

Report To:	OVERVIEW AND SCRUTINY COMMITTEE	Date:	6 JUNE 2019
Heading:	NATIONAL STATUTORY SCRUTINY GUIDANCE		
Portfolio Holder:			
Ward/s:	ALL		
Key Decision:	NO		
Subject to Call-In:	NO		

Purpose of Report

The purpose of this report is to introduce and summarise the recently published National Statutory Scrutiny Guidance.

The guidance can be viewed through the following link:

<https://www.gov.uk/government/news/embrace-the-benefits-of-public-scrutiny-councils-told>.

Recommendation(s)

Overview and Scrutiny Committee Members are recommended to:

- Note the information contained in this report
- Consider the potential implications of the National Statutory Scrutiny Guidance

Reasons for Recommendation(s)

Overview and Scrutiny for local councils was introduced as part of the modernisation of local government in Section 21 of the Local Government Act 2000. It required every local authority to have an Overview and Scrutiny function to: hold the Executive to account; undertake policy development and review; monitor and improve performance; investigate issues of public concern; and carry out external scrutiny.

The statutory guidance has been developed by the Ministry of Housing, Communities and Local Government. Local authorities and combined authorities must have regard to it when exercising their functions.

Alternative Options Considered

No alternative options have been considered at this stage.

Detailed Information

New Statutory Scrutiny Guidance was published on 7 May by the Ministry of Housing, Communities and Local Government. The Guidance has been produced following a 2018 inquiry by the Local Government Select Committee into Overview and Scrutiny in local authorities. The Guidance has been produced with the ultimate goal of stressing the importance the role of scrutiny plays in holding Local Authority Executives to account over decision-making.

Developed in consultation with the public sector and the Centre for Public Scrutiny, the Guidance outlines what effective scrutiny looks like and the positives it can bring to local authorities.

The Guidance is aimed at local authorities in England to help them carry out their Overview and Scrutiny functions effectively. It aims to ensure all involved with scrutiny are aware of the purpose of Overview and Scrutiny, what effective scrutiny looks like, how to conduct it effectively, and the benefits it can bring to local authorities.

Local authorities must have regard to the Guidance when exercising their scrutiny functions. This means the content within the Guidance should be followed unless there is a good reason not to.

Culture

This section sets out the importance of a positive scrutiny culture in local authorities.

- Attitudes, behaviours, and organisational culture play a pivotal role in determining the success or failure of scrutiny
- Scrutiny members have a focal role in creating an environment conducive to effective scrutiny
- Strong organisational culture supports effective scrutiny work
- Low levels of support for scrutiny leads to poor quality and ill-focused work
- Effective scrutiny can help to create a positive public image of the work an authority carries out

The section continues to outline the steps needed to establish a strong organisational culture.

- Recognising scrutiny's legal and democratic legitimacy
- Identifying a clear role and focus
- Ensuring early and regular engagement between the Executive and scrutiny
- Managing disagreement
- Providing the necessary support
- Ensuring impartial advice from officers
- Communicating scrutiny's role and purpose to the wider authority
- Maintaining the interest of Council in the work of scrutiny
- Communicating scrutiny's role to the public
- Ensuring scrutiny members are supported in having an independent mindset

Resourcing

Effective resourcing is an important aspect of scrutiny within a local authority.

- The resources an authority allocates to scrutiny plays a pivotal role in the effectiveness of the function
- Each authority must decide on the resource it provides, however, every authority should recognise that sustaining an effectiveness scrutiny function requires them to allocate sufficient resources
- Effective resourcing support requires the wider authority to engage with those who directly carry out the scrutiny function (Scrutiny Members and Officers)

When deciding on the level of resource to allocate to the scrutiny function, the following factors should be considered:

- Scrutiny's legal powers and responsibilities
- The role and remit scrutiny will play in the authority
- Any training requirements

Ultimately, this section summarises that effective resourcing of scrutiny has been proven to add value to the work of local authorities, improving ability to meet the needs of local people and helping policy formulation.

Power to Access Information

Access to information is vital for a scrutiny function to carry out its role and work effectively.

- The need for scrutiny to access information is recognised in law
- Regulations give increased powers to a scrutiny member to access all exempt or confidential information when carrying out scrutiny work
- Scrutiny members should consider scrutiny's role and the legal rights that committees have when considering what information is needed to carry out scrutiny work
- Scrutiny members should have access to a regularly available source of key information, particularly on performance management, risk, and budget

When requesting information from external organisations, scrutiny is advised to supplement any requests by providing helpful information to help the organisation respond appropriately, such as:

- Explaining the purpose of scrutiny
- Adopting an informal approach
- Encouraging compliance with the information request
- Approaching the appropriate organisations/officers

Planning Work

Effective scrutiny should have a defined and tangible impact that make a difference to the work of the authority. To achieve this, scrutiny committees must ensure adequate planning is undertaken through a work programme.

This section focuses on the importance of clarity on scrutiny's role. Scrutiny can be most effective when it has a clear role and function. Authorities can find it difficult to support a scrutiny function that has a generalised oversight across a broad range of issues.

Evidence Sessions

The final section of the Guidance expands on how evidence sessions are a key component and method for scrutiny committees to inform their work. Good preparation is a vital part of conducting effective scrutiny work.

- Setting overall objectives at an early stage can best elicit the information the committee is seeking
- Chairs play a vital role in leading discussions on objective-setting
- Consensus is preferred among scrutiny members and the Chair of a committee will need to be aware of any divergence of views
- Meetings in between formal scrutiny meetings can be beneficial to progress a review and maintain momentum

Developing recommendations is an integral part of scrutiny work and reflect the work of an entire review. The Guidance sets out effective ways to develop recommendations.

- When deciding on recommendations, members should have due regard to advice received from officers
- Recommendations should always be evidence based and be specific, measurable, achievable, relevant, and timed
- Often six to eight recommendations are sufficient to enable the authority to focus its response, although certain circumstances may lead to more or less recommendations where appropriate

Implications

Corporate Plan:

Topics considered by Scrutiny include issues based on performance, priority objectives and community concerns, many of which contribute to the Councils priorities, vision and outcomes contained in the Corporate Plan 2016 – 2019;

Legal:

The statutory guidance has been developed by the Ministry of Housing, Communities and Local Government. Local authorities and combined authorities must have regard to it when exercising their functions.

Finance:

There are no financial implications arising from the recommendations in this report.

Budget Area	Implication
General Fund – Revenue Budget	N/A
General Fund – Capital Programme	N/A

Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

Risk:

Risk	Mitigation
Lack of consideration of this document could result in the Authority not meeting the core requirements and expectations of an effective Scrutiny function.	This guidance, issued under section 9Q of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009, will be considered by Corporate Leadership Team and Overview and Scrutiny, ensuring due consideration is given to expectations both nationally and locally for the Scrutiny Function.

Human Resources:

No HR implications have been identified at this stage.

Equalities:

There are no immediate equalities implications arising from this report.

Other Implications:

None

Reason(s) for Urgency

None

Reason(s) for Exemption

None

Background Papers

[Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities](#)

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