

14 January 2020

ITEM: 7

Corporate Overview and Scrutiny Committee

Briefing on Statutory Guidance on Overview and Scrutiny in Local Authorities

Wards and communities affected: None	Key Decision: Non-key
Report of: Lucy Tricker, Democratic Services Officer	
Accountable Assistant Director: Tim Hallam, Acting Head of Legal, Assistant Director of Law and Governance, and Monitoring Officer	
Accountable Director: Sean Clark, Director of Finance, Governance and Property	

This report is public

Executive Summary

Following the publication of the Ministry of Housing, Communities and Local Government's (MHCLG) Statutory Guidance on Overview and Scrutiny in Local Authorities on 7 May 2019; this report has been published to update and outline Members on what the new guidance includes and how Thurrock Council complies with it.

1. Recommendation(s)

- 1.1 That the Committee note the updated MHCLG Statutory Guidance on Overview and Scrutiny in Local Authorities, published in May 2019.**
- 1.2 That the Committee comment on any aspects of the guidance they would like addressed in the ongoing review of the overview and scrutiny function.**

2. Introduction and Background

- 2.1 The MHCLG Statutory Guidance on Overview and Scrutiny in Local Authorities was issued under Section 9Q of the Local Government Act 2000 and Paragraph 2(9) of Schedule 5a to the Local Democracy, Economic Development and Construction Act 2009. As it is statutory guidance local authorities 'must have regard' for the guidance, and must be followed unless there is good reason not to.**

2.2 It outlines the role that effective overview and scrutiny should play and defines effective overview and scrutiny as:

- Providing a constructive ‘critical friend’ challenge
- Amplifying the voices and concerns of the public
- Being led by independent people who take responsibility for their role
- Driving improvement in public services

3. Issues, Options and Analysis of Options

3.1 The guidance is categorised into six separate areas, as outlined below.

The importance of culture for overview and scrutiny

Overview

3.2 The statutory guidance states that “culture, behaviours, and attitudes of an authority will largely determine whether its scrutiny function succeeds or fails”, and reiterates that the overview and scrutiny process should be led and owned by Members.

3.3 It lists how authorities can establish a strong organisational culture, for example through recognising scrutiny’s legal and democratic legitimacy; continued engagement between the Executive and scrutiny; and implementation of an Executive-Scrutiny Protocol. The guidance also recognises the importance of public engagement and Full Council for scrutiny’s work.

Thurrock Context

3.4 Members of the Executive and scrutiny are currently undertaking a review of overview and scrutiny at Thurrock, which will discuss the relationship between scrutiny and the Executive. This will then form part of the recommendations in the review that will be agreed at Cabinet or Full Council, dependent on best governance practice.

The importance of resourcing

Overview

3.5 The guidance highlights the importance of resourcing for effective overview and scrutiny, for example budget allocation and provision of officer time, including the provision of ad-hoc external support.

Thurrock Context

3.6 Democratic Services, as well as specialist and senior departmental staff, provide Members with support on issues relating to scrutiny, and are available to answer any questions or discuss problems.

How to select Committee Members

Overview

- 3.7 The guidance states that when selecting Members to sit on a Committee, factors such as experience, expertise, and interests should be taken into consideration. It also recommends holding a secret ballot to decide who will be the Committee Chair. Committee training and induction should also be offered, as well as co-opted members and technical advisors being used to add weight to decisions.

Thurrock Context

- 3.8 Committee training and induction is offered throughout the year, both mandatory training, and three external training sessions that cover different aspects of scrutiny work, for example committee and questioning skills. Members also undertook additional committee training this year on 'community leadership', with external voluntary organisations running workshops for Members to enable them to help their residents. Co-opted members also sit on a variety of scrutiny committees such as Housing and Children's Overview and Scrutiny.

Power to access information

Overview

- 3.9 Under law, an authority has the right to withhold information from a scrutiny committee, although the Executive should send a letter to the scrutiny committee outlining the reasons why. The new guidelines also embeds the idea that scrutiny has the power to seek information from external organisations.

