

OVERVIEW AND SCRUTINY COMMITTEE
7 FEBRUARY 2018
COMMUNITIES AND LOCAL GOVERNMENT SELECT COMMITTEE REVIEW OF THE EFFECTIVENESS OF LOCAL AUTHORITY OVERVIEW AND SCRUTINY COMMITTEES FINDINGS
REPORT OF HEAD OF LEGAL AND GOVERNANCE

1 Purpose

- 1.1 To update the Committee on the Select Committee's findings following its review of the effectiveness of Local Authority Overview and Scrutiny Committees.

2 Action required

- 2.1 To note the findings and consider whether any changes should be made locally as a result.

3 Background information

- 3.1 At its meeting on 8 March 2017, the Committee agreed to submit a response to the Select Committee's inquiry covering the following areas:
- whether scrutiny committees in local authorities in England are effective in holding decision makers to account;
 - the extent to which scrutiny committees operate with political impartiality and independence from executives;
 - whether scrutiny officers are independent of and separate from those being scrutinised;
 - how Chairs and members are selected;
 - whether powers to summon witnesses are adequate;
 - the potential for local authority scrutiny to act as a voice for local service users;
 - how topics for scrutiny are selected;
 - the support given to the scrutiny function by political leaders and senior officers, including the resources allocated (for example, whether there is a designated officer team);
 - what use is made of specialist external advisers;
 - the effectiveness and importance of local authority scrutiny of external organisations;
 - the role of scrutiny in devolution deals and the scrutiny models used in combined authorities;
 - examples where scrutiny has worked well and not so well.
- 3.2 The Select Committee carried out the inquiry towards the end of last year and published its findings on 15 December 2017.

- 3.3 The inquiry found that scrutiny is often not held in high enough esteem, leading to a lack of constructive challenge to improve services for residents, and recommends measures to strengthen the independence of overview and scrutiny committees and for increased scrutiny of combined authorities, Local Economic Partnerships (LEPs) and arm's length bodies.
- 3.4 Recommendations in the report include:
- that overview and scrutiny committees should report to an authority's full Council meeting rather than to the executive, mirroring the relationship between Select Committees and Parliament;
 - that scrutiny committees and the executive must be distinct and that executive councillors should not participate in scrutiny other than as witnesses, even if external partners are being scrutinised;
 - that councillors working on scrutiny committees should have access to financial and performance data held by an authority, and that this access should not be restricted for reasons of commercial sensitivity;
 - that scrutiny committees should be supported by officers that are able to operate with independence and offer impartial advice to committees. There should be a greater parity of esteem between scrutiny and the executive, and committees should have the same access to the expertise and time of senior officers and the Chief Executive as their Cabinet counterpart;
 - that citizens and service users have a fundamental role in the scrutiny process and that their participation should be encouraged and facilitated by councils;
 - that overview and scrutiny committees should be given full access to all financial and performance information, and have the right to call witnesses, not just from their local authorities, but from other public bodies and private council contractors. They should be able to follow and investigate the spending of the public pound;
 - that the DCLG works with the Local Government Association and the Centre for Public Scrutiny to identify councils to take part in a pilot scheme where the impact of elected chairs on scrutiny's effectiveness can be monitored and its merits considered.

4 List of attached information

- 4.1 The report detailing the findings and recommendations of the inquiry.

5 Background papers, other than published works or those disclosing exempt or confidential information

- 5.1 None.

6 Published documents referred to in compiling this report

- 6.1 Overview and Scrutiny Committee report and minutes – 8 March 2017.
- 6.2 DCLG Select Committee publications.

7 Wards affected

7.1 All.

8 Contact information

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