Committee be created for biodiversity and climate change.
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5. RISK

- 5.1 The Biodiversity and Climate Change Strategy and Action Plan already has an adequate governance arrangement in place. Introducing overview and scrutiny will increase visibility and accountability so may mitigate risk. The option to split the plan by committee could lead to conflict and potential confusion and a lack of transparency thereby increasing risk of non-delivery of the whole plan.
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6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Policy and Resources Committee agreed that a paper on the options for governance would be considered by the Democracy and General Purposes Committee. The working group that created the strategy and plan recommended that a new Overview and Scrutiny be created with responsibility for oversight of Biodiversity and Climate Change.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 If the Committee choose an option other than maintain the status quo then a recommendation will need to be made to council and consequential amendments made to the constitution.
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8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix A: Governance Options for Biodiversity and Climate Change
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