



## Review of Scrutiny Arrangements

<b>Date:</b>	<b>Wednesday, 17 July 2019</b>
<b>Time:</b>	<b>6.00 p.m.</b>
<b>Venue:</b>	<b>Committee Room 2, Wallasey Town Hall</b>

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## Scrutiny Review Scoping Template

**Review Title: Review of Scrutiny Arrangements**

**Responsible Committee: Business Overview & Scrutiny Committee**

**Date: 18/06/2019**

### 1. Contact Information:

**Review Panel Members:**

Councillor Dave Mitchell – Chair (Liberal Democrats)  
Councillor Jo Bird (Labour)  
Councillor Steve Williams (Conservative)

**Key Officers:**

David Armstrong (Corporate Director Delivery Services)  
Phil McCourt (Director of Governance & Assurance)  
Nancy Clarkson (Head of Intelligence and Statutory Scrutiny Officer)  
Viki Shaw – (Head of Legal Services)  
Mike Lester (Scrutiny Officer – Business O&S)

**Other Contacts:**

Carl Gurnell (Team Leader Performance & Scrutiny)  
Anna Perret – (Scrutiny Officer)  
Alexandra Davidson (Scrutiny Officer)

### 2. Review Aims:

**Review Objectives:**

At the Council meeting on 14th May, 2019, the following resolution was agreed:

*“That this is subject to the Council charging the:*

*(a) Standards and Constitutional Oversight Committee to conduct a review of the governance arrangements of the Council, with the objective to produce, in September 2019, an interim report on options and preferred outline for further consideration; and*

*(b) Business Overview & Scrutiny Committee conducting a review of the Council’s overview and scrutiny committee arrangements, in consultation with the Committee Chairs and group representatives, to consider the number of committees and their respective terms of reference to report back on suggested steps to improve the arrangement in sufficient time for them to be received and considered by the Standards and Constitutional Oversight Committee at its meeting in September.”*

**Scrutiny Outcome:**

To make recommendations to the Council’s Standards and Constitutional Oversight Committee on the Council’s scrutiny arrangements with a deadline for report submission of Thursday 22<sup>nd</sup> August 2019.

## 2. Risks and Implications

### Potential Risks:

Risks to be further developed with the working group, initial risks identified include:

- Producing a thorough review to enable an informed decision in accordance with time scales for reporting in September 19<sup>th</sup> Committee.
- Reaching clarity and agreement with a large number of participants on the most appropriate future approach to Scrutiny.
- Impact of the Governance review on O&S arrangements in Wirral which has implications for work of this review (see legal considerations below).
- Potential impact of O&S changes in Wirral on wider LCR Scrutiny.

### Other Implications:

#### Legal Considerations for the Review Panel:

Concurrent to this O&S review the Council is carrying out a Governance review. This review will include research into a 'committee system' of operation. Such a system has potential implications for if Council requires an O&S function. The legal guidance is included here for reference.

The requirement for local authorities in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000.

The Localism Act 2011 amended the Local Government Act 2000 to allow councils to revert to a non-executive form of governance - the 'committee system'. Councils who adopt the committee system are not required to have overview and scrutiny but may do so if they wish.

The O&S review panel may wish to consider these implications in the work of their review.

## 3. Review Plan

### Review Approach:

Review Panel to approve workshop content and approach.

Single workshop open to all non-executive Members, including Committee Chairs and group representatives.

Workshop findings reviewed by Review Panel and report finalised.

### Review Duration:

The review duration will be from June to September 2019 with a key focus on a single workshop on 17<sup>th</sup> July 2019.

### Scheduled Committee Report Date:

Report to Standards and Constitutional Oversight Committee on 19<sup>th</sup> September 2019., Report

Deadline: Thursday 22<sup>nd</sup> August 2019

Review Panel to sign off report Thursday 15<sup>th</sup> August 2019

### Scheduled Cabinet Report Date:

N/A

#### 4. Sources of Evidence:

**Key Witnesses:**

Philip McCourt (Director of Governance & Assurance)  
Vicki Shaw (Head of Legal Services)  
David Armstrong (Corporate Director Delivery Services)  
Nancy Clarkson (Head of Intelligence and Statutory Scrutiny Officer)  
Nicola Butterworth (Assistant Director for Commercial Management & Lead Officer for Environment O&S Committee)  
Shaer Halewood (Director of Finance & Investment & Lead Officer for Business O&S Committee)  
Paul Boyce (Corporate Director for Children Services & Lead Officer for Children & Young People O&S Committee)  
Graham Hodgkinson (Director for Adult Care & Health & Lead Officer for Adult Care & Health O&S Committee)

**Supporting Papers / Documentation:**

- Overview and scrutiny: statutory guidance for councils and combined authorities.
- Existing committee terms of reference.
- Review of other local authority scrutiny arrangements (with a focus on CIPFA nearest neighbours for comparison purposes).
- Review of other Local Authorities operating under a committee system.
- Previous Scrutiny arrangements in Wirral.
- Possible questionnaire for members to provide feedback on O&S – decision to be made post-workshop.

**Involvement of service users / public:**

N/A

#### 5. Key Communications and timings:

To be further developed and finalised following the workshop.

**Cabinet Member:**

Business O&S Chair to brief Council Leadership / Cabinet on review findings.

**Press Office:**

Communications lead to be briefed on review findings as appropriate.

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Ministry of Housing,  
Communities &  
Local Government

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



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# Ministerial Foreword

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. Effective scrutiny helps secure the efficient delivery of public services and drives improvements within the authority itself. Conversely, poor scrutiny can be indicative of wider governance, leadership and service failure.

It is vital that councils and combined authorities know the purpose of scrutiny, what effective scrutiny looks like, how to conduct it and the benefits it can bring. This guidance aims to increase understanding in all four areas.

In writing this guidance, my department has taken close note of the House of Commons Select Committee report of December 2017, as well as the written and oral evidence supplied to that Committee. We have also consulted individuals and organisations with practical involvement in conducting, researching and supporting scrutiny.

It is clear from speaking to these practitioners that local and combined authorities with effective overview and scrutiny arrangements in place share certain key traits, the most important being a strong organisational culture. Authorities who welcome challenge and recognise the value scrutiny can bring reap the benefits. But this depends on strong commitment from the top - from senior members as well as senior officials.

Crucially, this guidance recognises that authorities have democratic mandates and are ultimately accountable to their electorates, and that authorities themselves are best-placed to know which scrutiny arrangements are most appropriate for their own individual circumstances.

I would, however, strongly urge all councils to cast a critical eye over their existing arrangements and, above all, ensure they embed a culture that allows overview and scrutiny to flourish.



A handwritten signature in blue ink, appearing to read 'Rishi Sunak'.

**Rishi Sunak MP**  
**Minister for Local Government**

# About this Guidance

## Who the guidance is for

This document is aimed at local authorities and combined authorities in England to help them carry out their overview and scrutiny functions effectively. In particular, it provides advice for senior leaders, members of overview and scrutiny committees, and support officers.

## Aim of the guidance

This guidance seeks to ensure local authorities and combined authorities are aware of the purpose of overview and scrutiny, what effective scrutiny looks like, how to conduct it effectively and the benefits it can bring.

As such, it includes a number of policies and practices authorities should adopt or should consider adopting when deciding how to carry out their overview and scrutiny functions.

The guidance recognises that authorities approach scrutiny in different ways and have different processes and procedures in place, and that what might work well for one authority might not work well in another.

The hypothetical scenarios contained in the annexes to this guidance have been included for illustrative purposes, and are intended to provoke thought and discussion rather than serve as a 'best' way to approach the relevant issues.

While the guidance sets out some of the key legal requirements, it does not seek to replicate legislation.

## Status of the guidance

This is statutory guidance from the Ministry of Housing, Communities and Local Government. Local authorities and combined authorities must have regard to it when exercising their functions. 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.

Not every authority is required to appoint a scrutiny committee. This guidance applies to those authorities who have such a committee in place, whether they are required to or not.

This guidance has been issued under section 9Q of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009, which requires authorities to have regard to this guidance. In addition, authorities may have regard to other material they might choose to consider, including that issued by the Centre for Public Scrutiny, when exercising their overview and scrutiny functions.

## Terminology

Unless 'overview' is specifically mentioned, the term 'scrutiny' refers to both overview and scrutiny.<sup>1</sup>

Where the term 'authority' is used, it refers to both local authorities and combined authorities.

Where the term 'scrutiny committee' is used, it refers to an overview and scrutiny committee and any of its sub-committees. As the legislation refers throughout to powers conferred on scrutiny committees, that is the wording used in this guidance. However, the guidance should be seen as applying equally to work undertaken in informal task and finish groups, commissioned by formal committees.

Where the term 'executive' is used, it refers to executive members.

For combined authorities, references to the 'executive' or 'cabinet' should be interpreted as relating to the mayor (where applicable) and all the authority members.

For authorities operating committee rather than executive arrangements, references to the executive or Cabinet should be interpreted as relating to councillors in leadership positions.

## Expiry or review date

This guidance will be kept under review and updated as necessary.

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<sup>1</sup> A distinction is often drawn between 'overview' which focuses on the development of policy, and 'scrutiny' which looks at decisions that have been made or are about to be made to ensure they are fit for purpose.

