



Overview and Scrutiny Committee Briefing Paper

Subject: Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities

Director: Law and Governance & Monitoring Officer

Officer Responsible: Director Law & Governance & Monitoring Officer, Nick Graham, and Governance and Elections Manager, Natasha Clark

Background and Reason for Briefing Note	To consider the revised Scrutiny Guidance published by the Ministry of Housing, Communities and Local Government. A copy of the guidance is attached.
<p>1.0 Introduction</p> <p>1.1 The Minister for Housing, Communities and Local Government (MHCLG) published revised Scrutiny Guidance in May 2019. This paper provides an overview of the key points raised in the guidance and how the Council currently compares to these.</p> <p>1.2 Overall, the Council has already implemented areas of good practice, however the briefing closes by suggesting options for further enhancing the role of Scrutiny within the organisation.</p> <p>2.0 Background</p> <p>2.1 The revised scrutiny guidance has been produced in response to a Communities and Local Government Select Committee investigation into Local Government Scrutiny in 2018. This briefing provides a short overview of the guidance and identifies where the Council may wish to consider further areas of work to enhance our scrutiny arrangements.</p> <p>3.0 Key Issues</p> <p>3.1 The most important aspect to successful scrutiny is the right organisational culture to set the tone and ambition for scrutiny. This commitment needs to be across senior officers and the political leadership of all parties. Scrutiny should be encouraged to be challenging, uncomfortable and potentially difficult but also accepting that it must focus on areas where it is likely to have impact.</p> <p>3.2 The guidance also recognises that scrutiny can have a valuable role to play in the development of policies and to be effective scrutiny should:</p> <ul style="list-style-type: none">a. Provide constructive 'critical friend' challenge;b. Amplify the voices and concerns of the public;c. Be led by independent people who take responsibility for their role; andd. Drive improvement in public services	



3.3 The key aspects of the guidance are as follows:

- Role and prioritisation – scrutiny’s role needs to be focused and the scrutiny work programme needs to be carefully prioritised
- Executive and scrutiny relationship – the guidance suggests developing a Executive/Scrutiny protocol with a shared set of principles to underpin how the Executive and Scrutiny will work together, particularly when dealing with difficult situations and to guide scrutiny involvement in policy development
- Selecting committee members – the guidance stresses the importance of selecting the right people to sit on scrutiny committees and providing access to appropriate training to enhance their skills. It does not stipulate that chairmen should come from opposition groups but says that chairman should have key personal attributes such as the ability to facilitate discussion and encouraging committee members to reach a consensus when developing recommendations.
- Access to information – the guidance reiterates that scrutiny committee members have enhanced rights to access information and that committee members should have regular access to key sources of information such as performance, financial and risk
- Gathering evidence and forming recommendations – the chairman has a key role in gathering evidence and insisting that committee members develop focused reports and SMART recommendations
- Resourcing - the guidance does not specify a level of resources but highlights the importance of councillors fully understanding the level of resources available to them in order to prioritise their work accordingly. It also states that resourcing is not simply linked to officer time or budgets but also training requirements of councillors and officers; the need for external expertise; the added-value of effective scrutiny in terms of better public services and the potential costs of call-ins if scrutiny has not been properly engaged in early policy development.

3.4 How Cherwell District Council Compares with the Guidance

Guidance Recommendations	Cherwell District Council	Possible Actions
The authority recognises scrutiny’s legal and democratic legitimacy	The scrutiny process is well respected across the organisation, but its role could go further in terms of policy development. The Overview & Scrutiny Committee (OSC) undertakes all scrutiny apart from budget monitoring and planning, which is reserved to the Budget Planning Committee (BPC). These	N/A



	roles are clearly defined in the respective committee's terms of reference	
Scrutiny has a clear role and focus with work prioritised to ensure it concentrates on delivering work that is of genuine value to the wider authority	The Committee has a work programme which is reviewed in detail at the first meeting of the municipal year and, subsequently at each meeting. This can however result in many potential review items. Democratic and Elections Officers liaise with the Chairman and Senior Managers (the work programme is reviewed monthly by the Extended Leadership Team) between meetings regarding potential work items to ensure the Committee consider matters at the relevant time.	Managing the expectations of OSC members and reminding Councillors about the importance of having focused scopes will ensure that reviews have a focus and produce meaningful recommendations.
Ensuring early and regular engagement between the executive and scrutiny including future work plans	Scrutiny work plans are published on each Committee agenda and the Leader regularly attends OSC meetings and contributes to work planning discussions. There is also a published forward plan of upcoming Executive decisions	Consideration could be given to providing an update on the OSC work programme to Executive Business Planning Meeting. This would also focus Executive members to consider future issues in their portfolio that could benefit from scrutiny involvement.
Managing disagreement could be done via an 'executive-scrutiny protocol' to define the relationship between the two.	A protocol does not currently exist. Reviews are shared with the relevant Lead Member, with an officer briefing and then usually shared with Informal Executive.	Consideration should be given to developing a protocol between the Executive and Scrutiny.
Providing necessary support – whilst it is for each authority to decide on the level of resources, it should consider the purpose of scrutiny and access to	There are good levels of support to Scrutiny within the Authority. Day-to-day scrutiny support and support to reviews is provided by the Democratic and Elections Team. Senior	Ongoing management of the work programme will ensure that there continues to be adequate support for the scrutiny function



information	officer support is provided to reviews, meeting informally and formally with Committee members		
Impartial advice from officers – particularly advice from the monitoring officer, section 151 and head of paid services	Councillors, particularly the Chairman, have access to impartial advice from officers.	N/A	
Communication about scrutiny's role to the wider authority - including taking steps to ensure that all members and officers are aware of the role, the outcomes it can deliver and the powers it has	Scrutiny training is given as part of the Councillor induction. Senior managers have an understanding of the role of scrutiny, but this is not formally disseminated across the organisation	Consideration could be given to ways in which wider communication could take place about scrutiny's role	
Maintaining the interest of full council in the work of scrutiny – authorities should consider whether reports/recommendations should be submitted to full council rather than solely to the executive	An annual report of scrutiny's work is taken to Council, but recommendations are not routinely taken to Council	Consideration could be given to whether value would be added in taking scrutiny recommendations to Council as well as Executive	
Ensuring scrutiny members are supported in having an independent mindset	Scrutiny members generally act in an independent minded way	N/A	

3.5 Further information: <https://www.cfps.org.uk/scrutiny-statutory-guidance-published-today/>

4.0 Next Steps

4.1 The Committee is asked to:

1. Note the publication of a new statutory guidance document about the role of scrutiny.
2. Comment on the proposed options and methods of engagement with Councillors in relation to the new guidance.
3. Consider possible revisions to further enhance our current scrutiny arrangements as a result of the guidance.

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