

## **AGENDA ITEM**

### **REPORT TO EXECUTIVE SCRUTINY COMMITTEE**

**19 NOVEMBER 2019**

### **REPORT OF ASSISTANT DIRECTOR – ADMINISTRATION, DEMOCRATIC AND ELECTORAL SERVICES**

## **STATUTORY GUIDANCE ON OVERVIEW AND SCRUTINY**

### **SUMMARY**

The report outlines the Statutory Guidance on Overview and Scrutiny in Local Combined Authorities, provides an assessment on how Stockton's scrutiny arrangements meet the Guidance and provides some prompts for discussion.

### **RECOMMENDATION**

That Executive Scrutiny Committee consider the Guidance, response and next steps.

### **BACKGROUND**

1. In May 2019, the Ministry of Housing, Communities and Local Government published statutory guidance which Local Authorities have to have regard to when exercising their functions.
2. The Guidance seeks to ensure that Local Authorities 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. As such, it includes a number of policies and practices authorities should adopt or should consider adopting when deciding how to carry out their overview and scrutiny functions.
3. The Guidance is separated into key themes which are summarized on the attached table at Appendix 1 with a self-evaluation of our own scrutiny arrangements and some discussion points. A full copy of the Guidance is attached at Appendix 2.
4. Our self-evaluation demonstrates that our scrutiny arrangements compare well against the Guidance and this has also been validated by external assessment. In autumn 2018 the Centre for Public Scrutiny were invited to conduct a desk top evaluation of the Council's scrutiny arrangements. The assessment was positive and recognised that the culture of the organisation was supportive of scrutiny and the scrutiny function was valued. In addition, the recent Corporate Peer Review concluded that Overview and Scrutiny is highly regarded and focuses on issues of significance and importance.

### **NEXT STEPS**

- **Establish mechanisms for being aware of / receiving feedback on TVCA scrutiny work**
- **Select Committee Members to identify further training and support needs**

## FINANCIAL AND LEGAL IMPLICATIONS

5. None directly arising from this report.

## RISK ASSESSMENT

6. The scrutiny function meets legislative requirements and is an important internal mechanism to ensure the safety and quality of key services.

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Background Papers: None  
Ward(s) and Ward Councillors: Not Ward Specific  
Property Implications: None

## Summary and Self-Evaluation

### Culture

1. The Guidance states that Authorities can establish a strong organisational culture by:
  - 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 full Council in the work of the scrutiny committee
  - Communicating scrutiny's role to the public
  - Ensuring scrutiny members are supported in having an independent mind-set

### **Self-Evaluation**

- CfPS Healthcheck recognised that the culture of the organisation was supportive of scrutiny and the scrutiny function was valued
  - The Corporate Peer Review concluded that Overview and Scrutiny is highly regarded and focuses on issues of significance and importance
  - The role of scrutiny in Stockton is well defined and this is outlined in the Scrutiny Toolkit
  - Formal mechanisms are in place for dialogue with Cabinet including Scrutiny Liaison Forum, Tri partite meetings, Overview meetings, Cabinet Members can be invited to give evidence as part of the review and they attend the final meeting of each Committee when the final report is approved
  - Impartial advice is provided from scrutiny officers and a range of views are sought as part of reviews
  - The Four Year End-of-Term Report was considered by Cabinet and Full Council
  - An officer training session, facilitated by CfPS, was held in addition to Member training in 2019 – attended by 16 Officers, feedback demonstrated increased understanding of the scrutiny process and confidence in being involved in future reviews. Comments included:
    - There is a need to manage expectations and be clear about what impact the review can actually have
    - It is important to have a tight scope
    - Cross cutting reviews can help with getting departments/ directorates working together
    - It is important for officers to work with Members to find solution as part of reviews
    - Reviews are useful for independent challenge
    - Scrutiny officer support “takes the worry out of the process”
    - Reviews can help to get Members “up to speed” on particular issues and can pave the way for difficult issues to be considered – i.e. Members and officers “take the journey together”
    - Scrutiny Reviews can be good for the profile of services
  - The scrutiny review programme is highlighted at Setting the Standard sessions and through KYIT
  - Media coverage through the Local Democracy reporters raises the profile of scrutiny with the public and articles are included in Stockton News
  - Consultation takes place with the public, as appropriate as part of in-depth reviews
- **Is there anything else we could do to further strengthen the role of scrutiny or raise its profile?**

