



**Report Reference Number:** S/19/7

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**To:** Scrutiny Committee  
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**Title: Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities: Information Report**

### **Summary:**

The Scrutiny Committee is asked to receive the information report of the Democratic Services Officer which provides an overview of the recently issued Government guidance on overview and scrutiny in local and combined authorities.

### **Recommendation:**

**The Scrutiny Committee is asked to consider and note the contents of the new guidance, and identify any aspects which would merit further consideration in relation to scrutiny work at Selby District Council.**

### **Reasons for recommendation**

The Committee is asked to consider the information as set out in the report as part of their role in exercising the Council's statutory obligations and powers in relation to overview and scrutiny.

#### **1. Introduction and background**

- 1.1** On 7 May 2019 the Ministry of Housing, Communities & Local Government published the document, 'Statutory Guidance for Local Authorities on Overview and Scrutiny'. The new guidance seeks to clarify the role and benefits of scrutiny to local authorities, taking into account the changes to scrutiny since the previous guidance was published in 2006.
- 1.2** Although this is statutory guidance, it also recognises that local authorities are best placed to decide how scrutiny should work within their own political structures. As such the guidance is focussed towards highlighting best practice, with it left to individual councils to determine its implementation.
- 1.3** Selby District Council undertook a review of its scrutiny arrangements in 2018; Scrutiny Committee need to consider the guidance issued by the Government in the context of scrutiny at Selby, and if there are any specific sections of the new guidance it would like to highlight. It was agreed at Council in July 2018

that the arrangements for scrutiny at Selby be reviewed again after the 2019 elections.

- 1.4 Although parts of the guidance are focussed on the wider culture of the organisation towards scrutiny, and as such are beyond the remit of the Scrutiny Committee to directly determine, other sections provide more practical advice.

## 2. The Report

- 2.1 In September 2017 the Communities and Local Government Select Committee undertook a review of the effectiveness of overview and scrutiny in local authorities and concluded with the publication of the Select Committee's findings and recommendations in December 2017.
- 2.2 The Government published its response in March 2018 and gave a commitment to publish new scrutiny guidance for local authorities by December 2018. The publication of the guidance was delayed, but was eventually published in May 2019. A copy of the guidance is set out at Appendix A to this report.
- 2.3 The guidance highlights specific areas that it argues contributes to the effectiveness of scrutiny, ranging from practical advice on work programming to organisational culture, which is more difficult to influence. The six main themes set out in the guidance are: Culture, Resourcing, Selecting Committee Members, Power to Access Information, Planning Work and Evidence Sessions. The content of each theme is summarised below.

### Culture

- 2.4 The guidance states that organisational culture within local authorities is one of the key issues that can determine the success or failure of scrutiny. The guidance emphasises the importance of the scrutiny being owned and led by Members.
- 2.5 The guidance also highlights that the performance and effectiveness of scrutiny can be considered by external bodies such as regulators, as well as being published in public reports. The guidance also lists a range of suggestions that can help to ensure that the organisational culture is supportive of the role of scrutiny:
  - a. **Recognising scrutiny's legal and democratic legitimacy** – All Members and Officers within a local authority should recognise the importance and legitimacy of scrutiny, which has specific powers set out in law.
  - b. **Identifying a clear role and focus** – Scrutiny should have a clearly defined role within the organisation and one focussed on providing value; there needs to be a clear division of responsibilities between the Council's scrutiny and audit functions.
  - c. **Ensuring early and regular engagement between the Executive and Scrutiny** – The guidance recommends that there should be early and

regular discussions between Scrutiny and the Executive, particularly in regard to the Executive's future work programming.

- d. *Managing Disagreement*** – The guidance also recommends developing a protocol to manage any instances where the Executive disagrees with the recommendations of Scrutiny.
- e. *Providing Necessary Support*** – Determining the level of support available for Scrutiny is a matter for individual authorities; the guidance highlights that appropriate support should be given to allow Scrutiny Members to access information required to fulfil their duties.
- f. *Ensuring Impartial Advice from Officers*** – Officers need to be able to give impartial advice to Scrutiny Members, highlighting the importance of the 'statutory officer' roles such as Head of Paid Service, Section 151 Officer and Monitoring Officer.
- g. *Communicating Scrutiny's role and purpose to the wider authority*** – A lack of awareness of the role of Scrutiny across an authority can act as an impediment to its success. Officers need to be aware of the role of Scrutiny and the importance of providing support to the scrutiny function.
- h. *Maintaining the interest of full Council in the work of Scrutiny*** – The guidance suggests that it is important that other non-Scrutiny Members are kept informed of the work of Scrutiny; the suggested mechanism for this is through submitting reports and recommendations to Council rather than just to the Executive.
- i. *Communicating Scrutiny's role to the public*** – The guidance also suggests liaising with the Council's Communications Team to publicise and raise awareness of the work of Scrutiny.
- j. *Ensuring Scrutiny members are supported in having an independent mind-set*** – It is acknowledged that there could be difficulty for Members in scrutinising colleagues, but explains that in order for scrutiny work properly it is fundamental that Members have an independent mind-set. It suggests that Scrutiny Chairs work proactively to identify any contentious issues and plan how to manage them.

