



Overview & Scrutiny Board 4 September 2019

Subject Heading:

Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities

SLT Lead:

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Policy context:

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Financial summary:

There are no significant financial implications.

The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

SUMMARY

The 'Statutory Guidance for Local Authorities on Overview and Scrutiny', published in May 2019 by the Ministry for Housing, Communities and Local Government clarifies the role and benefits of scrutiny to local authorities.

Although this is statutory guidance, it recognises that local authorities should identify how best to make scrutiny work within their own political structures and that there isn't a "one size fits all" approach.

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The guidance highlights examples of best practice across the sector in delivering the scrutiny function

RECOMMENDATIONS

That the Board notes the statutory guidance issued by the Ministry of Housing, Communities and Local Government.

REPORT DETAIL

In March 2018, the Government gave a commitment to publish new scrutiny guidance for local authorities following the publication by the Communities and Local Government Select Committee of its report on the “Effectiveness of Local Authority Overview and Scrutiny Committees.”

Subsequently, in May 2019 the Ministry of Housing, Communities and Local Government honoured that commitment by publishing the “Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities” report (attached at Appendix A).

The statutory guidance, which the council must have regard to, recognises that there is no “one size fits all” when it comes to approaching the scrutiny function. The guidance recognises that local authorities should identify how best to make scrutiny work within their own political structures.

The guidance highlights a number of specific areas that directly contribute towards the effectiveness of scrutiny. These range from practical advice on items such as the importance of work programming to the less tangible and harder to influence, such as organisational culture. The six themes as set out in the guidance are:

- Culture
- Resourcing
- Planning Work
- Selecting Committee Members
- Power to Access Information
- Evidence Sessions

Key highlights

Culture

Underpinning the guidance is the emphasis on developing a culture which supports Scrutiny and that it can add value to the organisation through improved policy making and more efficient delivery of public services. To that end, the guidance suggests a

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number of practical ways in which a positive organisational culture can be developed. It includes:

- Identifying a clear role and focus for scrutiny;
- Ensuring early and regular engagement between the executive and scrutiny;
- Manage disagreement;
- Provide resource;

The guidance also places emphasis on recognising Scrutiny's legal and democratic legitimacy and that the Executive should not try to exercise control over its work. The guidance suggests the development of an Executive-Scrutiny protocol as a way of developing positive relationships and addressing the practical expectations of overview and scrutiny members and the Executive. Havering does not have such a protocol in operation.

Resourcing

The guidance does not seek to prescribe a specific level of officer support allocated to scrutiny, but it does highlight that an appropriate level of support is required to ensure that scrutiny can function effectively.

In addition to specific officer support, the guidance highlights that any support should also include the way the wider Council engages with Scrutiny.

Planning work

Committee work programming is recognised in the guidance as a key component in making a success of Scrutiny. The guidance suggests that Scrutiny committees should look to develop long term plans but which provide enough flexibility to ensure that short term and pressing issues can be accommodated. Havering's approach to work programming focuses on developing a plan for the municipal year at the first meetings of Scrutiny following the annual meeting of Full Council.

The guidance sets out a number of different ways that work programmes can be developed and how subject matters can be scrutinised, including having a single item on an agenda, dedicating a whole meeting to one item, a short task and finish group, a longer term task and finish group or a standing panel. The guidance sets out when it might be most appropriate to use each of the above.

Selecting committee members

When selecting members to sit on Scrutiny committees the guidance emphasises the need to consider experience, expertise, interests, ability to act impartially, ability to work as part of a group and capacity to serve. The guidance also recognises the importance of training and ongoing member development in establishing profile, influence and ways of working.

The guidance also recognises the importance the role the Chairman plays in the success of scrutiny. A suggestion is made for using a secret ballot as a method for

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selecting Scrutiny Chairmen, but it is acknowledged that it is up to local authorities to choose the best method for their circumstances.

It is recommended that ongoing training is provided for Scrutiny Members to allow them to fulfil their roles successfully. In particular the need for Members to be aware of their legal powers and understand how to prepare for and ask relevant questions at Scrutiny meetings are essential.

The guidance also recognises the value that can be added by outside expertise through either co-option of members onto a committee or the use of technical advisors for specific subject. At Havering there are co-optees operating within Scrutiny, specifically a number of education representatives on the Children & Learning Committee.

Power to Access Information

The guidance reemphasises the legal powers for Scrutiny Committees to access information in order to be able to carry out its work. This includes regular access to key sources of information such as data on finance, performance and risk.

The guidance also sets out a number of considerations for Scrutiny when requesting information from external organisations including the need to explain the purpose of scrutiny, highlighting the benefits of an informal approach, how to encourage compliance with the request and who best to approach.

Evidence Sessions

The guidance highlights that evidence sessions are a key way for Scrutiny committees to inform their work and emphasises the need for effective planning. In particular it is recommended that consideration is given to setting overall objectives for each session and the types of questions that need to be asked to achieve these objectives.

In developing recommendations from the evidence sessions the guidance advocates the need for them to be evidence-based and SMART (specific, measurable, achievable, relevant and timed). The guidance also suggests that a maximum of six to eight recommendations per topic should be sufficient to ensure that a focussed response is received.

IMPLICATIONS AND RISKS

Legal Implications and Risks

The statutory guidance has been issued under section 9 of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009, which requires authorities to have regard to this guidance.

Finance Implications and Risks – None

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HR Implications and Risks – None

Equalities Implications and Risks - None

BACKGROUND PAPERS

None