

Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities
2019 Guidance

The statutory guidance in respect of Overview and Scrutiny was published in May 2019 by the Ministry of Housing, Communities and Local Government. The Council must have regard to this guidance in respect of local Overview and Scrutiny arrangements. This does not mean that the guidance must be followed in every detail but the Council should follow the guidance unless there is a reason not to do so in a particular case. The table below sets out the key points in the guidance and the implications, if any for Overview and Scrutiny locally. The guidance does recognise that local authorities are best placed to determine which Overview and Scrutiny arrangements should be in place at a local level so there is some flexibility in interpreting the guidance.

Statutory Guidance	Bromsgrove O&S - Implications
Culture recommendations	
<p>1. Recognising Scrutiny's Legal and Democratic Legitimacy (page 8)</p>	<p>Currently Officers and Members do recognise the legitimacy of O&S and provide evidence, attend scrutiny meetings and advise Members as and when required.</p> <p>Points to note / suggested action:</p> <p>No further action is required, other than continuing with current practice.</p>
<p>2. Identifying a clear role and focus (pages 8-9)</p> <p>a. Prioritisation of work in the O&S work programme.</p> <p>b. Clear separation of scrutiny and audit.</p>	<p>A work programme planning opportunity will be provided as part of O&S training at the start of the term of office. The Board also considers the content of the O&S work programme at each of its meetings throughout the year.</p> <p>O&S Members use SMART principles when selecting items for Task Group reviews.</p> <p>The S151 Officer and her Deputy support both the Audit, Standards and Governance Committee and Finance and Budget Working Group and advise Members in respect of the different roles for audit and scrutiny respectively whilst helping to avoid overlaps.</p> <p>Points to note:</p> <p>No further action is required, other than continuing with current practice.</p>

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<p>3. Ensuring Early and Regular Engagement Between the Executive and Scrutiny (page 9)</p> <p>(The guidance emphasises that the Executive should not try to control the work of scrutiny)</p>	<p>Portfolio Holders are always invited to attend O&S Board meetings to help present reports within their remit. The Chairman of the Board controls who is allowed to speak and when, including Portfolio Holders.</p> <p>The Overview and Scrutiny Procedure rules, at Para 7.2, Part 12 of the Council's constitution, set out a provision for the Leader to meet on a quarterly basis with the Chairmen of the O&S Board and Audit, Standards and Governance Committee on a quarterly basis to discuss work programmes. This is not currently happening on a regular basis, though the relevant Members do talk informally.</p> <p>Points to note / suggested actions: It is suggested that these meetings are formalised during the coming year to provide an opportunity for dialogue to take place between the Leader and O&S Chairman about the O&S work programme generally, and it is understood that O&S will determine its own work programme.</p>
<p>4. Managing Disagreement including considering whether to introduce an 'Executive-Scrutiny' Protocol. (pages 9-10)</p> <p>(The guidance emphasises that the Executive and Scrutiny should work together to minimise the risk of the Executive rejecting recommendations on politically contentious points)</p>	<p>Members are always advised that O&S should be apolitical during training. Members are also always advised to base recommendations on the evidence that has been gathered and that these should be phrased in line with SMART principles.</p> <p>The involvement of the Portfolio Holder is seen as providing an opportunity to understand the thinking behind any proposals and to feed into that process and any recommendations' feasibility at an early stage.</p> <p>The political element is out of the control of Officers. The Council does not currently have a 'Cabinet-Scrutiny Protocol'.</p> <p>Points to note / suggested actions: Members may wish to consider this, however it should be remembered that the O&S Board currently has a good working relationship with Cabinet Members, who attend O&S meetings on a regular basis and with the reintroduction of the meetings detailed in 3 above, Members may feel that this is sufficient..</p>

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<p>5. Providing the Necessary Support (page 10)</p> <p>(The guidance makes it clear that local authorities can determine what support and resources to provide to scrutiny)</p>	<p>The Democratic Services team provides direct support to the Overview and Scrutiny process, including research, minute taking, report writing and agenda preparation. The Senior Democratic Services Officer facilitates meetings of the O&S Board.</p> <p>The Executive Director of Finance and Resources attends meetings of the O&S Board as the lead senior support officer for O&S in Bromsgrove. All other senior and more junior officers attend scrutiny meetings as and when required to support the process.</p> <p>Points to note / suggested actions: No further action is required, other than continuing with current practice.</p>
<p>6. Ensuring Impartial Advice from Officers (page 10)</p>	<p>Senior Officers as well as the Democratic Services team already provide impartial advice to O&S Members on an ongoing basis.</p> <p>Points to note / suggested actions: No further action is required, other than continuing with current practice.</p>
<p>7. Communicating Scrutiny's Role and Purpose to the Wider Authority (Page 10)</p>	<p>Awareness of O&S is good amongst Members, who receiving training and senior Officers.</p> <p>Points to note / suggested actions: Information about the democratic process, including O&S, is in the process of being included in the new induction programme for staff.</p>