# 1. Introduction and Context

1. Overview and scrutiny committees were introduced in 2000 as part of new executive governance arrangements to ensure that members of an authority who were not part of the executive could hold the executive to account for the decisions and actions that affect their communities.
2. Overview and scrutiny committees have statutory powers<sup>2</sup> to scrutinise decisions the executive is planning to take, those it plans to implement, and those that have already been taken/implemented. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented. Overview and scrutiny committees can also play a valuable role in developing policy.

Effective overview and scrutiny should:

- Provide constructive 'critical friend' challenge;
- Amplify the voices and concerns of the public;
- Be led by independent people who take responsibility for their role; and
- Drive improvement in public services.

3. The requirement for local authorities in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011.
4. The Localism Act 2011 amended the Local Government Act 2000 to allow councils to revert to a non-executive form of governance - the 'committee system'. Councils who adopt the committee system are not required to have overview and scrutiny but may do so if they wish. The legislation has been strengthened and updated since 2000, most recently to reflect new governance arrangements with combined authorities. Requirements for combined authorities are set out in Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.
5. Current overview and scrutiny legislation recognises that authorities are democratically-elected bodies who are best-placed to determine which overview and scrutiny arrangements best suit their own individual needs, and so gives them a great degree of flexibility to decide which arrangements to adopt.
6. In producing this guidance, the Government fully recognises both authorities' democratic mandate and that the nature of local government has changed in recent years, with, for example, the creation of combined authorities, and councils increasingly delivering key services in partnership with other organisations or outsourcing them entirely.

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<sup>2</sup> Section 9F of the Local Government Act 2000; paragraph 1 of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

## 2. Culture

7. The prevailing organisational culture, behaviours and attitudes of an authority will largely determine whether its scrutiny function succeeds or fails.
8. While everyone in an authority can play a role in creating an environment conducive to effective scrutiny, it is important that this is led and owned by members, given their role in setting and maintaining the culture of an authority.
9. Creating a strong organisational culture supports scrutiny work that can add real value by, for example, improving policy-making and the efficient delivery of public services. In contrast, low levels of support for and engagement with the scrutiny function often lead to poor quality and ill-focused work that serves to reinforce the perception that it is of little worth or relevance.
10. Members and senior officers should note that the performance of the scrutiny function is not just of interest to the authority itself. Its effectiveness, or lack thereof, is often considered by external bodies such as regulators and inspectors, and highlighted in public reports, including best value inspection reports. Failures in scrutiny can therefore help to create a negative public image of the work of an authority as a whole.

### How to establish a strong organisational culture

11. Authorities can establish a strong organisational culture by:

- a) **Recognising scrutiny's legal and democratic legitimacy** – all members and officers should recognise and appreciate the importance and legitimacy the scrutiny function is afforded by the law. It was created to act as a check and balance on the executive and is a statutory requirement for all authorities operating executive arrangements and for combined authorities.

Councillors have a unique legitimacy derived from their being democratically elected. The insights that they can bring by having this close connection to local people are part of what gives scrutiny its value.

- b) **Identifying a clear role and focus** – authorities should take steps to ensure scrutiny has a clear role and focus within the organisation, i.e. a niche within which it can clearly demonstrate it adds value. Therefore, prioritisation is necessary to ensure the scrutiny function concentrates on delivering work that is of genuine value and relevance to the work of the wider authority – this is one of the most challenging parts of scrutiny, and a critical element to get right if it is to be recognised as a strategic function of the authority (see chapter 6).

Authorities should ensure a clear division of responsibilities between the scrutiny function and the audit function. While it is appropriate for scrutiny to pay due regard to the authority's financial position, this will need to happen in the context of the formal audit role. The authority's section 151 officer should advise scrutiny on how to manage this dynamic.

While scrutiny has no role in the investigation or oversight of the authority's whistleblowing arrangements, the findings of independent whistleblowing investigations might be of interest to scrutiny committees as they consider their wider implications. Members should always follow the authority's constitution and associated Monitoring Officer directions on the matter. Further guidance on whistleblowing can be found at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf).

- c) **Ensuring early and regular engagement between the executive and scrutiny** – authorities should ensure early and regular discussion takes place between scrutiny and the executive, especially regarding the latter's future work programme. Authorities should, though, be mindful of their distinct roles:

In particular:

- The executive should not try to exercise control over the work of the scrutiny committee. This could be direct, e.g. by purporting to 'order' scrutiny to look at, or not look at, certain issues, or indirect, e.g. through the use of the whip or as a tool of political patronage, and the committee itself should remember its statutory purpose when carrying out its work. All members and officers should consider the role the scrutiny committee plays to be that of a 'critical friend' not a de facto 'opposition'. Scrutiny chairs have a particular role to play in establishing the profile and nature of their committee (see chapter 4); and
- The chair of the scrutiny committee should determine the nature and extent of an executive member's participation in a scrutiny committee meeting, and in any informal scrutiny task group meeting.

- d) **Managing disagreement** – effective scrutiny involves looking at issues that can be politically contentious. It is therefore inevitable that, at times, an executive will disagree with the findings or recommendations of a scrutiny committee.

It is the job of both the executive and scrutiny to work together to reduce the risk of this happening, and authorities should take steps to predict, identify and act on disagreement.

One way in which this can be done is via an 'executive-scrutiny protocol' (see annex 1) which can help define the relationship between the two and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways. The benefit of this approach is that it provides a framework for disagreement and debate, and a way to manage it when it happens. Often,

the value of such a protocol lies in the dialogue that underpins its preparation. It is important that these protocols are reviewed on a regular basis.

Scrutiny committees do have the power to 'call in' decisions, i.e. ask the executive to reconsider them before they are implemented, but should not view it as a substitute for early involvement in the decision-making process or as a party-political tool.

- e) **Providing the necessary support** – while the level of resource allocated to scrutiny is for each authority to decide for itself, when determining resources an authority should consider the purpose of scrutiny as set out in legislation and the specific role and remit of the authority's own scrutiny committee(s), and the scrutiny function as a whole.

Support should also be given by members and senior officers to scrutiny committees and their support staff to access information held by the authority and facilitate discussions with representatives of external bodies (see chapter 5).

- f) **Ensuring impartial advice from officers** – authorities, particularly senior officers, should ensure all officers are free to provide impartial advice to scrutiny committees. This is fundamental to effective scrutiny. Of particular importance is the role played by 'statutory officers' – the monitoring officer, the section 151 officer and the head of paid service, and where relevant the statutory scrutiny officer. These individuals have a particular role in ensuring that timely, relevant and high-quality advice is provided to scrutiny.
- g) **Communicating scrutiny's role and purpose to the wider authority** – the scrutiny function can often lack support and recognition within an authority because there is a lack of awareness among both members and officers about the specific role it plays, which individuals are involved and its relevance to the authority's wider work. Authorities should, therefore, take steps to ensure all members and officers are made aware of the role the scrutiny committee plays in the organisation, its value and the outcomes it can deliver, the powers it has, its membership and, if appropriate, the identity of those providing officer support.
- h) **Maintaining the interest of full Council in the work of the scrutiny committee** – part of communicating scrutiny's role and purpose to the wider authority should happen through the formal, public role of full Council – particularly given that scrutiny will undertake valuable work to highlight challenging issues that an authority will be facing and subjects that will be a focus of full Council's work. Authorities should therefore take steps to ensure full Council is informed of the work the scrutiny committee is doing.

One way in which this can be done is by reports and recommendations being submitted to full Council rather than solely to the executive. Scrutiny should decide when it would be appropriate to submit reports for wider debate in this way, taking into account the relevance of reports to full Council business, as well as full Council's capacity to consider and respond in a timely manner. Such

reports would supplement the annual report to full Council on scrutiny's activities and raise awareness of ongoing work.

In order to maintain awareness of scrutiny at the Combined Authority and provoke dialogue and discussion of its impact, the business of scrutiny should be reported to the Combined Authority board or to the chairs of the relevant scrutiny committees of constituent and non-constituent authorities, or both. At those chairs' discretion, particular Combined Authority scrutiny outcomes, and what they might mean for each individual area, could be either discussed by scrutiny in committee or referred to full Council of the constituent authorities.

- i) **Communicating scrutiny's role to the public** – authorities should ensure scrutiny has a profile in the wider community. Consideration should be given to how and when to engage the authority's communications officers, and any other relevant channels, to understand how to get that message across. This will usually require engagement early on in the work programming process (see chapter 6).
- j) **Ensuring scrutiny members are supported in having an independent mindset** – formal committee meetings provide a vital opportunity for scrutiny members to question the executive and officers.

Inevitably, some committee members will come from the same political party as a member they are scrutinising and might well have a long-standing personal, or familial, relationship with them (see paragraph 25).

Scrutiny members should bear in mind, however, that adopting an independent mind-set is fundamental to carrying out their work effectively. In practice, this is likely to require scrutiny chairs working proactively to identify any potentially contentious issues and plan how to manage them.

### Directly-elected mayoral systems

12. A strong organisational culture that supports scrutiny work is particularly important in authorities with a directly-elected mayor to ensure there are the checks and balances to maintain a robust democratic system. Mayoral systems offer the opportunity for greater public accountability and stronger governance, but there have also been incidents that highlight the importance of creating and maintaining a culture that puts scrutiny at the heart of its operations.
13. Authorities with a directly-elected mayor should ensure that scrutiny committees are well-resourced, are able to recruit high-calibre members and that their scrutiny functions pay particular attention to issues surrounding:
  - rights of access to documents by the press, public and councillors;
  - transparent and fully recorded decision-making processes, especially avoiding decisions by 'unofficial' committees or working groups;
  - delegated decisions by the Mayor;
  - whistleblowing protections for both staff and councillors; and
  - powers of Full Council, where applicable, to question and review.

