

Key Decision Required	No	In the Forward Plan	No
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CABINET

8 NOVEMBER 2019

REFERENCE REPORT FROM COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE OF 7 OCTOBER 2019

A.3 NEW STATUTORY SCRUTINY GUIDANCE

(Report prepared by Keith Simmons)

BACKGROUND

At the meeting of the Community Leadership Overview and Scrutiny Committee held on 7 October 2019 the Committee received a report of the Head of Democratic Services and Elections – New Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities. It was invited to note the content of the report and determine whether it had any comments or recommendations it wished to put forward to Council / the Cabinet and otherwise record that it will be mindful of the guidance when it undertakes its work.

The report is available at the link below:

<https://tdcdemocracy.tendringdc.gov.uk/documents/s23448/Report%20on%20new%20Stat%20Guidance.pdf>

An identical report had been submitted to the Resources and Services Committee on 29 July 2019 (Minute 17 refers).

The Committee was advised that on 7 May 2019, the Government had published new statutory guidance on overview and scrutiny in local and combined authorities. The guidance itself was issued following the report of the House of Commons' Communities and Local Government Committee of 15 December 2017 into the 'Effectiveness of Local Authority overview and scrutiny committees'. The Council's Constitution already sets out its compliance with statutory requirements for overview and scrutiny committees, the appointment of Members of those Committees, the appointment of Chairmen and Vice-Chairmen of the same, the procedures for such matters as call-in, and work programming, access to information for Members of the committees and Member-Officer protocols etc. Officers will consider the statutory guidance in their work, through the Monitoring Officer, to ensure that the constitution is kept up-to-date.

The Committee was also made aware that training for officers who presented or

wrote reports for Committees and Cabinet was being proposed for the forthcoming period and that it was intended that this training would also reference the new statutory guidance.

The debate on this item referenced the extent to which there was 'parity of esteem' between the executive and scrutiny elements of the decision making processes of the Council. The promotion in the guidance of the development of an Executive-Scrutiny protocol to embed a positive and productive culture of collaborative working that respects the independence of those two elements was commented upon.

The Committee recorded that it will be mindful of the new statutory scrutiny guidance when it undertakes its work.

COMMITTEE RECOMMENDATIONS TO CABINET

Having considered and discussed the presentation and report it was:-

RESOLVED TO RECOMMEND TO THE CABINET that it receives the new Statutory Guidance on Scrutiny in Councils and considers the potential of developing an Executive-Scrutiny Protocol to address the way in which both will work together for the benefit of the Council as a whole while confirming the independence of both elements of the decision making process of the Council.

Cabinet is now asked to consider the recommendation of the Community Leadership Overview and Scrutiny Committee.

PORTFOLIO HOLDER'S COMMENTS AND RECOMMENDATIONS TO CABINET

Comments

The Portfolio Holder for Corporate Finance and Governance thanks the Community Leadership Overview and Scrutiny Committee for its recommendations and comment as follows:-

"It is clear that the Committee were aware of the existing provisions in the constitution that provide for a robust and independent scrutiny function at this Council. The receipt of the Statutory Guidance is timely for us all to reflect on the arrangements we have and the opportunity to improve upon them in a collaborative way. This collaborative approach was one that worked really well in the review of the Constitution at the end of last year and earlier this year. In fact we will be picking up that work again soon as we undertake the review promised after 6 months of operation of the changes to the constitution and, specifically, to the full Council Procedure Rules. The invitation for Cabinet to consider a possible Executive-Scrutiny Protocol as referenced in the Ministerial Guidance is one I would want to

integrate into the process around the 6 month review of the changes to the constitution. The working group will, by its nature, involve Cabinet and Scrutiny Committee Members and so will be good forum to examine the potential advantages of a new protocol. Obviously, I would then want to broaden the discussion around any protocol with all the Members of the Overview and Scrutiny Committee Members and Cabinet colleagues before any final recommendations are submitted.”

Recommendation to Cabinet

That Cabinet notes the Community Leadership Overview and Scrutiny Committee’s recommendations and endorses the responses of the Portfolio Holder for Corporate Finance and Governance thereto.