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<p>8. Maintaining the Interest of full Council in the Work of the Scrutiny Committee (Pages 10 -11)</p> <p>(The guidance suggests considering submitting O&S reports to Council rather than solely to the Executive)</p>	<p>The O&S Board produces an annual report, outlining the work of the Board the previous year, which is presented at a Council meeting in June by the former Chairman.</p> <p>Council regularly suggest items for scrutiny. Scrutiny recommendations in respect of an item that has been pre-scrutinised are often raised at Council. Where O&S recommendations require Council approval these have been reported in the past. Portfolio Holders also tend to outline any O&S recommendations in relation to a particular subject and the response of Cabinet. The Portfolio holders also often mention input from scrutiny during their annual reports to Council.</p> <p>The Council does not, however, have a standard item providing an update in respect of the work of the O&S Board nor are all O&S reports necessarily considered at a Council meeting.</p> <p>Points to note / suggested actions: It is suggested that no further action is required</p>
<p>9. Communicating Scrutiny's Role to the Public (Page 11)</p>	<p>Bromsgrove issues press releases as a matter of course each time a Task Group review starts.</p> <p>Points to note / suggested actions: The Social media task group suggested that the Communications team should regularly promote O&S meetings through social media. This has tailed off and could be reintroduced.</p>
<p>10. Ensuring Scrutiny Members are Supported in Having an Independent Mindset (Page 11)</p> <p>(The guidance recognises that the need to manage potential for political conflict and to plan ahead requires action from the Chair / Chairman)</p>	<p>Members are always informed during training that O&S is an apolitical process. The Chairman reiterates this throughout the year where appropriate.</p> <p>Points to note / suggested actions: Members need to remain mindful of this.</p>

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Resourcing	
<p>11. Statutory Scrutiny Officers (Page 13)</p> <p>(District Councils are still not legally required to have a statutory Scrutiny Officer but must consider whether it would be appropriate to do so to meet their Council's needs)</p>	<p>The Senior Democratic Services Officer acts as advocate for O&S as does the senior lead officer for the O&S Board, the Executive Director of Finance and Resources. This is the only BDC Committee which both the Senior Democratic Services Officer and a Democratic Services Officer attend due to the complexity of the role.</p> <p>Points to note / suggested actions: No further action is required.</p>
<p>12. Officer Resource Models (page 14)</p> <p>(The guidance states that safeguards may need to be built in to the way support is provided to scrutiny to ensure it remains impartial)</p>	<p>BDC has what the guidance defines as a Committee support structure, provided by Democratic Services. Every member of the Democratic Services team is employed in a politically restricted post to ensure impartiality.</p> <p>Points to note / suggested actions: No further action is required.</p>
Selecting Committee Members	
<p>13. Conflicts of interest including familial links (page 15)</p> <p>(The guidance requires Councils to set out in their constitution how to manage potential conflicts of interest arising when scrutiny members scrutinise family members on the Executive, including where Executive Members stand down on to O&S and vice versa)</p>	<p>There is nothing specifically addressing familial links in relation to conflicts of interest involving scrutiny of Cabinet Members, though Members are required to abide by the Code of Conduct.</p> <p>Points to note / suggested actions: This could be reviewed further at a meeting of the Constitution Review Working Group.</p>

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<p>14. Selecting Individual Committee Members (Pages 15 - 16)</p> <p>(The guidance suggests that this should take into account the Members' experience, expertise, interests, ability to act impartially, ability to be part of a group and capacity to serve).</p>	<p>The political parties nominate Councillors to sit on the O&S Board based on the number of seats available to them.</p> <p>Points to note / suggested actions: Key skills can be highlighted during O&S training.</p>
<p>15. Selecting a Chair (Page 16)</p> <ol style="list-style-type: none"> a. The Chair should have an ability to lead and build teamwork. b. The Chair should not preside over scrutiny involving their relatives. c. Every Council is urged to consider electing a Chair via a secret ballot. 	<p>Currently the Chairman of the Board is nominated by fellow councillors in an open vote and agreed at the first meeting of the O&S Board in the municipal year.</p> <p>There is not currently anything specific in the Council's constitution that stipulates that the Chairman of the Board should not preside over scrutiny of their relatives.</p> <p>Points to note / suggested actions:</p> <p>The Constitution Review Working Group could be asked to review the requirements in relation to Chairman not presiding over scrutiny of their relatives.</p> <p>Members may wish to consider whether they think a secret ballot would be appropriate.</p>
<p>16. Training for Committee Members (Page 16)</p> <p>(The guidance suggests that Members should be offered induction and ongoing training on becoming O&S Members. It suggests including consideration of external training providers)</p>	<p>The Council already provides O&S training at the start of a Members' term of office and additional training on an ongoing basis as and when required.</p> <p>External training has been provided in the past though budgets for training are restricted and Officers have received positive feedback about the in-house training that is provided.</p> <p>Points to note / suggested actions: No further action is required, other than continuing with current practice.</p>

