

Overview and Scrutiny Management Board – 4th September, 2019

Joint Report of the Lead for Law and Governance (Monitoring Officer) and the Statutory Scrutiny Officer

Statutory Guidance on Overview and Scrutiny

Purpose

1. To consider the ongoing development of the Council's Overview and Scrutiny arrangements taking account of the [Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities.](#)

Recommendations

2. The views of the Board are invited on the development of any aspects of the Council's Overview and Scrutiny Arrangements taking account of the Statutory Guidance and local requirements.

Background

3. A report on the development of the Council's Overview and Scrutiny arrangements was submitted to the Board on 12th June, 2019. This builds on work undertaken during the previous municipal year.
4. The Council's existing Overview and Scrutiny Procedure Rules are attached as Appendix 1.
5. The publication of the Statutory Guidance gives an opportunity for all Councils to reflect on how scrutiny is working and to consider any improvements. The attached briefing note on the Statutory Guidance has been circulated to all Members of the Council (Appendix 2). The briefing note includes comments about Dudley's existing scrutiny arrangements.
6. Although the Statutory Guidance is focused on organisational culture, the Board is invited to consider any aspects of our scrutiny arrangements.

7. Based on issues raised, themes for the discussion might include:

- The number, structure and terms of reference of Scrutiny Committees (including the role/remit of the Overview and Scrutiny Management Board).
- Arrangements for appointing Members to Scrutiny Committees (including the selection of Chairs and Vice-Chairs).
- The process for developing the Annual Scrutiny Programme and approving manageable work programmes/agenda items for Scrutiny Committees (with a focus on clear scoping, methodology and outcomes).
- Arrangements for the programming and timing of Scrutiny Committee meetings.
- The ongoing working arrangements for ensuring effective engagement between the Cabinet and Scrutiny Committees.
- Improving public participation and engagement in scrutiny work.
- Other opportunities for external engagement in scrutiny reviews
- The organisational capacity for undertaking Overview and Scrutiny work.
- The support available to Scrutiny Committees, including Member training and development.

Finance

8. The costs of operating the Council's scrutiny arrangements are contained within existing budgetary allocations. Any proposals to develop the Council's overview and scrutiny functions have to be set in the context of the financial resources available to support scrutiny work in the present budgetary climate.

Law

9. Scrutiny Committees are established in accordance with the provisions of the Local Government Act 1972 and the requirements of the Council's Constitution, which was adopted under the Local Government Act 2000, subsequent legislation and associated Regulations and Guidance. The Council's scrutiny arrangements are set out in Article 6 of the Constitution (Overview and Scrutiny) and the associated Scrutiny Procedure Rules are contained within Part 4 of the Constitution. The Council has a duty to consider the statutory guidance from the Ministry of Housing, Communities and Local Government in exercising its functions.

Equality Impact

10. Provision exists within the Council's scrutiny arrangements for overview and scrutiny to be undertaken of the Council's policies on equality and diversity.

Organisational Development/Transformation

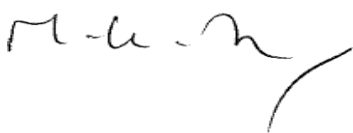
11. Overview and Scrutiny work is primarily administered within the resources available to the Democratic Services Team with support from Directorates and other Officers as required. Any proposals to develop the Council's overview and scrutiny functions have to be set in the context of the resources available and the organisational capacity to support scrutiny work.

Commercial/Procurement

12. This report has no impact on the Council's potential to commercially trade. Individual items included in the Annual Scrutiny Programme may have commercial implications, which will be reported to the relevant Scrutiny Committee.

Health, Wellbeing and Safety

13. Reports to Scrutiny Committee will consider the impact on the health, wellbeing and safety of the Borough's citizens. This is consistent with building stronger, safer and more resilient communities in line with the Dudley Vision and to protect our residents' physical, and emotional health for the future.