14. Authorities with a directly-elected mayor should note that mayors are required by law to attend overview and scrutiny committee sessions when asked to do so (see paragraph 44).

## 3. Resourcing

15. The resource an authority allocates to the scrutiny function plays a pivotal role in determining how successful that function is and therefore the value it can add to the work of the authority.
16. Ultimately it is up to each authority to decide on the resource it provides, but every authority should recognise that creating and sustaining an effective scrutiny function requires them to allocate resources to it.
17. Authorities should also recognise that support for scrutiny committees, task groups and other activities is not solely about budgets and provision of officer time, although these are clearly extremely important elements. Effective support is also about the ways in which the wider authority engages with those who carry out the scrutiny function (both members and officers).

When deciding on the level of resource to allocate to the scrutiny function, the factors an authority should consider include:

- Scrutiny's legal powers and responsibilities;
- The particular role and remit scrutiny will play in the authority;
- The training requirements of scrutiny members and support officers, particularly the support needed to ask effective questions of the executive and other key partners, and make effective recommendations;
- The need for ad hoc external support where expertise does not exist in the council;
- Effectively-resourced scrutiny has been shown to add value to the work of authorities, improving their ability to meet the needs of local people; and
- Effectively-resourced scrutiny can help policy formulation and so minimise the need for call-in of executive decisions.

### Statutory scrutiny officers

18. Combined authorities, upper and single tier authorities are required to designate a statutory scrutiny officer,<sup>3</sup> someone whose role is to:
  - promote the role of the authority's scrutiny committee;
  - provide support to the scrutiny committee and its members; and
  - provide support and guidance to members and officers relating to the functions of the scrutiny committee.

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<sup>3</sup> Section 9FB of the Local Government Act 2000; article 9 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

19. Authorities not required by law to appoint such an officer should consider whether doing so would be appropriate for their specific local needs.

#### Officer resource models

20. Authorities are free to decide for themselves which wider officer support model best suits their individual circumstances, though generally they adopt one or a mix of the following:

- Committee – officers are drawn from specific policy or service areas;
- Integrated – officers are drawn from the corporate centre and also service the executive; and
- Specialist – officers are dedicated to scrutiny.

21. Each model has its merits – the committee model provides service-specific expertise; the integrated model facilitates closer and earlier scrutiny involvement in policy formation and alignment of corporate work programmes; and the specialist model is structurally independent from those areas it scrutinises.

22. Authorities should ensure that, whatever model they employ, officers tasked with providing scrutiny support are able to provide impartial advice. This might require consideration of the need to build safeguards into the way that support is provided. The nature of these safeguards will differ according to the specific role scrutiny plays in the organisation.

## 4. Selecting Committee Members

23. Selecting the right members to serve on scrutiny committees is essential if those committees are to function effectively. Where a committee is made up of members who have the necessary skills and commitment, it is far more likely to be taken seriously by the wider authority.
24. While there are proportionality requirements that must be met,<sup>4</sup> the selection of the chair and other committee members is for each authority to decide for itself. Guidance for combined authorities on this issue has been produced by the Centre for Public Scrutiny<sup>5</sup>.

Members invariably have different skill-sets. What an authority must consider when forming a committee is that, as a group, it possesses the requisite expertise, commitment and ability to act impartially to fulfil its functions.

25. Authorities are reminded that members of the executive cannot be members of a scrutiny committee.<sup>6</sup> Authorities should take care to ensure that, as a minimum, members holding less formal executive positions, e.g. as Cabinet assistants, do not sit on scrutinising committees looking at portfolios to which those roles relate. Authorities should articulate in their constitutions how conflicts of interest, including familial links (see also paragraph 31), between executive and scrutiny responsibilities should be managed, including where members stand down from the executive and move to a scrutiny role, and vice-versa.
26. Members or substitute members of a combined authority must not be members of its overview and scrutiny committee.<sup>7</sup> This includes the Mayor in Mayoral Combined Authorities. It is advised that Deputy Mayors for Policing and Crime are also not members of the combined authority's overview and scrutiny committee.

### Selecting individual committee members

27. When selecting individual members to serve on scrutiny committees, an authority should consider a member's experience, expertise, interests, ability to act impartially, ability to work as part of a group, and capacity to serve.

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<sup>4</sup> See, for example, regulation 11 of the Local Authorities (Committee System) (England) Regulations 2012 (S.I. 2012/1020) and article 4 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

<sup>5</sup> See pages 15-18 of 'Overview and scrutiny in combined authorities: a plain English guide': <https://www.cfps.org.uk/wp-content/uploads/Overview-and-scrutiny-in-combined-authorities-a-plain-english-guide.pdf>

<sup>6</sup> Section 9FA(3) of the Local Government Act 2000.

<sup>7</sup> 2(3) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009

28. Authorities should not take into account a member's perceived level of support for or opposition to a particular political party (notwithstanding the wider legal requirement for proportionality referred to in paragraph 24).

### Selecting a chair

29. The Chair plays a leadership role on a scrutiny committee as they are largely responsible for establishing its profile, influence and ways of working.

30. The attributes authorities should and should not take into account when selecting individual committee members (see paragraphs 27 and 28) also apply to the selection of the Chair, but the Chair should also possess the ability to lead and build a sense of teamwork and consensus among committee members.

Chairs should pay special attention to the need to guard the committee's independence. Importantly, however, they should take care to avoid the committee being, and being viewed as, a de facto opposition to the executive.

31. Given their pre-eminent role on the scrutiny committee, it is strongly recommended that the Chair not preside over scrutiny of their relatives<sup>8</sup>. Combined authorities should note the legal requirements that apply to them where the Chair is an independent person<sup>9</sup>.

32. The method for selecting a Chair is for each authority to decide for itself, however every authority should consider taking a vote by secret ballot. Combined Authorities should be aware of the legal requirements regarding the party affiliation of their scrutiny committee Chair<sup>10</sup>.

### Training for committee members

33. Authorities should ensure committee members are offered induction when they take up their role and ongoing training so they can carry out their responsibilities effectively. Authorities should pay attention to the need to ensure committee members are aware of their legal powers, and how to prepare for and ask relevant questions at scrutiny sessions.

34. When deciding on training requirements for committee members, authorities should consider taking advantage of opportunities offered by external providers in the sector.

### Co-option and technical advice

35. While members and their support officers will often have significant local insight and an understanding of local people and their needs, the provision of outside expertise can be invaluable.

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<sup>8</sup> A definition of 'relative' can be found at section 28(10) of the Localism Act 2011.

<sup>9</sup> See article 5(2) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

<sup>10</sup> Article 5(6) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

36. There are two principal ways to procure this:

- Co-option – formal co-option is provided for in legislation<sup>11</sup>. Authorities must establish a co-option scheme to determine how individuals will be co-opted onto committees; and
- Technical advisers – depending on the subject matter, independent local experts might exist who can provide advice and assistance in evaluating evidence (see annex 2).

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<sup>11</sup> Section 9FA(4) Local Government Act 2000

## 5. Power to Access Information

37. A scrutiny committee needs access to relevant information the authority holds, and to receive it in good time, if it is to do its job effectively.
38. This need is recognised in law, with members of scrutiny committees enjoying powers to access information<sup>12</sup>. In particular, regulations give enhanced powers to a scrutiny member to access exempt or confidential information. This is in addition to existing rights for councillors to have access to information to perform their duties, including common law rights to request information and rights to request information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
39. When considering what information scrutiny needs in order to carry out its work, scrutiny members and the executive should consider scrutiny's role and the legal rights that committees and their individual members have, as well as their need to receive timely and accurate information to carry out their duties effectively.
40. Scrutiny members should have access to a regularly available source of key information about the management of the authority – particularly on performance, management and risk. Where this information exists, and scrutiny members are given support to understand it, the potential for what officers might consider unfocused and unproductive requests is reduced as members will be able to frame their requests from a more informed position.
41. Officers should speak to scrutiny members to ensure they understand the reasons why information is needed, thereby making the authority better able to provide information that is relevant and timely, as well as ensuring that the authority complies with legal requirements.

While each request for information should be judged on its individual merits, authorities should adopt a default position of sharing the information they hold, on request, with scrutiny committee members.

42. The law recognises that there might be instances where it is legitimate for an authority to withhold information and places a requirement on the executive to provide the scrutiny committee with a written statement setting out its reasons for that decision<sup>13</sup>. However, members of the executive and senior officers should take particular care to avoid refusing requests, or limiting the information they provide, for reasons of party political or reputational expediency.

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<sup>12</sup> Regulation 17 - Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10 Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

<sup>13</sup> Regulation 17(4) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(4) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

Before an authority takes a decision not to share information it holds, it should give serious consideration to whether that information could be shared in closed session.

43. Regulations already stipulate a timeframe for executives to comply with requests from a scrutiny member<sup>14</sup>. When agreeing to such requests, authorities should:

- consider whether seeking clarification from the information requester could help better target the request; and
- Ensure the information is supplied in a format appropriate to the recipient's needs.

44. Committees should be aware of their legal power to require members of the executive and officers to attend before them to answer questions<sup>15</sup>. It is the duty of members and officers to comply with such requests.<sup>16</sup>

#### Seeking information from external organisations

45. Scrutiny members should also consider the need to supplement any authority-held information they receive with information and intelligence that might be available from other sources, and should note in particular their statutory powers to access information from certain external organisations.