- **Do we have any mechanisms for being aware of / receiving feedback on TVCA scrutiny work? – There could be some related issues**

### **Resourcing**

2. The Guidance stresses the importance of scrutiny being well resourced.

### **Self-Evaluation**

3. There is a corporate commitment to resourcing the delivery of the scrutiny work programme. This is met from within existing budgets and might include running consultation exercises or seeking specialist advice. Directorates provided a “link officer” for all reviews to work alongside the Committee and Scrutiny Officers. Independent support is also provided by:

Statutory Scrutiny Officer – Margaret Waggott  
Dedicated Scrutiny Officers (2.5 FTE)

- **Given the size of the work programme and the number of priorities coming forward, are Members happy with the resource and support for scrutiny?**

### **Selecting Committee Members**

4. Some considerations:

- Proportionality
- Conflicts of Interest – between Executive and scrutiny
- Experience, expertise, interest
- Chair should not preside over scrutiny of their relatives
- Induction and Training
- Co-option

### **Self-Evaluation**

- Political groups need to review this section of the Guidance
  - Chairs are not presiding over scrutiny of their relatives under the current appointments
  - The Scrutiny Toolkit provides for individuals to be co-opted to Select Committees. Two members of BMBF Big Committee are currently co-opted to the CYP Select Committee review for the review of careers provision
  - A comprehensive induction and training programme is provided to Members and support needs are discussed at PSP interviews
  - Each Select Committee has received an ‘Introduction to Scrutiny at SBC’ training session during its first round of Committee meetings in June 2019 (very well received with a number of positive comments from Members). An additional Health-specific session will need to be arranged for the Adult Social Care and Health Select Committee. The planned session had to be cancelled due to low attendance
  - CfPS have delivered training following the Local Elections to complement in-house induction and training. Two sessions were put on for Members on the 24 June 2019 (both very well received although attendance was disappointing)
- **Is there any other training and support which would help scrutiny members to fulfil their role?**
  - **Would Members welcome media / press training?**

### **Power to Access Information**

5. The Guidance highlights that Scrutiny Committees are able to access all information held by the Local Authority to enable them to execute their role. This also applies to confidential information (although this would need to be considered in exempt session).

### **Self-Evaluation**

6. There have been no issues experienced with accessing information.

7. Although the rationalisation of the performance management framework has resulted in a reduction of performance information routinely reported to Members, CYP Select Committee and ASCH Select Committee continue to receive more detailed performance reports.

➤ **Do Members feel they have access to the information they need to discharge their responsibilities?**

### **Planning Work**

8. The Guidance sets out a number of considerations including being clear about scrutiny's role, who to speak to and information sources. It also reinforces the need to shortlist and prioritise topics and that there are a range of flexible approaches to carrying out review work e.g. single meetings, task and finish etc.

### **Self-Evaluation**

- Both the overall work programme and individual reviews are carefully project managed
- Topics are prioritized via the "PICK" system and partners are invited to suggest topic ideas
- In suggesting topics, Members should feed in issues from individuals and groups in their local areas
- Prioritisation is necessary, which means that there might be things that, despite being important, scrutiny will not be able to look at. The high number of prioritised topics in the current work programme is likely to lead to some carry forward into next year
- Depending on the topic under review and time constraints, we have utilised a range of approaches to conducting reviews from a long, in depth Committee led review, task and finish reviews, single meeting enquiries etc.
- Pre-meetings to be held prior to Select Committee meetings to have group discussion about question planning

➤ **Given the size of the work programme and the number of priorities coming forward, are Members happy with arrangements to prioritise and complete the work programme?**

### **Evidence Sessions**

9. The Guidance highlights the stages of developing recommendations and sharing these before they are finalised.

### **Self-Evaluation**

- At Stockton there are a number of mechanisms in place to flag up recommendations with stakeholders as they emerge and invite feedback before they are finalised by the Committee
- Is there room for some reflection on the meeting at the end of an agenda on emerging findings and possible recommendation areas?

- Including Executive Summaries of final reports on the agenda for Executive Scrutiny Committee is intended to facilitate discussion of learning points from the review process
- **Is there anything else we could be doing to share best practice and encourage innovation?**