Mohammed Farooq
Lead for Law and Governance
(Monitoring Officer)



Steve Griffiths
Democratic Services Manager
(Statutory Scrutiny Officer)

Contact Officers:

Steve Griffiths / Manjit Johal
Telephone: 01384 815235 / 5267
Email: steve.griffiths@dudley.gov.uk;
manjit.johal@dudley.gov.uk

Background Documents

Appendix 1 – Dudley MBC Overview and Scrutiny Procedure Rules

Appendix 2 – Briefing note on Statutory Guidance

[Report and minutes of the Overview and Scrutiny Management Board – 26th March, 2019](#)

[Report and minutes of the Overview and Scrutiny Management Board – 12th June, 2019](#)

[The Council's Constitution](#)

[Statutory guidance on Overview and Scrutiny in Local and Combined Authorities – May 2019](#)

ARTICLE 6 – OVERVIEW AND SCRUTINY

6.01 Appointment and Terms of Reference

The Council will appoint Scrutiny Committees as set out in the [Scrutiny Committee Procedure Rules](#) contained in [Part 4](#) of this Constitution.

6.02 General Role

Scrutiny Committees will:-

- (i) contribute to policy review and development in respect of matters in the Annual Scrutiny Programme;
- (ii) undertake scrutiny investigations/inquiries;
- (iii) consider any decisions that are ‘called-in’ in accordance with the Scrutiny Committee Procedure Rules;
- (iv) submit reports and recommendations to the relevant decision-taker(s).

6.03 Specific functions of the Overview and Scrutiny Management Board

The Overview and Scrutiny Management Board will:-

- (i) approve and monitor the Annual Scrutiny Programme.
- (ii) submit an annual report to the Council.

6.04 Proceedings of Scrutiny Committees

Scrutiny Committees will conduct their business in line with the Scrutiny Committee Procedure Rules.

6.05 Conflict of Interest

Members may participate in the scrutiny of decisions or other items of business provided that they have not been directly involved in making the specific decision(s) under scrutiny. This shall not apply to decisions that have been taken by the full Council. Members shall not participate in any business if they are precluded from doing so by having an interest under the Members’ Code of Conduct.

6.06 Access to Information

Scrutiny Committees will comply with the [Access to Information Procedure Rules](#) in [Part 4](#) of this Constitution.

Scrutiny Committee Procedure Rules

1. Appointment and Terms of Reference

The Council will appoint the following Scrutiny Committees with the terms of reference set out in Table 1 attached to these Rules:

- Overview and Scrutiny Management Board
- Children's Services Scrutiny Committee
- Corporate Scrutiny Committee
- Health and Adult Social Care Scrutiny Committee
- Place Scrutiny Committee.

2. Members of Scrutiny Committees

All Councillors (except Cabinet Members) may be members of Scrutiny Committees. The Council may also decide to appoint non-elected co-opted Members.

Scrutiny Committees have the discretion to invite specialist/key contacts to advise the Committee, attend or speak at meetings depending on the specific topics under discussion.

3. Education representatives

The membership of the Children's Services Scrutiny Committee will include the following voting co-opted representatives:

- 1 Church of England diocese representative
- 1 Roman Catholic diocese representative
- 3 parent governor representatives.

These representatives are entitled to speak on all agenda items. They are however, only entitled to vote or exercise the right of call-in on items concerning education functions of the Council.

4. Meetings of Scrutiny Committees

Ordinary meetings of Scrutiny Committees will be held on the dates and times in the calendar approved by the Council. The dates and times of Ordinary meetings will not be changed unless the Monitoring Officer, following consultation with the Chair and Vice-Chair of the relevant Committee, is satisfied that exceptional circumstances apply (for example due to inclement weather, significant national events or lack of business).

Additional Scrutiny Committee meetings may be called by the Chair of the relevant Scrutiny Committee, the Monitoring Officer or the 'required number' of Councillors appointed to the Committee. The 'required number' of Councillors shall be equal to the total number of opposition group Councillors appointed to the Scrutiny Committee concerned.

5. Quorum

The quorum for a Scrutiny Committee is one quarter of the total number of Councillors appointed to the Committee or three Councillors, whichever is the larger.

6. Chairs and Vice-Chairs of Scrutiny Committees

Chairs and Vice-Chairs will be appointed by the full Council.

7. Attendance of Members and Officers at Scrutiny Committees

All decision takers must be accountable and be prepared to attend Scrutiny Committees to explain and justify their decisions.

Cabinet Members shall have a standing invitation to attend the relevant Scrutiny Committee(s). Relevant Officers will attend Scrutiny Committee meetings to give advice depending on the items under consideration.

A Scrutiny Committee may require any Cabinet Member, the Chief Executive and/or any Strategic Director or Chief Officer to attend. The Chief Executive, Strategic Director or Chief Officer may invite other Officers to attend.