#### Resourcing

- 2.6** The guidance does not 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, and that any support should also include the way the wider Council engages with Scrutiny.

#### Selecting Committee Members

- 2.7** The selection of Members to serve on Scrutiny committees is by the respective political groups and as such beyond the direct control of the Scrutiny Committee, but a number of factors should be considered by those

political groups when selecting Members to serve; experience, expertise, interests, ability to act impartially, ability to work as part of a group and capacity to serve. A perceived level of support for or against a particular political party should not be a factor taken into account when selecting Members for Scrutiny.

- 2.8** The guidance also recognises the importance of the role of the Chair in the success of Scrutiny, with this role being responsible for establishing its profile, influence and ways of working. A suggestion is made for using a secret ballot as a method for selecting Scrutiny Chairs, but it is acknowledged that it is up to local authorities to choose the best method for their circumstances.
- 2.9** Ongoing training is also recommended in order to allow Scrutiny Members to fulfil their roles successfully. In particular the need for Members to be aware of their legal powers and understand how to prepare and ask relevant questions at meetings is essential.
- 2.10** 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 a specific subject.

#### Power to Access Information

- 2.11** The legal powers for Scrutiny Committees to access information in order to be able to carry out their work is emphasised in the guidance; this includes regular access to key sources of information such as data on finance, performance and risk.
- 2.12** 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 the scrutiny, highlighting the benefits of an informal approach, how to encourage compliance with the request and who best to approach.

#### Planning Work

- 2.13** The importance of work planning in the success of Scrutiny is stressed in the guidance, with a focus needed on items that can make a tangible difference. It is recommended that Scrutiny should have in the main a long term plan, but with enough flexibility to ensure that urgent, short term issues can be considered as needed.
- 2.14** It is recognised that there needs to be coordination across the work programmes of individual Scrutiny committees with prioritisation being necessary to ensure that the intended outcome for a specific item remains focussed. Coordination would also help to ensure that the best use is made of the available support for Scrutiny.
- 2.15** The guidance recommends using a variety of sources to inform the work programme including the public, partner organisations, the Executive and Senior Officers. In consulting with the public it does highlight that a formal

consultation on Scrutiny may be less successful than individual Members having conversations with groups and individuals in their local communities. Shortlisting is also suggested to decide which topics should be included in the work programme in order to ensure that the items chosen are ones to which scrutiny can add value.

- 2.16** There are a number of different ways that topics 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 task and finish group or a standing panel. The guidance sets out when it might be most appropriate to use each one of the above.

### Evidence Sessions

- 2.17** Evidence sessions can be a key way for Scrutiny Committees to inform their work and emphasise 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.

- 2.18** 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). It is also suggested that a maximum of six to eight recommendations per topic should be sufficient to ensure that a focussed response is received.

## **3. Alternative Options Considered**

- 3.1** None applicable.

## **4. Implications**

- 4.1 Legal Implications** - Effective Scrutiny arrangements form part of the governance framework of the Council.

- 4.2 Financial Implications** - Not applicable.

- 4.3 Policy and Risk Implications** - Not applicable.

- 4.4 Corporate Plan Implications** - The Council's Corporate Plan sets out long term plans to make Selby District a great place to do business, enjoy life, make a difference, supported by the Council delivering great value. An effective scrutiny function is essential to fair and transparent decision making, which underpins the work of the Council.

- 4.5 Resource Implications** - Changing the work of scrutiny at Selby may result in some minor resource implications for officers in supporting the work of the Committees. It is anticipated that these will be contained within existing budgets.

- 4.6 Other Implications** - Not applicable.

**4.7 Equalities Impact Assessment** - Not applicable.

**5. Conclusion**

**5.1** The Scrutiny Committee discharges the Council's statutory overview and scrutiny functions and as such any guidance issued by the Government should be considered carefully. Members are asked to consider and note the contents of the new guidance, and identify any aspects which would merit further consideration in relation to scrutiny work at Selby District Council.

**6. Background Documents**

Report to Council 17 July 2018, 'Scrutiny Review 2018'

**7. Appendices**

Appendix A – Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities (Ministry of Housing, Communities and Local Government, May 2019)

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