Thurrock Context

- 3.10 Thurrock Council do not often include confidential or exempt information in reports, but if this type of information is requested by an overview and scrutiny committee and cannot be provided, the process of the Executive writing a letter to scrutiny committees will be considered as part of the ongoing scrutiny review.
- 3.11 Overview and scrutiny committees at Thurrock Council have the power to seek information from external organisations, and they are often invited to attend meetings. This builds a co-operative relationship between the Council and external partners. Thurrock's scrutiny Committees have good relationships with a range of external partners, for example, c2c often attend Planning, Transport and Regeneration Overview and Scrutiny Committee to discuss the train lines, and members of Essex Police attend Cleaner, Greener and Safer Overview and Scrutiny Committee.

The importance of planning work

Overview

- 3.12 The guidance outlines how scrutiny can become more effective by planning their work programmes and drawing up a long-term agenda, whilst also ensuring it is flexible enough to accommodate any short-term and urgent items. It is suggested that key stakeholders, such as members of the public and voluntary organisations are consulted on the Work Programme, as well as senior officers and members of the Executive.

Thurrock Context

- 3.13 Each scrutiny committee has a Work Programme, which is a standing item on the agenda. Members and officers have a chance at the end of each meeting to add an item to the Work Programme on a particular topic they would like to discuss, and plan the Work Programme accordingly. The Work Programme is a long-term document as it outlines reports for the entire municipal year, as well as sometimes including reports to be discussed in coming years. If a topic is particularly substantial, the scrutiny committee have the power to establish a Task and Finish Group to focus on the issue in more detail. For example, the Planning, Transport and Regeneration Overview and Scrutiny Committee created the Local Development Plan Task and Finish Group to focus on the Local Plan.
- 3.14 As the Work Programme is published online as part of the agenda, members of the public and other key stakeholders can have sight of the document so they are aware of upcoming reports. Stakeholders can then contact Members or officers to discuss items on the Work Programme and be a part of the governance process.

Evidence Sessions

Overview

- 3.15 The guidance sets out the need in some cases for scrutiny committees to organise evidence sessions before a formal committee meeting to inform their work, set out questions to be asked, and set overall objectives.

Thurrock Context

- 3.16 At Thurrock Council, evidence sessions occur during committee meetings as Members have the opportunity to ask questions and receive additional information that can help them in their decision-making. In addition, site visits and fact-finding sessions can be organised before committee's for Members to understand a topic in detail. For example, Members on the Health and Wellbeing Overview and Scrutiny Committee visited Orsett Hospital before a report went to committee regarding its potential for closure; and Members on

the Children's Overview and Scrutiny Committee visited Tilbury's Children's Centre to understand how they worked in the community.

4. Reasons for Recommendation

- 4.1 This report is to inform Corporate Overview and Scrutiny Members on the latest central government statutory guidance and how this affects Thurrock's overview and scrutiny processes.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 As a briefing paper this report does not require consultation, but senior officers are aware of the guidance and its importance for Corporate Overview and Scrutiny to have sight.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 Delivery of successful, high-quality governance has a significant impact on all of Thurrock Council's priorities. Specifically, on including the community in governance procedures such as Committee meetings and asking questions of Members. To be an effective part of the scrutiny process, Members should be aware of the guidance in their day-to-day work.

7. Implications

7.1 Financial

Implications verified by: **Joanne Freeman**
Senior Management Accountant

This report has no financial implications. All overview and scrutiny reports include their own individual financial implications.

7.2 Legal

Implications verified by: **Tim Hallam**
Acting Assistant Director of Law and Governance, Head of Legal and Monitoring Officer

The MHCLG Statutory Guidance on Overview and Scrutiny in Local Authorities was issued under Section 9Q of the Local Government Act 2000 and Paragraph 2(9) of Schedule 5a to the Local Democracy, Economic Development and Construction Act 2009. As it is statutory guidance local authorities 'must have regard' for the guidance, and must be followed unless there is good reason not to.

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
Community Engagement and Project Monitoring Officer

This report helps Thurrock Council meet its diversity and equality requirements by allowing Thurrock to meet statutory guidelines on overview and scrutiny, and therefore allowing greater input by members of the public to democratic processes.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder, or Impact on Looked After Children)

- N/A

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- N/A

9. Appendices to the report

- Appendix 1: Ministry of Housing, Communities and Local Government: Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities, published 7 May 2019

Report Author:

Lucy Tricker
Democratic Services Officer
Finance, Legal and IT