Where a Cabinet Member or Officer is specifically required to attend a Scrutiny Committee, they will be given at least 10 working days' notice of the meeting.

In unavoidable circumstances, where a Cabinet Member or Officer is unable to attend on the required date, the Scrutiny Committee shall either arrange an alternative date for their attendance or require another Cabinet Member or Officer to attend on their behalf.

8. Attendance by Others

A Scrutiny Committee may invite local residents, partner organisations, stakeholders and Members and Officers in other parts of the public sector to attend the Committee, discuss issues of local concern and/or answer questions. All attendees and participants should be treated with respect and courtesy.

9. **Public Forum**

The agenda for all Scrutiny Committees will include a standard item entitled 'Public Forum'. This will allow members of the public to ask questions on any matter falling within the terms of reference of the Scrutiny Committee. The way in which the Public Forum session is conducted is at the discretion of the Chair of the meeting.

10. **Policy Review and Development**

The Overview and Scrutiny Management Board will approve and monitor an Annual Scrutiny Programme setting out items of business to be considered by Scrutiny Committees.

Any Member of a Scrutiny Committee is entitled to give notice that he/she wishes an item relevant to the functions of the Committee to be included in the Annual Scrutiny Programme.

Any amendments to the Annual Scrutiny Programme will be made by the Monitoring Officer following consultation with the Chair and Vice-Chair of the relevant Scrutiny Committee. The Chair and Vice-Chair of the Overview and Scrutiny Management Board will be informed of any changes made.

The role of Scrutiny Committees concerning the Council's policy framework is set out in the Budget and Policy Framework Procedure Rules. Each Scrutiny Committee will consider the revenue budget proposals, usually in November each year.

Scrutiny Committees may make recommendations to the relevant decision maker(s) in respect of any items in the Annual Scrutiny Programme. The Monitoring Officer shall make arrangements for any recommendations from the Scrutiny Committees to be reported to the relevant decision taker(s).

11. **Scrutiny Inquiries and Reviews**

Scrutiny Committees may hold detailed inquiries and reviews in respect of any items of business that are allocated or referred to them. This may involve site visits and any other means that the Committee considers are reasonably necessary to inform their discussions.

The way in which scrutiny inquiries/reviews are conducted shall be at the discretion of each Scrutiny Committee depending on the item under consideration.

A Scrutiny Committee may invite witnesses to provide information or give evidence. Written information or submissions can be invited in advance and where possible, these should be circulated with the agenda for the meeting.

Following a scrutiny inquiry or review, a report and recommendations will be submitted to the relevant decision taker(s).

12. **Call-In**

Call-in applies to decisions made by the Cabinet, a Cabinet Member or a key decision made by an Officer under delegated powers. Table 2 attached to these Rules summarises the Call-in procedure.

Notice of decisions will normally be published within 2 working days of the decisions being made. The Chairs of all Scrutiny Committees will be notified of decisions within the same timescale.

Decisions will come into force, and may be implemented, on the expiry of 5 working days after the publication of the decision, unless a Scrutiny Committee objects and calls it in.

During that period, a decision will be called in for scrutiny if a written request is made to the Monitoring Officer by the Chair of any Scrutiny Committee or the required number of voting Members of a Scrutiny Committee. The required number shall be equal to the total number of opposition group Councillors appointed to the Scrutiny Committee concerned.

The decision-taker will be notified of the call-in. Within 5 working days of receiving notice of the call-in, a meeting of the relevant Scrutiny Committee will be arranged following consultation with the Chair and Vice-Chair.

Members of the Scrutiny Committee will be invited to submit written questions in advance of the meeting. This will not prevent Members from asking questions at the meeting itself. Written questions should be submitted to the Monitoring Officer at least seven working days before the meeting.

Where possible the written responses to those questions should be provided at least two working days before the meeting but in any event the written responses should be circulated at the meeting.

The procedure at a Scrutiny Committee meeting dealing with a 'call-in' is as follows:

- The Chair will deal with preliminary items, set the context and outline the procedure for the meeting.

