

Bolsover District Council

Budget Scrutiny Committee

30th May 2018

Briefing on the Select Committee Inquiry on the Effectiveness of Local Authority Overview and Scrutiny Committees

Report of the Scrutiny and Elections Officer

This report is public

Purpose of the Report

- To present the Select Committee’s findings and recommendations following their Inquiry and the subsequent Government Response.

1 Report Details

- 1.1 This report provides Members with an overview of the findings and recommendations of the
- 1.2 The full Inquiry report can be found on the following link:
<https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/369/36902.htm>
- 1.3 The Select Committee proposes the following revisions to Government guidance on scrutiny committees:

Select Committee Proposal	Current Local Approach
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.	<p>This is contained within our current approach but would only take place where a recommendation is outside the current Budget and Policy Framework.</p> <p>Members could choose to extend this to all reports/recommendations and the Government have indicated that new guidance will be issued which will make this a requirement in future.</p>

Select Committee Proposal	Current Local Approach
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.	This is part of our current approach.
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.	This is part of our current approach and Members have access to Exempt papers via the Member Portal.
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 counterparts.	Members should consider if they are satisfied that they have the same access to the expertise and time of senior officers and the Chief Executive as their Cabinet counterparts, through the current approach taken by the Authority.
That members of the public and service users have a fundamental role in the scrutiny process and that their participation should be encouraged and facilitated by councils.	Customer views are sought, where relevant, for all review work.

1.4 The Inquiry generated a total of 21 conclusions and recommendations most of which require action at a national level through revised guidance. These are contained on pages 42-45.

1.5 The Government's Response to the recommendations can be found on the following link:
<https://www.gov.uk/government/publications/local-authority-overview-and-scrutiny-government-response-to-select-committee-report>

The Government's Response indicates that new guidance will be published during 2018.

1.6 Independent analysis has also been completed by the LGIU:
<https://www.lgiu.org.uk/briefing/clg-select-committee-report-on-the-effectiveness-of-local-authority-overview-and-scrutiny-committees/>

and the Centre for Public Scrutiny:
<https://www.cfps.org.uk/select-committee-inquiry-overview-scrutiny-governments-response/>

2 Conclusions and Reasons for Recommendation

- 2.1 As a result of the findings and recommendations, Members are advised to consider a review of current Terms of Reference and Procedure Rules to ensure they remain fit for purpose.
- 2.2 The Government's Response indicates that new guidance will be published during 2018. Updated guidance will recommend that scrutiny committees report to Full Council.

3 Consultation and Equality Impact

- 3.1 As part of the initial Inquiry by the Select Committee, individuals and local authorities were given the opportunity to respond.
- 3.2 All Scrutiny Committees are committed to equality and diversity in undertaking their statutory responsibilities and ensure equalities are considered as part of all Reviews. The selection criteria when submitting a topic, specifically asks members to identify where the topic suggested affects particular population groups or geographies.
- 3.3 The Council has a statutory duty under s.149 Equality Act 2010 to have due regard to the need to advance equality of opportunity and to eliminate discrimination.

4 Alternative Options and Reasons for Rejection

- 4.1 Members could choose not to review our current Terms of Reference and Procedure Rules at all, if they feel satisfied with the current approach.
- 4.2 Members could choose to delay commencing a review until the Government issues revised guidance on Scrutiny.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 Choosing not to review our current approach could leave the authority at risk of not delivering our scrutiny function in an effective manner.

5.2 Legal Implications including Data Protection

- 5.2.1 The Scrutiny Committee function is a statutory requirement pursuant to s.21 of the Local Government Act 2000 and subsequent legislation which added to/amended these powers e.g. the Local Government and Public Involvement in Health Act 2007.

5.3 Human Resources Implications

- 5.3.1 None from this report.

6 Recommendations

- 6.1 That Members appraise themselves of the recommendations of the Select Committee and the subsequent Government Response.

- 6.2 That Members commence a review of our existing Terms of Reference and Procedure Rules to ensure they remain fit for purpose in light of the recommendations of the Inquiry. Any amendments should then be submitted to Standards Committee for consideration prior to the review of the Constitution for 2019/20.

7 Decision Information

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p><i>BDC:</i> <i>Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/></p> <p><i>NEDDC:</i> <i>Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/></p> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	All

8 Document Information

Appendix No	Title
	Not applicable
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
<p>Electronic versions of the Select Committee Inquiry and Government Response, in addition to the independent reviews by the LGIU and the CfPS are available from the Scrutiny and Elections Officer.</p>	
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