| **Report to:** | Overview and Scrutiny Committee (Adult Social Care and Health) | **Date of Meeting:** | 15 October 2019 |
| | Overview and Scrutiny Committee (Regulatory, Compliance and Corporate Services) | | 22 October 2019 |
| | Overview and Scrutiny Committee (Regeneration and Skills) | | 5 November 2019 |
| | Overview and Scrutiny Committee (Children’s Services and Safeguarding) | | 12 November 2019 |
| **Subject:** | Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities |
| **Report of:** | Chief Legal and Democratic Officer | **Wards Affected:** | All |
| **Cabinet Portfolio:** | Adult Social Care | | |
| | Children, Schools and Safeguarding | | |
| | Communities and Housing | | |
| | Health and Wellbeing | | |
| | Locality Services | | |
| | Planning and Building Control | | |
| | Regeneration and Skills | | |
| | Regulatory, Compliance and Corporate Services | | |
| **Is this a Key Decision:** | No | **Included in Forward Plan:** | No |
| **Exempt / Confidential Report:** | No |

**Summary:**

To advise Members on the guidance produced by the Ministry of Housing, Communities and Local Government relating to Overview and Scrutiny in Local and Combined Authorities following on from the Communities and Local Government Select Committee’s inquiry into Overview and Scrutiny.

**Recommendations:**
That: -

(1) the statutory guidance and the measures the Council takes in relation to the issues covered in the guidance be noted;

(2) that Overview and Scrutiny Working Group Final Reports and recommendations be submitted to Cabinet and then Council for final approval;

(3) that updates on Liverpool City Region Combined Authority Scrutiny be included in the Work Programme report considered at each Overview and Scrutiny Committee meeting; and

(4) that each Overview and Scrutiny Working Group consider if it is appropriate to seek the views of the general public on the matter under their consideration.

Reasons for the Recommendation(s):

To make Overview and Scrutiny Committees aware of the published guidance.

Alternative Options Considered and Rejected: (including any Risk Implications)

No alternative options have been considered.

What will it cost and how will it be financed?

There are no direct financial implications arising from this report. Any financial implications arising from the implementation of updated Government guidance regarding the scrutiny function will be set out in future reports at the appropriate time.

(A) Revenue Costs – see above

(B) Capital Costs – see above

Implications of the Proposals:

<table>
<thead>
<tr>
<th>Resource Implications (Financial, IT, Staffing and Assets): None</th>
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<tbody>
<tr>
<td>Legal Implications: The Council should have regard to statutory guidance and should follow the guidance unless there is good reason not to do so.</td>
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<tr>
<td>Equality Implications: There are no equality implications.</td>
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Contribution to the Council’s Core Purpose:

<table>
<thead>
<tr>
<th>Protect the most vulnerable: None directly applicable to this report.</th>
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<tr>
<td>Facilitate confident and resilient communities: None directly applicable to this report</td>
</tr>
<tr>
<td>Commission, broker and provide core services: The role that overview and scrutiny can play in holding an authority’s decision makers to account makes it fundamentally important to the successful functioning of local democracy.</td>
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</table>
What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Head of Corporate Resources (FD 5793/19) has been consulted and notes the report indicates no direct financial implications arising for the Council. The Chief Legal and Democratic Officer (LD4017/19) is the author of the report.

Strategic Leadership Board
Overview and Scrutiny Management Board

(B) External Consultations

Not applicable

Implementation Date for the Decision

Immediately following the Committee meeting.

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Appendices:

The following appendix is attached to this report:

- Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities published by the Ministry of Housing, Communities and Local Government

Background Papers:

There are no background papers available for inspection.

1. Introduction

1.1 The Government made a commitment to produce updated statutory Scrutiny Guidance in response to a Communities and Local Government Select
Committee report into the “Effectiveness of Local Authority Overview and Scrutiny Committees”.

1.2 The guidance has now been published.

Publication of Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities by the Ministry of Housing, Communities and Local Government

2.1 Statutory Guidance was published on 7 May 2019 and a copy is attached as an appendix to this report. Local authorities and Combined Authorities must have regard to the Statutory Guidance when exercising their functions; and 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.

2.2 The Statutory Guidance stresses 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. Inevitably however, there will be topics that should cause Councils to reflect on their own performance and in particular relating to:

- Culture, 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 and states that the Chair should also possess the ability to lead and build a sense of teamwork and consensus among committee members.
- 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 is the work of Members in pulling together focused and achievable recommendations;
- Resourcing – the resource must be available to ensure that the above things can happen properly.

3. Implications of the Statutory Guidance for Sefton

3.1 The Government’s Statutory Guidance is comprehensive and is set out in a number of chapters as follows:

- Culture
- Resourcing
- Selecting Committee Members
- Power to Access Information
- Planning Work
Evidence Sessions

3.2 The following sections should be brought to members attention where recommendations for change have been made in this report:

3.3 Maintaining the interest of full Council in the work of the scrutiny committee

Sefton response – the Overview and Scrutiny Management Board and the four Overview and Scrutiny Committees submit an Annual Report to Council during the July cycle of meetings.

Currently, Overview and Scrutiny Working Group Final Reports and recommendations are submitted to Cabinet for approval. However, the Guidance indicates that to ensure Council plays a greater role in scrutiny functions then such reports should be submitted to Council rather than solely to the Cabinet. Accordingly, it is recommended that Overview and Scrutiny Working Group Final Reports and recommendations be submitted to Cabinet and then Council for final approval.

The Guidance also states that in order to maintain awareness of scrutiny at the Combined Authority (CA) and provoke dialogue and discussion of its impact, the business of CA scrutiny should be reported to the Chairs of the relevant Overview and Scrutiny Committees of constituent authorities. Sefton already fulfils this role as update reports are submitted to the Overview and Scrutiny Management Board and updates are also provided at the meeting by Sefton’s Scrutiny Link.

To widen the dissemination of information further it is recommended that updates on Liverpool City Region Combined Authority Scrutiny be included in the Work Programme report considered at each Overview and Scrutiny Committee meeting.

3.4 Communicating scrutiny’s role to the public

Sefton response – As with all of Sefton’s Committee meetings, Overview and Scrutiny Committee meeting agendas and minutes are published on the Council website. However, it is fair to say that public attendance at meetings is very low. To improve the public’s role and ensure that scrutiny has a profile in the wider community, it is recommended that each Overview and Scrutiny Working Group consider if it is appropriate to seek the views of the general public on the matter under consideration.

4.0 Overview and Scrutiny Management Board

4.1 This report was considered by the Overview and Scrutiny Management Board at its meeting held on 10 September 2019.
4.2 The Management Board approved the recommendations contained in the report and has recommended that each Overview and Scrutiny Committee do likewise.

5.0 Peer Review

5.1 The Council commissioned the Local Government Association (LGA) to conduct a peer review as an independent check on how the Council is performing in terms of planning for and delivering against our ambitious plans for the future. The only observation from the review in relation to Overview and Scrutiny was in respect of receiving performance reports.

5.2 An action plan in relation to addressing the key findings of the Peer Review has been developed and is reviewed by the Cabinet. It is intended that the Overview and Scrutiny Management Board will received such performance report along with the Overview and Scrutiny Committee (Regulation, Compliance and Corporate Services) this will add to strengthening the Overview and Scrutiny function at Sefton.