- The relevant Cabinet Member and/or the relevant Officer, shall be invited to make representations concerning the decision.
- The Committee will deal with any written questions that have been submitted in advance.
- Members of the Committee will have the opportunity to ask questions.
- Contributions will be invited from any other persons present along with any further questions from the Committee.
- Following all questions and contributions, the relevant Cabinet Member and/or the relevant Officer will be invited to make a final statement not exceeding 5 minutes.
- The Committee will review all the facts, opinions and comments and consider making any recommendations or observations to the relevant decision-taker and/or the Council.

If the Scrutiny Committee considers the decision, and is still concerned about it, the decision may be referred back to the relevant decision-taker or referred to full Council. The decision-taker will be advised of the Scrutiny Committee's concerns.

If the matter is referred back to the decision-taker, arrangements will be made within 5 working days for the original decision to be reconsidered. The decision-taker will then make a final decision.

If a Scrutiny Committee does not refer the matter back to the decision-taker, or to full Council, the decision shall take immediate effect.

If a decision is referred to full Council and the Council raises no objections, the decision will take immediate effect.

If the Council objects to the decision, it will be referred back to the decision-taker along with the Council's views. Arrangements shall be made within 5 working days for the original decision to be reconsidered. The decision-taker will then make a final decision.

13. **Call-In and Urgency**

The call-in procedure will not apply if any delays in making a decision would seriously prejudice the Council's or the public interest. The notice and record of the decision will state the reason why the decision is urgent and not subject to call-in.

Before an urgent decision is taken, the Mayor must agree that the decision can be treated as a matter of urgency and is reasonable in all the circumstances.

In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the Chief Executive or his/her nominee's consent shall be required. Decisions taken as a matter of urgency will be included in the summary of decisions made available for ordinary meetings of the Council.

14. **Minority Reports**

If a Scrutiny Committee is unable to reach a consensus view on the recommendations to the relevant decision taker, then a minority report may also be submitted for consideration alongside the recommendations agreed by the majority of the Committee.

15. **Scrutiny Committee reports and recommendations that are considered by the Cabinet and/or Council**

The agenda for Cabinet meetings shall include an item entitled 'Issues arising from Scrutiny Committees'. Reports and recommendations from Scrutiny Committees shall be included at this point in the agenda (unless they have been considered by the Cabinet under another agenda item).

If the Scrutiny Committee's recommendations have implications for the Council's budget and policy framework, the Monitoring Officer will refer the matter to the next available meetings of the Cabinet and the Council.

Members have access to the Cabinet's Forward Plan of Key Decisions. This is available on the Council's website. This includes information about consultation undertaken on key decisions. Individual Councillors may respond to consultations in their own right.

16. **Rights of Scrutiny Committee Members to documents**

Scrutiny Committees have the right to documents as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

Nothing in these Rules prevents more detailed liaison between the Cabinet and Scrutiny Committees depending on the matters under consideration.

17. Councillor Call for Action

Any member of the public can ask a Councillor to refer a matter to a Scrutiny Committee. The procedure for dealing with this is set out in Table 3 attached to these Rules. This procedure should only be used where there is an ongoing dispute about a community issue, which cannot be dealt with through any of the Council's established procedures. The Call for Action procedure will only be used when all other avenues for resolution have been considered and exhausted.

18. Party whip

Members of Scrutiny Committees must declare the existence of any party whipping arrangements before the Committee considers individual items of business. Any such declarations shall be recorded in the minutes of the meeting.

19. Matters within the remit of more than one Scrutiny Committee

The Overview and Scrutiny Management Board will oversee and co-ordinate the activities of Scrutiny Committees to avoid duplication and ensure liaison on cross-cutting issues as necessary.

TABLE 1:

TERMS OF REFERENCE FOR OVERVIEW AND SCRUTINY COMMITTEES

OVERVIEW AND SCRUTINY MANAGEMENT BOARD

Membership

13 Councillors

Terms of Reference

To oversee and co-ordinate the Council's Overview and Scrutiny functions under the Local Government Act 2000, any subsequent legislation, regulations or statutory guidance.

To oversee the scrutiny of decisions or actions taken in connection with the discharge of the Council's executive functions

To approve and monitor the Annual Scrutiny Programme setting out the items to be considered by individual Scrutiny Committees.

In accordance with any relevant statutory requirements and the Annual Scrutiny Programme:-

- (a) To undertake in-depth scrutiny inquiries and reviews in respect of specific items referred to the Board.
- (b) To submit reports and recommendations to the relevant decision taker(s) on the outcomes of scrutiny inquiries and reviews.