46. When asking an external organisation to provide documentation or appear before it, and where that organisation is not legally obliged to do either (see annex 3), scrutiny committees should consider the following:

- a) **The need to explain the purpose of scrutiny** – the organisation being approached might have little or no awareness of the committee's work, or of an authority's scrutiny function more generally, and so might be reluctant to comply with any request;
- b) **The benefits of an informal approach** – individuals from external organisations can have fixed perceptions of what an evidence session entails and may be unwilling to subject themselves to detailed public scrutiny if they believe it could reflect badly on them or their employer. Making an informal approach can help reassure an organisation of the aims of the committee, the type of information being sought and the manner in which the evidence session would be conducted;

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<sup>14</sup> Regulation 17(2) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(2) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

<sup>15</sup> Section 9FA(8) of the Local Government Act 2000; paragraph 2(6) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

<sup>16</sup> Section 9FA(9) of the Local Government Act 2000; paragraph 2(7) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

- c) **How to encourage compliance with the request** – scrutiny committees will want to frame their approach on a case by case basis. For contentious issues, committees might want to emphasise the opportunity their request gives the organisation to ‘set the record straight’ in a public setting; and
- d) **Who to approach** – a committee might instinctively want to ask the Chief Executive or Managing Director of an organisation to appear at an evidence session, however it could be more beneficial to engage front-line staff when seeking operational-level detail rather than senior executives who might only be able to talk in more general terms. When making a request to a specific individual, the committee should consider the type of information it is seeking, the nature of the organisation in question and the authority’s pre-existing relationship with it.

**Following ‘the Council Pound’**

Scrutiny committees will often have a keen interest in ‘following the council pound’, i.e. scrutinising organisations that receive public funding to deliver goods and services.

Authorities should recognise the legitimacy of this interest and, where relevant, consider the need to provide assistance to scrutiny members and their support staff to obtain information from organisations the council has contracted to deliver services. In particular, when agreeing contracts with these bodies, authorities should consider whether it would be appropriate to include a *requirement* for them to supply information to or appear before scrutiny committees.

## 6. Planning Work

47. Effective scrutiny should have a defined impact on the ground, with the committee making recommendations that will make a tangible difference to the work of the authority. To have this kind of impact, scrutiny committees need to plan their work programme, i.e. draw up a long-term agenda and consider making it flexible enough to accommodate any urgent, short-term issues that might arise during the year.
48. Authorities with multiple scrutiny committees sometimes have a separate work programme for each committee. Where this happens, consideration should be given to how to co-ordinate the various committees' work to make best use of the total resources available.

### Being clear about scrutiny's role

49. Scrutiny works best when it has a clear role and function. This provides focus and direction. While scrutiny has the power to look at anything which affects 'the area, or the area's inhabitants', authorities will often find it difficult to support a scrutiny function that carries out generalised oversight across the wide range of issues experienced by local people, particularly in the context of partnership working. Prioritisation is necessary, which means that there might be things that, despite being important, scrutiny will not be able to look at.
50. Different overall roles could include having a focus on risk, the authority's finances, or on the way the authority works with its partners.
51. Applying this focus does not mean that certain subjects are 'off limits'. It is more about looking at topics and deciding whether their relative importance justifies the positive impact scrutiny's further involvement could bring.
52. When thinking about scrutiny's focus, members should be supported by key senior officers. The statutory scrutiny officer, if an authority has one, will need to take a leading role in supporting members to clarify the role and function of scrutiny, and championing that role once agreed.

### Who to speak to

53. Evidence will need to be gathered to inform the work programming process. This will ensure that it looks at the right topics, in the right way and at the right time. Gathering evidence requires conversations with:
  - *The public* – it is likely that formal 'consultation' with the public on the scrutiny work programme will be ineffective. Asking individual scrutiny members to have conversations with individuals and groups in their own local areas can work better. Insights gained from the public through individual pieces of scrutiny work can be fed back into the work programming process. Listening to and participating in conversations in places where local people come together, including in online forums, can help authorities engage people on their own terms and yield more positive results.

Authorities should consider how their communications officers can help scrutiny engage with the public, and how wider internal expertise and local knowledge from both members and officers might make a contribution.

- *The authority's partners* – relationships with other partners should not be limited to evidence-gathering to support individual reviews or agenda items. A range of partners are likely to have insights that will prove useful:
  - Public sector partners (like the NHS and community safety partners, over which scrutiny has specific legal powers);
  - Voluntary sector partners;
  - Contractors and commissioning partners (including partners in joint ventures and authority-owned companies);
  - In parished areas, town, community and parish councils;
  - Neighbouring principal councils (both in two-tier and unitary areas);
  - Cross-authority bodies and organisations, such as Local Enterprise Partnerships<sup>17</sup>; and
  - Others with a stake and interest in the local area – large local employers, for example.
  
- *The executive* – a principal partner in discussions on the work programme should be the executive (and senior officers). The executive should not direct scrutiny's work (see chapter 2), but conversations will help scrutiny members better understand how their work can be designed to align with the best opportunities to influence the authority's wider work.

#### Information sources

54. Scrutiny will need access to relevant information to inform its work programme. The type of information will depend on the specific role and function scrutiny plays within the authority, but might include:

- Performance information from across the authority and its partners;
- Finance and risk information from across the authority and its partners;
- Corporate complaints information, and aggregated information from political groups about the subject matter of members' surgeries;
- Business cases and options appraisals (and other planning information) for forthcoming major decisions. This information will be of particular use for pre-decision scrutiny; and
- Reports and recommendations issued by relevant ombudsmen, especially the Local Government and Social Care Ombudsman.

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<sup>17</sup> Authorities should ensure they have appropriate arrangements in place to ensure the effective democratic scrutiny of Local Enterprise Partnerships' investment decisions.

As committees can meet in closed session, commercial confidentiality should not preclude the sharing of information. Authorities should note, however, that the default for meetings should be that they are held in public (see 2014 guidance on '*Open and accountable local government*':

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/343182/140812\\_Openness\\_Guide.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/343182/140812_Openness_Guide.pdf)).

55. Scrutiny members should consider keeping this information under regular review. It is likely to be easier to do this outside committee, rather than bringing such information to committee 'to note', or to provide an update, as a matter of course.

### Shortlisting topics

Approaches to shortlisting topics should reflect scrutiny's overall role in the authority. This will require the development of bespoke, local solutions, however when considering whether an item should be included in the work programme, the kind of questions a scrutiny committee should consider might include:

- Do we understand the benefits scrutiny would bring to this issue?
- How could we best carry out work on this subject?
- What would be the best outcome of this work?
- How would this work engage with the activity of the executive and other decision-makers, including partners?

56. Some authorities use scoring systems to evaluate and rank work programme proposals. If these are used to provoke discussion and debate, based on evidence, about what priorities should be, they can be a useful tool. Others take a looser approach. Whichever method is adopted, a committee should be able to justify how and why a decision has been taken to include certain issues and not others.

57. Scrutiny members should accept that shortlisting can be difficult; scrutiny committees have finite resources and deciding how these are best allocated is tough. They should understand that, if work programming is robust and effective, there might well be issues that they want to look at that nonetheless are not selected.

### Carrying out work

58. Selected topics can be scrutinised in several ways, including:

- a) **As a single item on a committee agenda** – this often presents a limited opportunity for effective scrutiny, but may be appropriate for some issues or where the committee wants to maintain a formal watching brief over a given issue;
- b) **At a single meeting** – which could be a committee meeting or something less formal. This can provide an opportunity to have a single public meeting about a

given subject, or to have a meeting at which evidence is taken from a number of witnesses;

- c) **At a task and finish review of two or three meetings** – short, sharp scrutiny reviews are likely to be most effective even for complex topics. Properly focused, they ensure members can swiftly reach conclusions and make recommendations, perhaps over the course of a couple of months or less;
- d) **Via a longer-term task and finish review** – the ‘traditional’ task and finish model – with perhaps six or seven meetings spread over a number of months – is still appropriate when scrutiny needs to dig into a complex topic in significant detail. However, the resource implications of such work, and its length, can make it unattractive for all but the most complex matters; and
- e) **By establishing a ‘standing panel’** – this falls short of establishing a whole new committee but may reflect a necessity to keep a watching brief over a critical local issue, especially where members feel they need to convene regularly to carry out that oversight. Again, the resource implications of this approach means that it will be rarely used.

## 7. Evidence Sessions

59. Evidence sessions are a key way in which scrutiny committees inform their work. They might happen at formal committee, in less formal ‘task and finish’ groups or at standalone sessions.

Good preparation is a vital part of conducting effective evidence sessions. Members should have a clear idea of what the committee hopes to get out of each session and appreciate that success will depend on their ability to work together on the day.

### How to plan

60. Effective planning does not necessarily involve a large number of pre-meetings, the development of complex scopes or the drafting of questioning plans. It is more often about setting overall objectives and then considering what type of questions (and the way in which they are asked) can best elicit the information the committee is seeking. This applies as much to individual agenda items as it does for longer evidence sessions – there should always be consideration in advance of what scrutiny is trying to get out of a particular evidence session.

Chairs play a vital role in leading discussions on objective-setting and ensuring all members are aware of the specific role each will play during the evidence session.

