

Committee: Overview and Scrutiny Commission

Date: 20 March 2019

Wards: All

Subject: Government response to the Communities and Local Government Committee Review of the Effectiveness of Overview and Scrutiny Committees

Lead officer: Julia Regan, Head of Democracy Services

Lead member: Councillor Peter Southgate, Chair, Overview and Scrutiny Commission

Contact officer: Julia Regan; Julia.regan@merton.gov.uk; 020 8545 3864

Recommendations:

1. That the Overview and Scrutiny Commission consider the Government's Response to the recommendations of the Communities and Local Government Select Committee Review of the Effectiveness of Local Authority Overview and Scrutiny Committees;
2. That the Commission note the intention of Government to publish new statutory guidance on overview and scrutiny committee in local government
3. That the Commission agree to receive a further report once the statutory guidance has been published so that it can take a view on what steps should be taken to ensure that overview and scrutiny in Merton is in line with the statutory guidance and with best practice.
4. That the Commission agree to use the statutory guidance as a starting point for a review of the scrutiny function in 2019/20 in order to further improve the effectiveness of scrutiny in Merton. This review would ideally be carried out by the Centre for Public Scrutiny as set out in paragraphs 2.20 onwards.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. To present the Government's Response to the recommendations of the Communities and Local Government Select Committee Review of the Effectiveness of Local Authority Overview and Scrutiny Committees.
- 1.2. .To enable the Commission to discuss the Government response and to agree the proposed steps it wishes to take once new statutory guidance on overview and scrutiny has been published.

2 DETAILS

Background

- 2.1. The Communities and Local Government Select Committee published it report on the effectiveness of local authority overview and scrutiny

Committees on 11 December 2017. The recommendations within the report drew on the Committee's review of a large number of evidence submissions from local authorities across the country, including Merton.

- 2.2. The report contained a number of recommendations to strengthen the scrutiny function, enhance its independence and legitimacy, improve transparency and public involvement and consider the allocation of resources to overview and scrutiny.
- 2.3. The Commission, at its meeting on 21 March 2018, discussed the Select Committee's recommendations and agreed that it would like to use these as an opportunity to review how scrutiny operates in Merton. Members also wished the review to consider the advantages and disadvantages of the cabinet and scrutiny model compared to a committee structure.
- 2.4. The scrutiny topic workshop and, subsequently, the Commission's meeting on 11 July agreed that such a review was not a priority for the 2018/19 work programme. The commission therefore agreed to take a report later in the year on the Select Committee's recommendations so that these could be used as an opportunity to improve the effectiveness of the scrutiny function in Merton.

Summary of the Select Committee's recommendations and the Government Response

Recommendation 1

- 2.5. Proposed revisions to Government guidance on scrutiny committees
- 2.6. Government response:
- 2.7. The Government will issue new guidance. This will recommend that:
 - scrutiny committees report to the Full Council
 - members of the executive should not participate in scrutiny other than as witnesses
 - councils should not refuse scrutiny committees access to sensitive documents as a matter of course
 - support officers should be able to operate independently and provide impartial advice.
 - councils should recognise and value the scrutiny function and the ways in which it can increase the council's effectiveness
 - each council should decide how to resource its scrutiny committees, including how much access to senior officers is appropriate to enable them to function effectively
 - scrutiny committees should actively encourage public participation

Recommendation 2

- 2.8. That DCLG works with the Local Government Association and the Centre for Public Scrutiny to identify willing councils to take part in a pilot scheme

where the impact of elected chairs on scrutiny's effectiveness can be monitored and its merits considered.

- 2.9. Government response: the Government will give further consideration to this recommendation. A local authority is already free to have an elected chair if it wishes and the revised guidance will include this as an option.

Recommendation 3

- 2.10. Councils should be required to publish a summary of resources allocated to scrutiny, using expenditure on executive support as a comparator

- 2.11. Government response: Recommendation is not accepted. The Government believes that each individual authority is best placed to decide for itself how to support scrutiny most effectively.

Recommendation 4

- 2.12. The Statutory Scrutiny Officer should have a seniority and profile of equivalence to the council's corporate management team. Statutory Scrutiny Officer should be required to make regular reports to Full Council on the state of scrutiny, explicitly identifying any areas of weakness and work carried out to rectify them

- 2.13. Government response: Recommendation is not accepted. Such decisions are best made at a local level. The key requirement for effective scrutiny is that the culture is right.

Recommendation 5

- 2.14. DCLG to put monitoring systems in place and consider whether the support to committees needs to be reviewed and refreshed.

- 2.15. Government response: Recommendation is not accepted. Councils to be responsible for their own arrangements. The Government will ensure that the 2018/19 Memorandum with the Local Government Association makes it clear that the LGA should be responsive to feedback to ensure all training, including scrutiny training, remains relevant and effective.

Recommendation 6

- 2.16. DCLG to take steps to ensure that public bodies and commercial organisations that provide services to residents are required to provide information and attend scrutiny meetings.

- 2.17. Government response: DCLG will have discussions with the sector to get a better understanding of the issues some scrutiny committees appear to have in accessing information and whether there are any steps the Government could take to alleviate this. In relation to attendance at meetings, it is up to each council to decide how best to hold to account those who run its services.

Recommendation 7

- 2.18. Government to make clear how Local Enterprise Partnerships (LEPs) are to have democratic and publicly visible oversight.

- 2.19. Government response: Agrees on the importance of clear and transparent oversight of LEPs. Government has published guidance for LEPs on a range of governance issues

Proposal for a review of overview and scrutiny in Merton

- 2.20. It is proposed that the Overview and Scrutiny Commission use the new statutory guidance, once published, as a starting point for a review of the overview and scrutiny function in Merton. An independent review would be the first preference as it is 10 years since Professor Leach from De Montfort University, last carried out such a review.
- 2.21. The Centre for Public Scrutiny (CfPS) receives funding each year from the Local Government Association to assist local authorities with making improvements to their scrutiny functions, often in response to a crisis such as Grenfell or Rotherham. An approach has been made to CfPS to enquire whether Merton would qualify for some assistance. If so, it is recommended that the Commission ask CfPS to review scrutiny in Merton and work with us to develop an improvement programme. Such a review would draw on CfPS's experience of best practice elsewhere, existing sources of information such as the annual members survey, plus interviews with councillors and officers.
- 2.22. If Merton does not qualify for free assistance from CfPS, the Commission could establish a working group, supported by the Head of Democracy Services, to carry out its own review of the overview and scrutiny function and to develop recommendations and an action plan to further improve its effectiveness.

3 ALTERNATIVE OPTIONS

- 3.1. The Overview and Scrutiny Commission can select topics for scrutiny review and for other scrutiny work as it sees fit, taking into account views and suggestions from officers, partner organisations and the public.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. The purpose of the meeting is to consult the commission on a proposed way forward..

5 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 5.1. None for the purposes of this covering report. Any resource implications will need to be taken into account when drawing up & approving specific review recommendations

6 LEGAL AND STATUTORY IMPLICATIONS

- 6.1. There are none specific to this report.

7 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 7.1. There are none specific to this report.

8 CRIME AND DISORDER IMPLICATIONS

- 8.1. There are none specific to this report.

9 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

9.1. There are none specific to this report.

10 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- None

11 BACKGROUND PAPERS

11.1. None

This page is intentionally left blank