

SUBJECT:	<i>New Statutory Guidance on Overview and Scrutiny</i>
REPORT OF:	<i>Support Services Portfolio Holder – Cllr Mike Stannard</i>
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WARD/S AFFECTED	<i>All</i>

1. Purpose of Report

The Ministry of Housing, Communities and Local Government has produced statutory guidance on overview and scrutiny in local authorities which aims to increase understanding in the purpose of scrutiny, what effective scrutiny looks like, how to conduct it and the benefits it can bring. Members are asked to note the new guidance which will need to be taken into account when designing the overview and scrutiny arrangements for the new unitary District Council.

RECOMMENDATIONS

That the Guidance be noted.

2. Content of Report

The new guidance contains a number of policies and practices authorities should consider when deciding how to carry out their overview and scrutiny functions. As it has the status of statutory guidance Councils must have regard to it and should follow it unless there is a good reason not to do so in a particular case. The key points in the guidance are summarised below.

Organisational culture

2.1 The guidance emphasises that prevailing organisational culture determines whether the scrutiny function succeeds or fails. Therefore the guidance recommends that members and officers should recognise and appreciate the importance and legitimacy that the scrutiny function is given by the law and to take steps to ensure scrutiny has a clear role and focus within the organisation. There should be early and regular engagement between the executive and scrutiny, especially with regard to the work programme but, the executive should not try to exercise control over the work of the scrutiny committee. On contentious issues the guidance refers to the importance of the executive and scrutiny working together to manage any disagreement and recommends that a framework could be developed to address this through an executive-scrutiny protocol. Call in should not be used as a party-political tool and with any scrutiny work members should be supported in having an independent mind-set.

2.2 The guidance states that scrutiny functions should be provided with the necessary support and staff should also be given the necessary access to information in order to facilitate discussions internally and externally, including providing impartial advice to scrutiny members. In addition Councils should ensure members and officers are made aware of the role the scrutiny committee plays in the organisation and its value and outcomes that can be delivered. Scrutiny should decide when it would be appropriate to submit reports for wider debate e.g

submitting reports to Council rather than Cabinet and also to ensure that the work of the scrutiny committee is publicised to raise its profile in the wider community.

Resourcing

2.3 The guidance notes that the resource an authority allocates to the scrutiny function plays a pivotal role in determining how successful that function is and the value it can add to the work of the authority. Effective resourcing of scrutiny has been shown to add value to Councils, including their ability to meet the needs of local people and helping policy formulation. The guidance provides further detail on officer resource models.

Selecting Committee Members

2.4 The guidance recommends that scrutiny committees should be made up of members who have the necessary skills and commitment and ability to act. The guidance emphasises that the committee chairman plays a leadership role as they are largely responsible for establishing its profile, influence and ways of working and they should guard the committee's independence. One suggestion for Councils is to consider selecting the chairman by secret ballot. The importance of ongoing training is also seen as key as well as using co-option and outside expertise.

Power to access information

2.5 When considering what information scrutiny needs, scrutiny members and the executive should be reminded of the legal rights that committees and their individual members have, as well as their need to receive timely and accurate information to carry out their duties effectively. When asking external organisations for information it is important that the officer explains the purpose of scrutiny and looks at how to encourage compliance with the request and the best person to approach.

Planning work

2.6 The guidance emphasises that effective scrutiny should have a defined impact on the ground with the committee making recommendations that will make a tangible difference to the work of the authority. Any inquiry work should be scoped out to ensure that the right topics are addressed in the right way and at the right time and to ensure that the right approach is taken to gathering evidence from the public, authority's partners and the executive. Key information includes performance, finance and risk, corporate complaints, business cases and options appraisals and other reports and recommendations. In terms of identifying topics the guidance suggests these could be shortlisted according to the benefits that scrutiny would bring to that particular area. Topics could be scrutinised as a single item, at a single meeting, at a task and finish group, or by establishing a standing panel.

Evidence Sessions

2.7 Evidence sessions are referred to as a key way in which scrutiny committees inform their work and the guidance provides information on how to plan and to develop recommendations, which should be evidence based and SMART.

3. Corporate Implications

Having an effective scrutiny function contributes to the corporate aims and objectives of all Councils by identifying improvements to service areas.

4. Links to Council Policy Objectives

As above

5. Next Step

Members are asked to note the report and consider any actions arising. The guidance will inform future scrutiny arrangements for the new unitary District Council.

Background Papers:	None other than referred to in the report
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