61. As far as possible there should be consensus among scrutiny members about the objective of an evidence session before it starts. It is important to recognise that members have different perspectives on certain issues, and so might not share the objectives for a session that are ultimately adopted. Where this happens, the Chair will need to be aware of this divergence of views and bear it in mind when planning the evidence session.
62. Effective planning should mean that at the end of a session it is relatively straightforward for the chair to draw together themes and highlight the key findings. It is unlikely that the committee will be able to develop and agree recommendations immediately, but, unless the session is part of a wider inquiry, enough evidence should have been gathered to allow the chair to set a clear direction.
63. After an evidence session, the committee might wish to hold a short ‘wash-up’ meeting to review whether their objectives were met and lessons could be learned for future sessions.

### Developing recommendations

64. The development and agreement of recommendations is often an iterative process. It will usually be appropriate for this to be done only by members, assisted by co-optees where relevant. When deciding on recommendations, however, members should have due regard to advice received from officers, particularly the Monitoring Officer.

65. The drafting of reports is usually, but not always, carried out by officers, directed by members.

66. Authorities draft reports and recommendations in a number of ways, but there are normally three stages:

- i. the development of a 'heads of report' – a document setting out general findings that members can then discuss as they consider the overall structure and focus of the report and its recommendations;
- ii. the development of those findings, which will set out some areas on which recommendations might be made; and
- iii. the drafting of the full report.

67. Recommendations should be evidence-based and SMART, i.e. specific, measurable, achievable, relevant and timed. Where appropriate, committees may wish to consider sharing them in draft with interested parties.

68. Committees should bear in mind that often six to eight recommendations are sufficient to enable the authority to focus its response, although there may be specific circumstances in which more might be appropriate.

Sharing draft recommendations with executive members should not provide an opportunity for them to revise or block recommendations before they are made. It should, however, provide an opportunity for errors to be identified and corrected, and for a more general sense-check.

# Annex 1: Illustrative Scenario – Creating an Executive-Scrutiny Protocol

An executive-scrutiny protocol can deal with the practical expectations of scrutiny committee members and the executive, as well as the cultural dynamics.

Workshops with scrutiny members, senior officers and Cabinet can be helpful to inform the drafting of a protocol. An external facilitator can help bring an independent perspective.

Councils should consider how to adopt a protocol, e.g. formal agreement at scrutiny committee and Cabinet, then formal integration into the Council's constitution at the next Annual General Meeting.

The protocol, as agreed, may contain sections on:

- The way scrutiny will go about developing its work programme (including the ways in which senior officers and Cabinet members will be kept informed);
- The way in which senior officers and Cabinet will keep scrutiny informed of the outlines of major decisions as they are developed, to allow for discussion of scrutiny's potential involvement in policy development. This involves the building in of safeguards to mitigate risks around the sharing of sensitive information with scrutiny members;
- A strengthening and expansion of existing parts of the code of conduct that relate to behaviour in formal meetings, and in informal meetings;
- Specification of the nature and form of responses that scrutiny can expect when it makes recommendations to the executive, when it makes requests to the executive for information, and when it makes requests that Cabinet members or senior officers attend meetings; and
- Confirmation of the role of the statutory scrutiny officer, and Monitoring Officer, in overseeing compliance with the protocol, and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny, with matters relating to the protocol's success being reported to full Council through the scrutiny Annual Report.

## Annex 2: Illustrative Scenario – Engaging Independent Technical Advisers

This example demonstrates how one Council's executive and scrutiny committee worked together to scope a role and then appoint an independent adviser on transforming social care commissioning. Their considerations and process may be helpful and applicable in other similar scenarios.

Major care contracts were coming to an end and the Council took the opportunity to review whether to continue with its existing strategic commissioning framework, or take a different approach – potentially insourcing certain elements.

The relevant Director was concerned about the Council's reliance on a very small number of large providers. The Director therefore approached the Scrutiny and Governance Manager to talk through the potential role scrutiny could play as the Council considered these changes.

The Scrutiny Chair wanted to look at this issue in some depth, but recognised its complexity could make it difficult for her committee to engage – she was concerned it would not be able to do the issue justice. The Director offered support from his own officer team, but the Chair considered this approach to be beset by risks around the independence of the process.

She talked to the Director about securing independent advice. He was worried that an independent adviser could come with preconceived ideas and would not understand the Council's context and objectives. The Scrutiny Chair was concerned that independent advice could end up leading to scrutiny members being passive, relying on an adviser to do their thinking for them. They agreed that some form of independent assistance would be valuable, but that how it was provided and managed should be carefully thought out.

With the assistance of the Governance and Scrutiny Manager, the Scrutiny Chair approached local universities and Further Education institutions to identify an appropriate individual. The approach was clear – it set out the precise role expected of the adviser, and explained the scrutiny process itself. Because members wanted to focus on the risks of market failure, and felt more confident on substantive social care matters, the approach was directed at those with a specialism in economics and business administration. The Council's search was proactive – the assistance of the service department was drawn on to make direct approaches to particular individuals who could carry out this role.

It was agreed to make a small budget available to act as a 'per diem' to support an adviser; academics were approached in the first instance as the Council felt able to make a case that an educational institution would provide this support for free as part of its commitment to Corporate Social Responsibility.

Three individuals were identified from the Council's proactive search. The Chair and Vice-Chair of the committee had an informal discussion with each – not so much to establish their skills and expertise (which had already been assessed) but to give a sense about

their 'fit' with scrutiny's objectives and their political nous in understanding the environment in which they would operate, and to satisfy themselves that they will apply themselves even-handedly to the task. The Director sat in on this process but played no part in who was ultimately selected.

The independent advice provided by the selected individual gave the Scrutiny Committee a more comprehensive understanding of the issue and meant it was able to offer informed advice on the merits of putting in place a new strategic commissioning framework.

# Annex 3: Illustrative Scenario – Approaching an External Organisation to Appear before a Committee

This example shows how one council ensured a productive scrutiny meeting, involving a private company and the public. Lessons may be drawn and apply to other similar scenarios.

Concerns had been expressed by user groups, and the public at large, about the reliability of the local bus service. The Scrutiny Chair wanted to question the bus company in a public evidence session but knew that she had no power to compel it to attend. Previous attempts to engage it had been unsuccessful; the company was not hostile, but said it had its own ways of engaging the public.

The Monitoring Officer approached the company's regional PR manager, but he expressed concern that the session would end in a 'bunfight'. He also explained the company had put their improvement plan in the public domain, and felt a big council meeting would exacerbate tensions.

Other councillors had strong views about the company – one thought the committee should tell the company it would be empty-chaired if it refused to attend. The Scrutiny Chair was sympathetic to this, but thought such an approach would not lead to any improvements.

The Scrutiny Chair was keen to make progress, but it was difficult to find the right person to speak to at the company, so she asked council officers and local transport advocacy groups for advice. Speaking to those people also gave her a better sense of what scrutiny's role might be.

When she finally spoke to the company's network manager, she explained the situation and suggested they work together to consider how the meeting could be productive for the Council, the company and local people. In particular, this provided her with an opportunity to explain scrutiny and its role. The network manager remained sceptical but was reassured that they could work together to ensure that the meeting would not be an 'ambush'. He agreed in principle to attend and also provide information to support the Committee's work beforehand.

Discussions continued in the four weeks leading up to the Committee meeting. The Scrutiny Chair was conscious that while she had to work with the company to ensure that the meeting was constructive – and secure their attendance – it could not be a whitewash, and other members and the public would demand a hard edge to the discussions.

The scrutiny committee agreed that the meeting would provide a space for the company to provide context to the problems local people are experiencing, but that this would be preceded by a space on the agenda for the Chair, Vice-chair, and representatives from two local transport advocacy groups to set out their concerns. The company were sent in

advance a summary of the general areas on which members were likely to ask questions, to ensure that those questions could be addressed at the meeting.

Finally, provision was made for public questions and debate. Those attending the meeting were invited to discuss with each other the principal issues they wanted the meeting to cover. A short, facilitated discussion in the room led by the Chair highlighted the key issues, and the Chair then put those points to the company representatives.

At the end of the meeting, the public asked questions of the bus company representative in a 20-minute plenary item.

The meeting was fractious, but the planning carried out to prepare for this – by channelling issues through discussion and using the Chair to mediate the questioning – made things easier. Some attendees were initially frustrated by this structure, but the company representative was more open and less defensive than might otherwise have been the case.

The meeting also motivated the company to revise its communications plan to become more responsive to this kind of challenge, part of which involved a commitment to feed back to the scrutiny committee on the recommendations it made on the night.

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## 3. OVERVIEW & SCRUTINY AND COMMITTEE SYSTEM ARRANGEMENTS

Overview and scrutiny committees were introduced in 2000 as part of new executive governance arrangements to ensure that members of an authority who were not part of the executive could hold the executive to account for the decisions and actions that affect their communities.

Overview and scrutiny committees have statutory powers to scrutinise decisions the executive is planning to take, those it plans to implement, and those that have already been taken/implemented. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented. Overview and scrutiny committees can also play a valuable role in developing policy.

Effective overview and scrutiny should:

- Provide constructive 'critical friend' challenge;
- Amplify the voices and concerns of the public;
- Be led by independent people who take responsibility for their role; and
- Drive improvement in public services.

The requirement for local authorities in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011.