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<p>17. Co-option and Technical Advice (Pages 16 – 17)</p>	<p>The extent to which co-option or technical advice is appropriate is assessed on a case by case basis for a review.</p> <p>There is no specific budget for O&S to spend on technical advisors.</p> <p>Points to note / suggested actions: No further action is required, other than continuing with current practice.</p>
<p>Power to Access Information</p>	
<p>18. Access to Information, including Exempt Information (Page 18)</p> <p>(The guidance suggests O&S Members should have access to information, including exempt information. Where information cannot be provided the Executive should provide a written statement setting out the reasons for that decision).</p>	<p>Officers provide Members with information when requested, including exempt information. The Cabinet has often been flexible in the past, in terms of sharing information prior to the publication of Cabinet agenda packs. There is not the problem in Bromsgrove, reportedly in place at other local authorities in the country, whereby information is only obtained as a result of a Freedom of Information request.</p> <p>Points to note / suggested actions: The Leader and Portfolio Holders may wish to consider how they report back to O&S when turning down a request for information.</p>
<p>19. O&S Members should have access to key information on performance management and risk and provided with information to understand it. (Page 18)</p>	<p>Members can access performance data on the dashboard and are considering the content of the quarterly performance reports. The Corporate Performance Working Group takes a lead on this and has been provided with training as well as ongoing support.</p> <p>Points to note / suggested actions: No further action is required, other than continuing with current practice.</p>

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<p>20. Seeking Information from External Organisations (Pages 19 – 20)</p> <p>a. The guidance provides advice on best practice for engaging with service providers.</p> <p>b. The guidance also suggests Councils should consider whether to build requirements into contracts for external companies to provide information and appear before O&S Committees.</p>	<p>Bromsgrove O&S already complies with the best practice guide to engaging with external service providers in respect of invitations to provide evidence and attend meetings.</p> <p>Points to note / suggested actions:</p> <p>Requests to receive information from Council contractors are considered on a case by case basis.</p> <p>No further action required.</p>
<p>21. Being Clear about Scrutiny's Role (Page 21)</p> <p>(The guidance advises that when considering items for O&S to focus on Members should be supported by key senior officers).</p>	<p>The lead senior officer for O&S, the Executive Director of Finance and Resources, attends the O&S training when items for the work programme are discussed. She also attends meetings of the O&S Board during the year and can advise on items as and when suggested.</p> <p>Points to note / suggested actions: No further action is required, other than continuing with current practice.</p>
<p>22. Who to speak to (page 21 – 22)</p> <p>(The guidance suggests Members should consult the public, written information, partner organisations and the Executive, including through conversations with the Executive, when selecting items for scrutiny).</p>	<p>Members are already encouraged to consult with the public and partners when selecting items for scrutiny. Meetings between the Chairman of O&S Board and the Leader would help to provide an opportunity for conversations with the Cabinet about scrutiny topics. The Chairman of the O&S Board also regularly attends Cabinet meetings and has dialogue with Portfolio Holders then about the work of O&S.</p> <p>Points to note / suggested actions: No further action is required, other than continuing with current practice.</p>

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<p>23. Information Sources (page 22 – 23)</p>	<p>Bromsgrove O&S Board already considers much of the information suggested in the guidance and selects information for scrutiny on a case by case basis.</p> <p>Points to note / suggested actions: No further action is required, other than continuing with current practice.</p>
<p>24. Shortlisting Topics (page 23)</p> <p>(The guidance notes Councils will shortlist topics often using scoring criteria and should be able to justify choosing some topics over others)</p>	<p>Bromsgrove O&S Members do use shortlisting criteria and always provide reasons for rejecting or accepting items for review.</p> <p>Points to note / suggested actions: No further action is required..</p>
<p>25. Carrying Out work – Types of Scrutiny (Pages 23 – 24)</p>	<p>Bromsgrove O&S already undertakes all of these forms of scrutiny.</p> <p>Points to note / suggested actions: No further action is required, other than continuing with current practice/</p>
<p>Evidence Gathering</p>	
<p>26. How To Plan (Page 25)</p> <p>(The guidance suggests evidence gathering should be planned in advance and the Chair should sum up at the end).</p>	<p>Bromsgrove Task Groups always plan their workload in advance. The Chairman would always be advised to sum up at the end.</p> <p>Points to note / suggested actions: No further action is required, other than continuing with current practice.</p>
<p>27. Developing Recommendations (Pages 25 – 26)</p> <ol style="list-style-type: none"> a. These should be agreed by Members only, having regard to officer advice. b. Recommendations should be evidence-based and SMART. c. It is suggested 6 – 8 recommendations are often appropriate. 	<p>In Bromsgrove recommendations are always set by Members only. Democratic Services simply records the recommendations agreed by Members, though may help with the wording to best reflect what Members are proposing.</p> <p>Members are always required to ensure recommendations have an evidence basis and are set out in SMART terms. Members are also always encouraged to propose a reasonable number of recommendations.</p> <p>Points to note / suggested actions: No further action is required, other than continuing with current practice.</p>