

Report to: **Overview and Scrutiny Panel**
Date: **13 June 2019**
Title: **Government Overview & Scrutiny Guidance**
Portfolio Area: **Council**
Wards Affected: **All**
Urgent Decision: **N** Approval and clearance obtained: **Y**
Date next steps can be taken: **Immediately**

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Recommendations:

1. To brief the new Overview and Scrutiny Panel on the guidance produced by the Ministry of Housing, Communities and Local Government (MHCLG) dated May 2019 (attached as Appendix 1); and
2. To agree the proposed actions in section 3 of this report.

1. Executive summary

- 1.1 Following the local elections in May 2019, the Overview and Scrutiny Panel consists of 13 members of which 10 are newly elected members. The Chairman is also new to the role.
- 1.2 The purpose of this report is to;
 - i. Provide members with clarity on the vital role that the Council's Overview and Scrutiny Panel has in ensuring that the Council has good governance and is accountable to the public that has elected it.
 - ii. Ensure that Members understand the key Overview and Scrutiny principles.

2. Background

- 2.1 Overview and scrutiny committees have statutory powers to scrutinise decisions the Executive is planning to take, those it plans to implement, and those that have already been taken/implemented. Recommendations following scrutiny enable improvements to be made to policies and how they are

implemented. Overview and scrutiny committees can also play a valuable role in developing policy.

- 2.2 The MHCLG guidance states that effective overview and scrutiny should;
 - a. Provide constructive 'critical friend' challenge;
 - b. Amplify the voices and concerns of the public;
 - c. Be led by independent people who take responsibility for their role; and
 - d. Drive improvement in public services.
- 2.3 These principles are fundamental to ensuring that Overview and Scrutiny adds value to the Council.
- 2.4 **Provide constructive 'critical friend' challenge.** The MHCLG guidance states that 'the committee itself should remember its statutory purpose when carrying out its work. All members and officers should consider the role the scrutiny committee plays to be that of a 'critical friend' not a de facto 'opposition'.
- 2.5 It is important that the Panel approaches a scrutiny topic with an open frame of mind and with a view to providing constructive challenge. If the Panel identifies a problem or an issue then it is important that the Panel tries to identify the root causes and also identify possible solutions.
- 2.6 **Amplify the voices and concerns of the public.** When the Panel scrutinises a topic, they should always consider the outcomes on the public and scrutinise the whole topic, for example; Consultation of the public / key stakeholders in making policy, implementation of said policy and whether the impact has met the key outcomes that the policy was formulated for in the first place.
- 2.7 It is key that the panel also understands the whole picture when it comes to the concerns of the public. For example; 40 complaints from members of the public regarding missed bins should be considered in the context of the fact that the council carries out over 80,000 collections per week. So whilst any complaint should be a cause for concern, the service delivered as a whole should be considered by the panel when formulating its recommendations.
- 2.8 **Be led by independent people who take responsibility for their role.** The MHCLG guidance states that 'Scrutiny members should bear in mind, however, that adopting an independent mind-set is fundamental to carrying out their work effectively'. In practice, this is likely to require scrutiny chairs working proactively to identify any potentially contentious issues and plan how to manage them.

2.9 The guidance also states that 'Members invariably have different skill-sets. What an authority must consider when forming a committee is that, as a group, it possesses the requisite expertise, commitment and ability to act impartially to fulfil its functions.'

2.10 **Drive improvement in public service.** The guidance states that 'Effective scrutiny should have a defined impact on the ground, with the committee making recommendations that will make a tangible difference to the work of the authority. To have this kind of impact, scrutiny committees need to plan their work programme, i.e. draw up a long-term agenda and consider making it flexible enough to accommodate any urgent, short-term issues that might arise during the year.'

3. Proposed Way Forward

3.1 Whilst this report briefly sets the scene, it is recommended that;

- a. A detailed training session is arranged for all O&S Panel members to review the MHCLG guidance in detail.
- b. An opportunity is arranged for Members to view Overview and Scrutiny working in another authority.

4. Implications

Implications	Relevant to proposals Y/N	
Legal/Governance	Y	Local Government Act 2000
Financial implications to include reference to value for money	N	None
Risk	N	None
Supporting Corporate Strategy	N	Council
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	None
Safeguarding	N	None

Community Safety, Crime and Disorder	N	None
Health, Safety and Wellbeing	N	None
Other implications	N	None

Supporting Information

Appendix 1 – MHCLG Overview and Scrutiny Guidance May 2019

Process checklist	Completed
Portfolio Holder briefed/sign off	Yes
SLT Rep briefed/sign off	Yes
Relevant Heads of Practice sign off (draft)	Yes
Data protection issues considered	Yes
Accessibility checked	Yes