The Localism Act 2011 amended the Local Government Act 2000 to allow councils to revert to a non-executive form of governance - the 'committee system'. Councils who adopt the committee system are not required to have overview and scrutiny but may do so if they wish.

The statutory guidance on Overview & Scrutiny published by the Ministry of Housing, Communities & Local Government in 2019 does not impact on any other legislation or guidance but is intended as 'best practice' for local authorities – particularly in relation to creating a culture where scrutiny can thrive.

Legislation has been strengthened and updated since 2000, most recently to reflect new governance arrangements with combined authorities. Requirements for combined authorities are set out in Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

Current overview and scrutiny legislation recognises that authorities are democratically-elected bodies who are best-placed to determine which overview and scrutiny arrangements best suit their own individual needs, and so gives them a great degree of flexibility to decide which arrangements to adopt.

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## **4. Current Arrangements - Terms of Reference for Overview & Scrutiny Committees at Wirral**

The following is an excerpt from the Wirral Council Constitution (June 2019) stating the general role and terms of reference for the four overview & scrutiny committees currently in operation.

### **Article 6 – Overview and Scrutiny Committees**

#### **6.1 Appointment**

The Council will annually constitute and appoint four Overview and Scrutiny Committees, comprising of fifteen councillors, to discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations under section 32 of the Local Government Act 2000.

#### **6.2 General Role**

Within their terms of reference, Overview and Scrutiny Committees will:

- (a) Review and / or scrutinise the decisions made or actions taken in connection with the discharge of the Council's functions;
- (b) Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny committee about their activities and performance;
- (c) Support joint work planning arrangements in developing an integrated scrutiny work programme;
- (d) Make reports and / or recommendations to the Council and / or the Cabinet in connection with any policy or the discharge of any functions;
- (e) Exercise the right to call in, for reconsideration decisions made but not yet implemented by the Executive function of the Council;
- (f) Assist the Council and the Cabinet in the development and monitoring of the annual budget;
- (g) Review and scrutinise the Council's transformation governance and processes as well as monitoring the outcomes and benefits of the Transformation Programme;
- (h) Review and scrutinise the Council's partnership arrangements;
- (i) Review and scrutinise the Council's commissioning activities;
- (j) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and / or particular service areas; and
- (k) Have the authority to establish task & finish groups, standing panels and subcommittees as necessary to discharge the functions falling within the remit of the committee.

### 6.3 Overview and Scrutiny Committees Terms of Reference

The Overview and Scrutiny Committees are aligned to the Wirral Plan themes of People, Business and Environment with responsibility for reviewing and / or scrutinising decisions made or actions taken in connection with the pledges that make up the respective theme of the Wirral Plan. The Overview and Scrutiny Committees are also responsible for scrutinising the strategies, policies, partnerships, transformation projects / programmes and supporting functions which operate in support of their Wirral Plan theme.

#### Adult Care & Health Overview and Scrutiny Committee

<p>Wirral Plan Pledges</p>	<ul style="list-style-type: none"> <li>• Older People Live well</li> <li>• People with disabilities live independently</li> </ul>
<p>Scope of the Committee</p>	<p>To review and / or scrutinise any strategies and plans, and the delivery of these plans, including:</p> <ul style="list-style-type: none"> <li>• Ageing well Strategy</li> <li>• All Age Disability Strategy</li> <li>• Safeguarding Strategy</li> <li>• Health and Wellbeing Strategy</li> </ul> <p>To review and / or scrutinise the commissioning, management and performance of services for:</p> <ul style="list-style-type: none"> <li>• Older People</li> <li>• Health and Social Care</li> <li>• Mental Health (all age)</li> <li>• Learning Disabilities (all age)</li> <li>• Adult Safeguarding</li> </ul> <p>To perform the Council’s statutory responsibilities to undertake health scrutiny. The Committee will:</p> <ul style="list-style-type: none"> <li>• Review and scrutinise any matter relating to the planning, provision and operation of health services in the Borough, including significant change to service provision and those jointly commissioned or delivered by the council.</li> <li>• Require the provision of information or the attendance of an officer of a local NHS body to answer questions and provide explanations about the planning, provision and operation of health</li> </ul>

	<p>services in the Borough.</p> <ul style="list-style-type: none"> <li>• Participate in cross-boundary overview and scrutiny of health services with other local authorities; including the establishment of joint committees; or the delegation of functions to another local authority, where appropriate.</li> <li>• Report to the Secretary of State for Health: <ul style="list-style-type: none"> <li>- Where the committee is concerned that consultation on substantial variation or development of services has been inadequate.</li> </ul> </li> </ul>
Cross-Cutting Themes	<ul style="list-style-type: none"> <li>• Wirral residents live healthier lives pledge (link with Environment)</li> <li>• Liverpool City Region Combined Authority</li> </ul>

### **Children and Families Overview and Scrutiny Committee**

Wirral Plan Pledges	<ul style="list-style-type: none"> <li>• Children are ready for school</li> <li>• Young people are ready for work and adulthood</li> <li>• Vulnerable children reach their full potential</li> <li>• Reduce child and family poverty</li> <li>• Zero tolerance to domestic violence</li> </ul>
Scope of the Committee	<p>To review and / or scrutinise any strategies and plans, and the delivery of these plans, including:</p> <ul style="list-style-type: none"> <li>• Wirral’s Strategy for Children, Young People and Families</li> <li>• Improving Life Chances Strategy</li> <li>• Zero Tolerance to Domestic Abuse Strategy</li> <li>• Safeguarding Strategy</li> <li>• Schools Strategy</li> </ul> <p>To review and / or scrutinise the commissioning, management and performance of services for:</p> <ul style="list-style-type: none"> <li>• Children’s Care</li> <li>• Children’s Services</li> <li>• Education</li> <li>• Children’s Safeguarding</li> </ul>

Cross-Cutting Themes	<ul style="list-style-type: none"> <li>• People with disabilities live independently (link with Adult Care and Health)</li> <li>• Liverpool City Region Combined Authority</li> </ul>
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### **Business Overview and Scrutiny Committee**

Wirral Plan Pledges	<ul style="list-style-type: none"> <li>• Greater job opportunities in Wirral</li> <li>• Workforce skills match business needs</li> <li>• Increase inward investment</li> <li>• Thriving small businesses</li> <li>• Vibrant Tourism economy</li> <li>• Transport and technology fit for the future</li> <li>• Assets and buildings are fit for purpose</li> </ul>
Scope of the Committee	<p>To review and / or scrutinise any strategies and plans, and the delivery of these plans, including:</p> <ul style="list-style-type: none"> <li>• Wirral's Growth Plan</li> <li>• Wirral Visitor Economy Plan</li> <li>• Wirral's Transport Strategy</li> <li>• Wirral's Digital Strategy</li> <li>• Wirral Asset Strategy</li> </ul> <p>To review and / or scrutinise the commissioning, management and performance of services for:</p> <ul style="list-style-type: none"> <li>• Growth</li> <li>• Transport</li> <li>• Digital</li> <li>• Regulatory Services</li> <li>• Asset Management</li> <li>• Customer Services</li> </ul>
Cross-Cutting Themes	<ul style="list-style-type: none"> <li>• Good quality Housing that meets the needs of residents pledge (Link with Environment)</li> <li>• Community services are joined up and accessible pledge (link with Environment)</li> <li>• Liverpool City Region Combined Authority</li> </ul>

## Environment Overview and Scrutiny Committee

<p>Wirral Plan Pledges</p>	<ul style="list-style-type: none"> <li>• Leisure and cultural opportunities for all</li> <li>• Wirral Residents live healthier lives</li> <li>• Community services are joined up and accessible</li> <li>• Good quality housing that meets the needs of residents</li> <li>• Wirral's Neighbourhoods are safe</li> <li>• Attractive local environment for Wirral residents</li> </ul>
<p>Scope of the Committee</p>	<p>To review and / or scrutinise any strategies and plans, and the delivery of these plans, including:</p> <ul style="list-style-type: none"> <li>• Wirral's Leisure Strategy</li> <li>• Wirral's Culture Strategy</li> <li>• Wirral Residents Live Healthier Lives Strategy</li> <li>• Neighbourhood Strategy</li> <li>• Housing Strategy</li> <li>• Ensuring Wirral's Neighbourhoods are Safe</li> <li>• Managing Our Waste Strategy 2015 - 2020</li> <li>• Loving Our Environment Strategy</li> </ul> <p>To review and / or scrutinise the commissioning, management and performance of services for:</p> <ul style="list-style-type: none"> <li>• Leisure</li> <li>• Community Services</li> <li>• Safer Neighbourhoods</li> <li>• Housing Services</li> <li>• Environment</li> </ul> <p>To perform the Council's statutory responsibilities to undertake scrutiny in relation to:</p> <ul style="list-style-type: none"> <li>• The review and scrutiny of the flood and coastal erosion risk management functions under the Flood and Water Management Act 2010.</li> <li>• The review and scrutiny of decisions made or action taken in connection with the discharge by the Responsible Authorities and Co-operating bodies of the Wirral Community Safety Partnership of their crime and disorder functions.</li> </ul>

Cross-Cutting Themes	<ul style="list-style-type: none"><li>• Vibrant tourism economy pledge (link with Business)</li><li>• Transport &amp; Technology Infrastructure fit for the future (link to Business)</li><li>• Liverpool City Region Combined Authority</li></ul>
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Further information regarding statutory responsibilities in relation to health, flood risk management and crime & disorder can be found via the following links;

- [Health Scrutiny](#)
- [Flood Risk Management](#)
- [Crime and Disorder](#)

## **5. Previous Scrutiny Arrangements in Wirral**

This note provides an overview of historical governance arrangements at Wirral Council since 2001 - up to and including the present day.

