

## Overview and Scrutiny Business Panel

<b>Title</b>	Update: Communities and Local Government Committee – the effectiveness of Local Authority Overview and Scrutiny Committees	<b>Item No</b>	6
<b>Contributors</b>	Director of Resources and Regeneration		
<b>Class</b>	Part 1	<b>Date</b>	10 April 2018

### 1. Purpose of Update

- 1.1 The Government has published its response to the Communities and Local Government Select Committee’s report into the effectiveness of Local Authority Overview and Scrutiny Committees. This paper provides a summary.

### 2. Recommendation

- 2.1. To note the update.

### 3. Update

- 3.1 The UK Parliament’s Communities and Local Government Select Committee published a report into the effectiveness of Local Authority Overview and Scrutiny Committees on 15 December 2017. The main message of the report was that local government scrutiny plays an important role in ensuring accountability although there are sometimes barriers stopping scrutiny from being as effective as it can be.
- 3.2 The report suggested that parity of esteem between the executive and scrutiny was very important, alongside access to information and adequate resourcing. It also suggested that the scrutiny of commercial partners needs proper attention to ensure public accountability. It made a number of recommendations that it felt would address the issues raised by the investigation.
- 3.3 The Government’s response to the report was published on 5 March 2018. The response emphasised the Government’s view that the key requirement for effective scrutiny was a positive council culture. “Where councils recognise the benefits effective scrutiny can bring, and put in place suitable arrangements, it is working well”.
- 3.4 A number of recommendations put forward by the Committee were accepted by the Government. Key messages included:
- A commitment to ensuring that councils are aware of Scrutiny’s importance, understand its benefits and have access to best practice.
  - A recommendation that Scrutiny committees should report to the Full Council - updated guidance would be issued making this recommendation.

- An acknowledgement that the Executive’s involvement in the scrutiny should be limited - updated guidance would make it clear that members of the executive should not participate in scrutiny other than as witnesses.
- A suggestion that councils should judge each scrutiny request to access sensitive documents on its merits and not refuse such requests as a matter of course.
- An acknowledgement that scrutiny support officers should be able to operate independently and provide impartial advice.
- A recommendation that scrutiny committees should actively encourage public participation.
- An acknowledgement that the chair of a scrutiny committee can have a great impact on its effectiveness and that he or she needs to have the requisite skills, knowledge and acumen to take on the functions and achieve the outcomes that the scrutiny committee needs to achieve. In some instances, the election, rather than the appointment, of a chair might help ensure that the right individual is ultimately selected, although the Government feels that this is a decision for every council to make for itself.
- A suggestion that when councils are tendering contracts with external bodies they should carefully consider including requirements to ensure they are as open and transparent as appropriate, although it is up to each council to decide how best to hold to account those who run its services.

3.5 A number of recommendations put forward by the Committee were not accepted, mainly around resourcing. “The Government firmly believes that each individual authority is best-placed to decide for itself how to support scrutiny most effectively”. Key messages included:

- Each council should decide for itself how to resource scrutiny committees, including how much access to senior officers is appropriate to enable them to function effectively.
- Councils should not be required to publish a summary of resources allocated to scrutiny, using expenditure on executive support as a comparator. (The justification being that many councils do not have dedicated scrutiny support staff so this would make quantifying the support that scrutiny committees receive very difficult. In the Government’s view, the quality of the support is the more important issue.)
- The role of the Statutory Scrutiny Officer should not be enhanced as decisions about the allocation of resources for the scrutiny function are best made at a local level and each council is best-placed to know which arrangements will suit its own individual circumstances.

3.6 The Government response also included a commitment that it would ensure that scrutiny training provided by the Local Government Association was effective and relevant; and responsive to feedback.

3.7 A further update will be provided to Members once updated guidance from the Government has been published.

#### **4. Further implications**

4.1 The implications of any updated guidance issued as a result of the Government response will be assessed once the guidance is issued.

For further information please contact Charlotte Dale, Interim Overview and Scrutiny Manager on 020-8314-8286

**Background Paper**

[Government Response to the Communities and Local Government Committee First Report of Session 2017-19 on the Effectiveness of Local Authority Overview and Scrutiny Committees](#)