

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Strategic Director
(Legal & Democratic Services)
to

Place, People and Policy & Resources Scrutiny
Committees

On 8th, 9th and 11th July 2019

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Statutory Scrutiny Guidance A Part 1 Agenda Item

1. Purpose of Report

- 1.1 To advise the Scrutiny Committees about the statutory scrutiny guidance published by the Ministry of Housing, Communities and Local Government on 7th May 2019¹ (“the 2019 Guidance”).
- 1.2 The 2019 Guidance has been produced following a commitment that Government made in early 2018 following on from the Communities & Local Government Select Committee’s inquiry into overview and scrutiny² and supersedes the Guidance published in 2006.

2. Recommendations

- 2.1 That the approach set out in paragraph 4.5 of the report be agreed.

3. Background

- 3.1 Scrutiny Committees were introduced under the Local Government Act 2000, part of new executive governance arrangements. Their purpose is to scrutinise decisions of the executive and make recommendations on policy development and implementation. Statutory Guidance on their operation was published in 2006.
- 3.2 The Communities & Local Government Select Committee found that in many authorities, scrutiny was less than effective and called on the Government to issue revised statutory guidance on scrutiny. The Government made a commitment in early 2018 to produce new guidance and this was expected to be published towards the end of 2018 – however it was eventually published on 7th May 2019. The 2019 Guidance is attached at **Appendix 1**.
- 3.3 Councils are obliged to “have regard to” this statutory guidance.
- 3.4 The Chairs Scrutiny Forum met on 18th June 2019 and considered a brief report about the 2019 Guidance. The Centre for Public Scrutiny (CfPS) have also published a ‘good scrutiny guide’ on 20th June 2019, written to complement the

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/800048/Statutory_Guidance_on_Overview_and_Scrutiny_in_Local_and_Combined_Authorities.pdf

²<https://www.parliament.uk/business/committees/committees-a-z/commons-select/communities-and-local-government-committee/inquiries/parliament-2017/local-authority-scrutiny-17-19/publications/>

2019 Guidance. A copy of the guide can be found on the CfPS website on the following link - <https://www.cfps.org.uk/wp-content/uploads/CfPS-Good-Scrutiny-Guidev2.pdf>

4. Some areas for consideration

4.1 The 2019 Guidance has a lot to say about the technical aspects of scrutiny and is 'light touch' preferring to let councils decide which arrangements are best for them. It adopts the CfPS's four principles of effective scrutiny, namely:-

- Providing constructive challenge – a 'critical friend' role
- Amplifying public voices and concerns
- Independence and responsibility in the role
- Driving improvement in public services

4.2 The 2019 Guidance reminds authorities of the powers available to scrutiny committees; highlights the benefits of effective scrutiny; and provides practical advice and proposals for improving the function. It focuses on culture, resourcing, selection of committee members, powers to access information, planning of work programmes and evidence sessions.

4.3 A key component of the 2019 Guidance is the importance of organisational culture and a commitment to scrutiny across an authority, not just amongst those Councillors and officers with a scrutiny role.

4.4 Over the years, the scrutiny arrangements in Southend have been refined and improved to make them as effective as possible: Councillors from all Groups have contributed to this process and the Chair's Scrutiny Forum plays an important role. In the main, the Council's scrutiny arrangements deliver effective challenge which adds value and makes a difference.

4.5 The 2019 Guidance does not require the Council to change any of its scrutiny arrangements, but it does provide the opportunity to enhance the scrutiny processes, as follows:-

- Greater use of local experts, in particular during in depth projects
- Develop an Executive / Scrutiny protocol - annex 1 of the 2019 Guidance provides an illustrative scenario on creating an Executive / Scrutiny Protocol
- Work planning / agendas – encourage greater use of 'information bulletin's / briefings' to reduce the pressure of items on Committee agendas

5. Background Papers

Report to Chairs Forum meeting on 6th June 2018; update to Forum meeting on 20th November 2018; Report to Chairs Forum meeting on 18th June 2019.

6. Appendix

Appendix 1 – Scrutiny Guidance