### **Pre 2001 Committee System**

Wirral operated under a Committee System. This allowed Wirral to decide how its functions, i.e. the powers given to it by central government, were delivered. Under a Committee System, it is possible for the full council to make all decisions, or delegate certain responsibilities to a committee, sub-committee or an officer. There is no limit to the number of committees and authorities who are able to discharge their functions jointly with other authorities. The legislation does not prescribe how local authorities adopting a committee system should structure themselves and allows them choice over whether they should have one or more overview and Scrutiny Committees.

- Construction Services
- Economic Regeneration
- Education
- Environment Health & Consumer Protection
- Highways, Transport & Engineering
- Housing
- Leisure
- Pensions
- Planning
- Planning Development Control
- Policy & Resources
- General Purposes & Admin sub
- Personnel Sub
- General Panel
- Childrens Panel
- Property Services
- Social Services
- General Panel
- Adult Community Care Panel

### **2001/02 – 2005/06 – Select Committees**

Wirral moved from a Committee System to a Select Committee System following The Local Govt Act 2001 which required all local authorities with a population of 85,000 or more, including Wirral, to change their governance arrangements from a committee system to 'executive arrangements'. The Act allowed three options for executive arrangements: a council leader and cabinet model; a mayor and cabinet model; and a mayor and council manager model. Wirral opted for the leader and cabinet model.

### **2001/02 – Select Committees**

- Environment & Planning Strategy
- Social & Health Services
- Housing & Community Safety
- Social Inclusion
- Social Health Services
- transportation & Infrastructure
- Cultural & Community Services
- Environment & Planning Strategy
- Education & Lifelong Learning
- Finance & Best Value & Construction Services
- Central Services
- Transportation & Infrastructure

### **2002/03 – Select Committees**

- Finance & Corporate Management
- Environment, Transportation & Planning Strategy
- Social Care & Health
- Education & Cultural
- Housing & Community Safety
- Joint Housing & Community Safety & Social Health Services

### **2003/04 – Select Committees**

- Finance & Corporate Management
- Economic Regeneration & Planning Strategy
- Social Care & Health
- Education & Cultural Services
- Environment & Transportation
- Housing & Community Safety

### **2004/05 – Select Committees**

- Finance & Corporate Management
- Economic Regeneration & Planning Strategy
- Social Care & Health
- Education & Cultural Services
- Environment & Transportation
- Housing & Community Safety

### **2005/06 – Select Committees**

- Finance & Corporate Management
- Economic Regeneration & Planning Strategy
- Social Care & Health
- Education & Cultural Services
- Environment & Transportation
- Housing & Community Safety

### **2006/07 – 2008/09 – O&S Committees**

During this Period, Wirral Council had between 9 and 12 themed Overview & Scrutiny Committees.

### **2006/07 – O&S Committees**

- Corporate Services
- Housing & Community Safety
- Regeneration & Planning Strategy
- Social Care Health & Inclusion
- Street scene & Transport
- Children Services & Lifelong Learning
- Finance & Best Value
- Community and Customer Engagement
- Environment

### **2007/08 – O&S Committees**

- Children Services & Lifelong Learning
- Community & Customer Engagement
- Corporate Services
- Culture Tourism & Leisure
- Environment
- Finance & Best Value
- Cheshire & Wirral joint CC
- Housing & Community Safety
- Regeneration Planning & Strategy
- Social Care Health & Inclusion
- Street Scene & Transport

### **2008/09 – O&S Committees**

- Regeneration Planning & Strategy
- Finance & Best Value
- Street Scene & Transport
- Corporate Services

- Culture Tourism & Leisure
- Community & Customer Engagement
- Social Care Health & Inclusion
- Street Scene & Transport
- Cheshire & Wirral Joint
- Children Services & Lifelong Learning
- Environment
- Housing & Community Safety

### **2009/10 – 2012/13 – O&S Committees including Scrutiny Programme Board**

During this period, Wirral Council established a Scrutiny Programme Board which allocated, approved and Co-ordinated the work programme for each of the themed O&S Committees. The Board reviewed cross-cutting issues outside of the terms of reference of the themed committees as well as considering call-in relating to any executive function and allocating to the relevant O&S Committee as appropriate.

### **2009/10 – O&S Committees with Programme Board**

- Social Care Health & Inclusion
- Cheshire & Wirral Joint
- Scrutiny Programme Board
- Sustainable Communities
- Children & Young People
- Economy & Regeneration
- Health & Wellbeing
- Council Excellence

### **2010/11 – O&S Committees with Programme Board**

- Cheshire & Wirral Joint
- Children & Young People
- Scrutiny Programme Board
- Council Excellence
- Economy & Regen
- Sustainable communities
- Health & Wellbeing

### **2011/12 – O&S Committees with Programme Board**

- Children & Young People
- Economy & Regen
- Sustainable Communities
- Scrutiny Programme Board

- Health & Wellbeing
- Cheshire & Wirral Joint
- Council Excellence

### **2012/13 - O&S Committees with Programme Board**

- Scrutiny Programme Board
- Children & Young people
- Economy & Regen
- Health & Wellbeing
- Sustainable Communities
- Council Excellence

### **2013/14 – 2015/16 - Policy & Performance - including Co-ordinating Committee**

From April 2013 as part of a series of changes to the Council's governance and constitution four Policy and Performance Committees were created, with one aligned to each of the Council's three Strategic Directorates and an additional Co-ordinating Committee responsible for cross-cutting matters and call-in. These Committees were Families & Wellbeing, Regeneration & Environment, Transformation & Resources. Policy and Performance Committees were a rebranded Overview & Scrutiny Committees and carried out similar functions.

### **2013/14 - Policy & Performance**

- Families & Wellbeing
- Regeneration & Environment
- Transformation & Resources
- Co-ordinating Committee

### **2014/15 – Policy & Performance**

- Co-ordinating committee
- Families & Wellbeing
- Transformation & Resources
- Regeneration & Environment

### **2015/16 – Policy & Performance**

- Co-ordinating Committee
- Families & Wellbeing
- Transformation & Resources
- Regeneration & Environment
- Children's Sub Committee

## **2016/17 – O&S Committees including a Children Sub-Committee**

For this year Wirral Council established the three O&S Committees under the themes of People, Business & Environment. A Children sub-committee was also established to focus on delivery of the 4 related Wirral Plan Pledges, Children Ready for School, Young People Are Ready For Work & Adulthood, Vulnerable Children Reach Their Full Potential and Child Poverty.

## **2016/17 – O&S Committees including Children Sub Committee**

- Environment
- Business
- People
- Children's Sub Committee

## **• 2017/18 – 2019/20 – 4 O&S Committees (people committee separated)**

Moved to the current system which established separate O&S Committees for Adult Care & Health and Children & Young People which replaced the People themed O&S Committee and the Children Sub Committee.

## **2017/18 – O&S Committees**

- Business
- Environment
- Adult Care & Health
- Children & Families

## **2018/19 – O&S Committees**

- Business
- Environment
- Adult Care & Health
- Children & Families

## **2019/20 – O&S Committees**

- Business
- Environment
- Adult Care & Health
- Children & Families

## **6. GOVERNANCE ARRANGEMENTS AT WIRRAL'S STATISTICAL NEIGHBOURS**

In order to assist with decision making, a comparison table of Local Authorities governance arrangements has been compiled.

The Scrutiny department contacted 12 Local Authorities who are classed as our statistical neighbours. Out of the 12 Local Authorities contacted for a phone interview, 8 responded. For the 4 Local Authorities who did not respond, basic information has been taken from their websites.

All of the Local Authorities questions currently use the strong leader governance model. One Local Authority had considered going back to the Committee System, however there was not enough appetite among Members.

All authorities had a minimum of 1 Overview and Scrutiny Committee, however there is some variance in names, with a number referred to as Select Committees or Sub Committees. This is largely influenced by how O&S has been set up as several Local Authorities have O&S Management Boards which approve, monitor and co-ordinate the work programmes.

The volume of committee meetings varies, with notable difference in agendas, some receiving update reports and others more targeted Agenda Items.

Some Local Authorities have no dedicated scrutiny officer, and the work programme is managed by Committee Services. Some Local Authorities have noted that capacity issues have led to less scrutiny work being completed outside of Committee. One Local Authority, Durham have a principal Scrutiny Officers, 3 Overview & Scrutiny Officers and a Scrutiny Support officer. Kirklees Council do not have dedicated Scrutiny Officers but are supported by officers who have a more generic job description and who offer support to other committees and officers including Cabinet and Executive Teams.

The Comparison Table is included below for information.

Local Authority	Governance arrangements	Number of Committees	Meetings per Committee (municipal year) year	Number of Councillors	Cabinet Member Attends Committee as standard	Other Additional information
Bury	Leader and Cabinet	3	6 (4 for the Joint Health with NHS)	51 (3 per Ward)	By invite only	Bury has 3 O&S committees <ol style="list-style-type: none"> <li>1. Health</li> <li>2. Joint O&amp;S with NHS Trust</li> <li>3. The third committee is just referred to as O&amp;S Committee</li> </ol>
Calderdale	Leader and Cabinet	4	10 per committee	51(3 per Ward)	Yes, but considering moving to invitation only following new guidance	Calderdale have 4 O&S committees <ol style="list-style-type: none"> <li>1. Adult care and health</li> <li>2. Children and Young People,</li> <li>3. Place Strategy &amp; Performance</li> <li>4. They also have a Flooding Scrutiny Panel</li> </ol> They also have 3 Scrutiny Officers.