To consider and determine items that are called in for scrutiny in accordance with the Scrutiny Committee Procedure Rules.

To refer any matters to individual Scrutiny Committees.

To oversee the activities of Scrutiny Committees to avoid duplication and ensure liaison on cross-cutting issues.

To undertake scrutiny functions associated with the strategic Crime and Disorder Reduction Partnership (Safe and Sound).

To contribute to policy development by carrying out the scrutiny of matters falling within the Cabinet portfolio of the Leader, Deputy Leader or where appropriate other Cabinet Member(s).

To engage with the Leader/Deputy Leader, the Cabinet and other Members as necessary with a view to achieving common aims and continuous improvement and to raise issues with the Cabinet.

To receive the Forward Plan of Key Decisions to be taken by the Council, the Cabinet, Cabinet Members or Strategic Directors/Chief Officers over a four-month period.

To co-ordinate the Council's involvement in scrutiny arrangements at local and regional levels.

To encourage effective partnership working and community involvement in the Overview and Scrutiny functions of the Council.

To make reports and recommendations to the relevant decision taker(s) in connection with the discharge of Overview and Scrutiny Functions.

To submit an annual report to the Council on the work of the Overview and Scrutiny Committees.

CHILDREN'S SERVICES SCRUTINY COMMITTEE

Membership

11 Councillors, 5 voting Church and Parent Governor Co-opted representatives.

Terms of Reference

In accordance with any relevant statutory requirements and the Annual Scrutiny Programme:-

- (a) To contribute to policy development by carrying out the scrutiny of matters falling within the functions of the People Directorate relating to Children Services and the portfolio of the relevant Cabinet Member(s).
- (b) To undertake in-depth scrutiny investigations/inquiries.

To consider and determine any items that are called in for scrutiny in accordance with the Scrutiny Committee Procedure Rules.

To submit reports and recommendations to the relevant decision taker(s).

CORPORATE SCRUTINY COMMITTEE

Membership

11 Councillors

Terms of Reference

In accordance with any relevant statutory requirements and the Annual Scrutiny Programme:-

- (a) To contribute to policy development by carrying out the scrutiny of matters falling within the overall functions of the Chief Executive and the Cabinet portfolios of appropriate Cabinet Member(s).

- (b) To undertake in-depth scrutiny inquiries and reviews.

To consider and determine items that are called in for scrutiny in accordance with the Scrutiny Committee Procedure Rules.

To scrutinise the Quarterly Corporate Performance Management Report and to make any associated recommendations.

To submit reports and recommendations to the relevant decision taker(s).

PLACE SCRUTINY COMMITTEE

Membership

11 Councillors

Terms of Reference

In accordance with any relevant statutory requirements and the Annual Scrutiny Programme:-

- (a) To contribute to policy development by carrying out the scrutiny of matters falling within the functions of the Place Directorate and the portfolios of the appropriate Cabinet Member(s).
- (b) To undertake in-depth scrutiny inquiries and reviews.

To consider and determine items that are called in for scrutiny in accordance with the Scrutiny Committee Procedure Rules.

To submit reports and recommendations to the relevant decision taker(s).

HEALTH AND ADULT SOCIAL CARE SCRUTINY COMMITTEE

Membership

11 Councillors, 1 non-voting Co-opted Member

Terms of Reference

To fulfil all of the overview and scrutiny functions of a Scrutiny Committee as they relate to the improvement of local health and associated services, as a contribution to the Council's community leadership role, in accordance with relevant legislation, regulations and associated guidance.

To make reports and recommendations to local National Health Service (NHS) bodies and to the Council on any matter reviewed or scrutinised which will explain the matter reviewed, summarise the evidence considered, provide a list of participants in the

scrutiny exercise, and make any recommendations on the matter reviewed as appropriate.

To proactively receive information within given timescales, with some exceptions as per Government Guidance, requested from local NHS bodies.

To be consulted by and respond to (as appropriate) NHS bodies in connection with the rationale behind any proposal and options for change to local health services made by the NHS.

To ensure the involvement of local stakeholders in the work of the Committee.

To take referrals from local Patients' Forums.

To act in accordance with Government Guidance relating to Health and Scrutiny functions.

