

REPORT TO:		Resources Overview and Scrutiny Committee; Communities and Wellbeing Overview and Scrutiny Committee	
DATE:		11 July 2019	
REPORT AUTHOR:		Overview and Scrutiny Officer	
TITLE OF REPORT:		Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	

1. Purpose of Report

- 1.1 To inform Members of the publication of New Statutory Guidance on overview and scrutiny in local government.

2. Recommendations

- 2.1 That the report is noted.

3. Reasons for Recommendations and Background

- 3.1 The statutory guidance on overview and scrutiny in local government has now been published by MHCLG. This guidance has been produced following a commitment that Government made in early 2018, following on from the Communities and Local Government Select Committee's inquiry into O&S.
- 3.2 A summary of the guidance can be seen below.
- 3.3 A cultural commitment to scrutiny is about taking action to encourage scrutiny that is challenging, uncomfortable and potentially politically difficult. Scrutiny's part in this bargain is to recognise that its work must be designed to have impact.
- 3.4 The guidance has a fair amount to say on the technical aspects of scrutiny – but it does affect a lightness of touch. At various points it takes pains to note that it does not wish to prescribe – just to offer ideas and a framework within which local scrutiny functions will need to find their own solutions. But inevitably there will be things here which should cause councils to reflect on their own performance. In particular:

- 3.4
 - ☑ Role and prioritisation – scrutiny’s role has to be focused, and the scrutiny work programme needs to be carefully prioritised.
 - ☑ Selecting committee members – the right people have to be selected to be on committees, and to hold the position of chair. The guidance gives a sense of the personal attributes that people in these positions will require. It recognises the political element of chair selection.
 - ☑ Access to information – this emphasises the rights that members have to access information and states that councillors should have regular access to key sources of information which, collectively, will give them a sense of the management of the authority, with a particular focus on performance, finance and risk;
 - ☑ Gathering evidence and making recommendations – the role of the chair in managing the gathering of evidence is seen as especially important – as it the work of members in pulling together focused and achievable recommendations.
 - ☑ Resourcing – it perhaps goes without saying, but the resource must be available to ensure that the above things can happen properly. For many councils, facing severe financial challenge, we recognise that these kinds of statement coming from Government may provoke exasperation. The Centre For Public Scrutiny are planning to do more in the coming months to help councils to understand how they prioritise their work to make the best use of available resources.

3.5 This is statutory guidance from the Ministry of Housing, Communities and Local Government. Local authorities and combined authorities must have regard to it when exercising their functions. The phrase ‘must have regard’, when used in this context, does not mean that the sections of statutory guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case. Therefore Councillors are encouraged to read through the guidance in full, which is included in Appendix 1.

3.6 Members are also encouraged to read through the updated Good Scrutiny Guide which is available here <https://www.cfps.org.uk/wp-content/uploads/CfPS-Good-Scrutiny-Guide-v3-WEB-SINGLE-PAGES.pdf>

4. Alternative Options considered and Reasons for Rejection

4.1 Not applicable

5. Consultations

5.1 None

6. Implications

Financial implications (including any future financial commitments for the Council)	None
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Legal and human rights implications	None
Assessment of risk	None
Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	Not Applicable

7. **Local Government (Access to Information) Act 1985:**
List of Background Papers

7.1 *None*

Appendix