Local Authority	Governance arrangements	Number of Committees	Meetings per Committee (municipal year) year	Number of Councillors	Cabinet Member Attends Committee as standard	1. Other Additional information
Dudley*	Leader and Cabinet	5	5	72 (3 per Ward)	n/l	n/k
Durham	Leader and Cabinet	5	5	126 (mix of 3, 2 and single member wards) 10 member. (63 Wards)	By invite only	<p>Durham have a separate Corporate Overview &amp; Scrutiny Management Board which oversees the 5 O&amp;S-Committees</p> <ol style="list-style-type: none"> <li>1. Adults wellbeing &amp; Health,</li> <li>2. CYP, Economy &amp; Enterprise,</li> <li>3. Environment &amp; Sustainability,</li> <li>4. Safer &amp; Stronger Communities.</li> </ol> <p>Undertake regular T&amp;F reviews. The Scrutiny team consists of a Principal scrutiny Officer, 3 O&amp;S officers and Scrutiny support assistant plus The Statutory Scrutiny Office (Head of Strategy) and Corporate Scrutiny &amp; Performance manager. The O&amp;S Chairs are appointed at annual council – don't have opposition chairs.</p>

Local Authority	Governance arrangements	Number of Committees	Meetings per Committee (municipal year) year	Number of Councillors	Cabinet Member Attends Committee as standard	Other Additional information
North Tyneside	Leader and Cabinet	8	7	60 (3 per ward)		Policy & Development O&S then subcommittee; 1. ASC 2. Health & Wellbeing, 3. Children Education & Skills. 4 Culture & Leisure, 5. Economic Prosperity, 6. Environment, 7. Finance, 8. Housing
Northumberland*	Leader and Cabinet	5	12	67	n/k	n/k
Redcar & Cleveland *	Leader and Cabinet	4	n/k	59	n/k	n/k
Rotherham *	Leader and Cabinet	1 management O&S and 3 select Committees (classed as scrutiny)	8	63 (3 per ward)	n/k	n/k
Sefton	Leader and Cabinet	4 & Joint Health Scrutiny Committee Cheshire and Merseyside.	5	72 (3 per Ward)	They are invited and added to the agenda – attendance is hit or miss though	Sefton have 4 O&S Committees Performance & corporate 1. Children's services 2. Regen & Environment 3. Health and Social Care  There were 4 full time scrutiny officers, there are now 2. They do have working groups and task and finishes; however, no set number and it depends on the Committee requirement

Local Authority	Governance arrangements	Number of Committees	Meetings per Committee (municipal year) year	Number of Councillors	Cabinet Member Attends Committee as standard	Other Additional information
St Helens	Leader and cabinet	6	4-5	45	No invitation only	St Helens have 1 overarching scrutiny committees & 5 O&S, 1. Safer communities 2. Environment 3. CYP 4. HDC They do task and finish work but not workshops or spotlight sessions.
Torbay	Leader and cabinet	1	12	36 Councillors (six 3 members and nine two member wards)	Invited as a standard invitation	Torbay are working on new scrutiny arrangements. Previously, there has been 4/5 Task & finish per year with 2 week timescales. There is 1 Governance officer who covers everything Inc. Scrutiny.
Wirral	Committee System	4	5	66 (3 per Ward)	No	

- Local authorities marked with a \* have not responded to enquires. All information has been taken from their websites and public documents.

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## **7. Local Authorities in the UK – Changes to Governance Arrangements and Implementation of the Committee System Model**

This note provides information on five local authorities in the UK that made changes to their governance arrangements and moved to a committee model following the Localism Act 2011.

### ***London Borough of Sutton***

#### Key Points/Overview

- Committee system adopted in May 2012. Arrangements were reviewed in May 2013 with no significant amendments to constitution or working practices.
- Sutton's committees meet 5 times per year, with urgent decisions made through the Leader and Chief Executive (although this was not used during the first year of the new arrangements)
- Sutton have one Overview & Scrutiny Committee and an Audit and Governance Committee.
- Task and Finish groups are still established for key considerations.

Sutton Council were one of the first councils to introduce a committee system. The rationale for change came from the majority Liberal Democrat group and, following the Localism Act 2011, a cross-party working group was formed to review the process. Governance arrangements were reviewed after one year, with no significant amendments to working practices as a result.

Sutton has five standing committees: Strategy and Resources Committee; Environment and Neighbourhood Committee; Housing, Economy and Business Committee; People Committee and the Health and Wellbeing Board – along with a Shareholdings Board. Sutton Council have a single scrutiny committee that was formally established to undertake the Council's statutory scrutiny responsibilities of health, crime & disorder and flood risk management. Members also participate in joint scrutiny arrangements with South West London and Surrey County Council Joint Health Overview and Scrutiny Committee. The scrutiny committee have three standard meetings during the municipal year and in 2017 established a Task & Finish group to look at the implementation of a new waste collection service.

### ***Reading Borough Council***

#### Key Points/Overview

- Committee system adopted in May 2013.
- Reading is a unitary authority, with a range of standing committees and sub-committees covering the authority's functions – but no overview and scrutiny committee.

Reading Borough Council adopted the committee system of governance following a request by the majority Labour group to involve more backbenchers in the work of the Council. The committee system was brought in in May 2013. There was cross-

party agreement to the changes and no real issues during the implementation period.

Reading's key objective in changing the governance system was that they wanted 'no extra meetings and no extra costs'. Three service committees were set up: Adult Social Care, Children's Services and Education; Housing, Neighbourhoods and Leisure; and Strategic Environment, Planning & Transport – each of which meet 4 to 5 times each municipal year. There is also a Policy Committee – meeting monthly - which has oversight of strategy, policy and budget including service performance and improvement across all council services. Whilst there is no dedicated scrutiny committee, the statutory overview and scrutiny functions of the authority are exercised by each committee with regard to services within their remit. Each standing committee can also set up and appoint Task & Finish groups to undertake more detailed scrutiny reviews.

### ***Brighton and Hove City Council***

#### Key Points/Overview

- The Council established its committee structure in 2011.
- This system is reviewed each year.
- The only current scrutiny function is a Health Overview and Scrutiny Committee.

In 2011, Brighton and Hove Council had no party in overall control and there was cross-party agreement to return to a committee system following the Localism Act. Like other councils choosing to adopt a committee system, Brighton & Hove set out principles for change, such as the new system should not cost more or require increased numbers of meetings and paperwork. Although initially retaining two scrutiny committees, now only one committee operates at the Council and carries out the statutory overview and scrutiny function in relation to health. It also has a remit to scrutinise social care and education issues relating to both adults and children.

There is a procedure in place for urgent decisions wherein a director can make a decision in consultation with the Chair of the committee, and this is reported back to the next meeting. This would be unusual however, and it is seen as preferable to take a late report to a committee if necessary.

### ***Norfolk County Council***

#### Key Points/Overview

- The committee system was set up in 2014. The system was reviewed after 6 months.
- Five standing committees were established, but no overview & scrutiny committee.
- The Council returned to the Cabinet model of governance in May 2019.

Norfolk County Council set up a committee governance steering group in 2014 to consider a new committee system. Although the new governance arrangements

were not favoured by all political parties, the County Council voted for a proposal to move away from the Cabinet model in favour of a form of committee governance from May 2014.

There were five standing committees established; Adult Social Care, Children's Services, Communities and Environment, Development and Transport - and a Policy and Resources committee which also monitored performance, budget and risk for all Council services. Issues of significance could be referred to full council for decision, either because a committee has requested it, the leader of the council and the head of paid service (managing director) considers the issue to be of importance. There were no overview and scrutiny committees established as part of these arrangements but there was an opportunity for each committee to create its own task and finish group.

In May 2019, Norfolk County Council returned to a Cabinet style of governance, and currently has one overview & scrutiny committee in operation. This change was largely due to the Conservative party regaining a majority and stating that a return to a Cabinet system would mean 'quicker decisions and more accountability'.

## ***Nottinghamshire County Council***

### Key Points/Overview

- Adopted a committee system of governance in 2012.
- The Council have one scrutiny committee, the Health Scrutiny Committee, which focusses on health and care issues.
- The governance system is reviewed regularly to ensure that it is fit for purpose.

The change to the previous governance arrangements took place in 2012, with the proposal agreed by Full Council in January 2012, and the changes effective from May 2012. The rationale for change was a manifesto pledge made by the Conservative party to change the governance arrangements of the Council. Initially, decision-making committees were set up to mirror the previous Cabinet portfolios, with the structure changing over time to suit the Council's needs. As of 2019, there are 23 Committees and Sub-Committees, with an overarching Policy Committee and quarterly performance reports submitted by officers to the relevant committee for monitoring purposes. The current health scrutiny committee has 11 members and meets every 2 to 3 months.

Further reading on the governance changes referenced above;

<https://www.lgiu.org.uk/Changing-to-a-committee-system-in-a-new-era.pdf>

<https://www.cfps.org.uk/Rethinking-Governance.pdf>

<https://www.bbc.co.uk/news/uk-england-nottinghamshire-16653990>

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