In accordance with any relevant statutory requirements and the Annual Scrutiny Programme:-

- (a) To contribute to policy development by carrying out the scrutiny of all health related functions and matters falling within the portfolios of the appropriate Cabinet Member(s).
- (b) To undertake in-depth scrutiny inquiries and reviews.

To consider and determine items that are called in for scrutiny in accordance with the Scrutiny Committee Procedure Rules.

To submit reports and recommendations to the relevant decision taker(s).

TABLE 2:

PROCEDURE FOR DEALING WITH A CALL IN

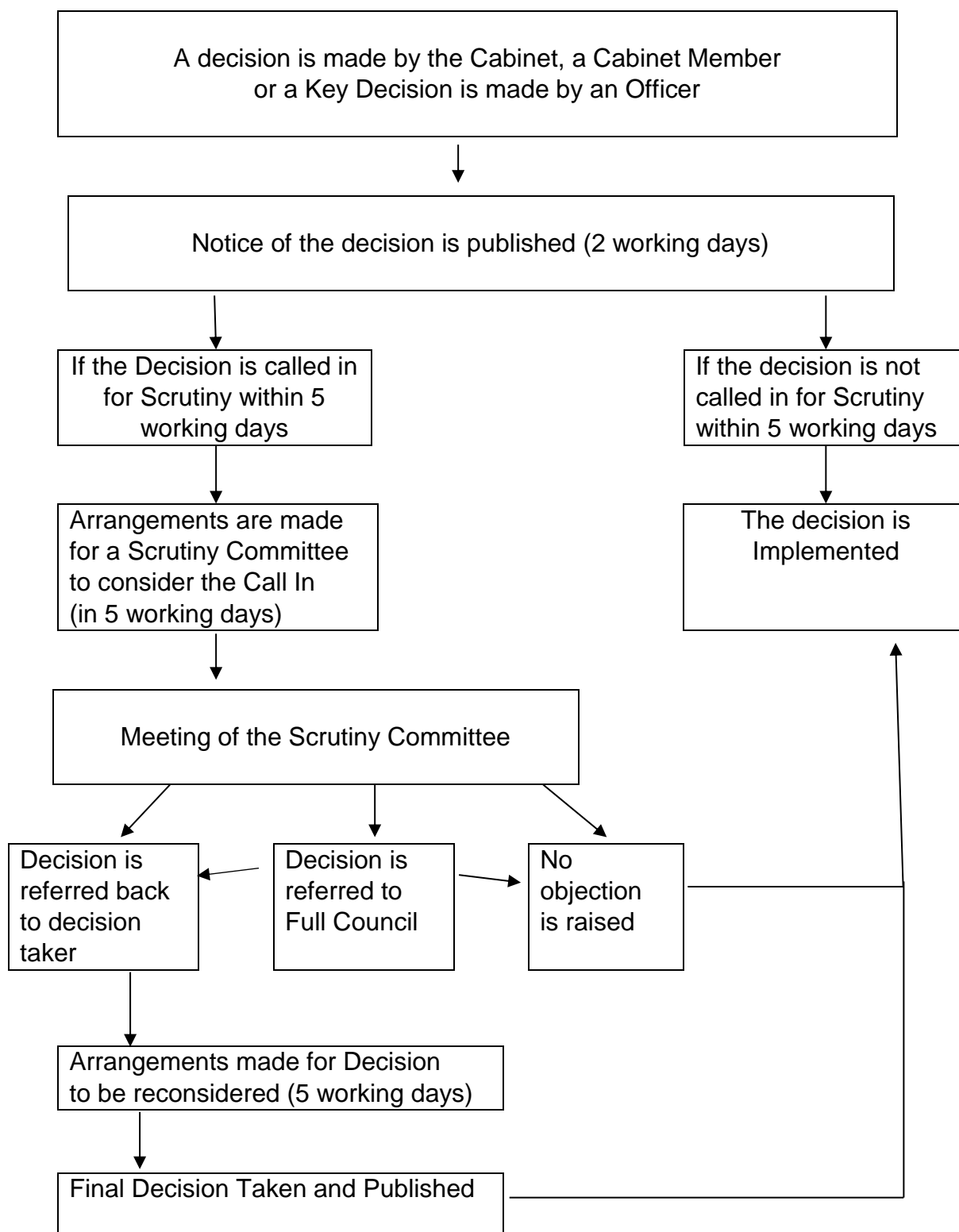
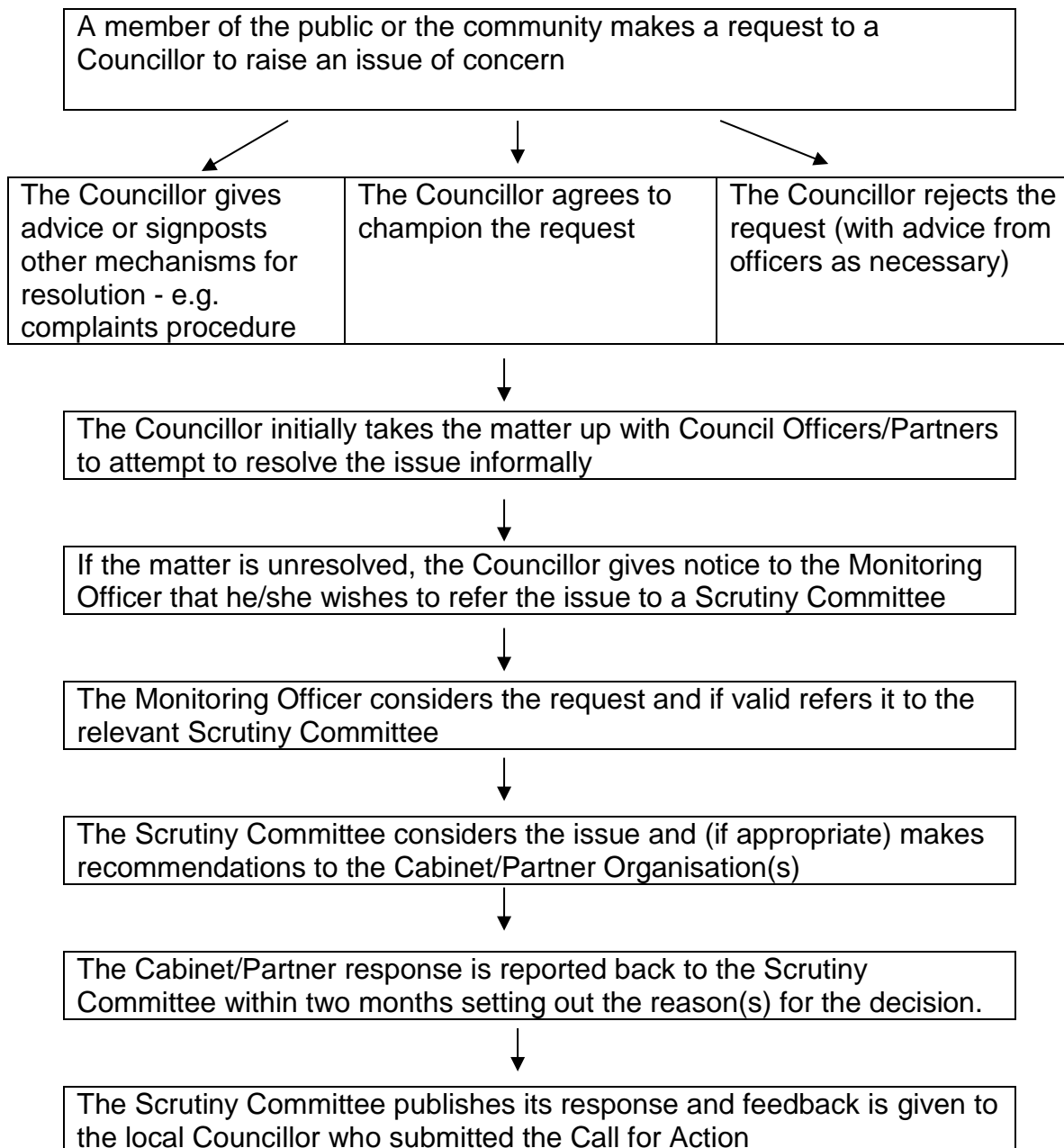


TABLE 3:

PROCEDURE FOR DEALING WITH A COUNCILLOR CALL FOR ACTION



Briefing Note

Subject: Overview and Scrutiny: Statutory Guidance

Date: 16th July 2019



The [statutory guidance](#) on overview and scrutiny in Local Government has now been published by the Ministry of Housing, Communities and Local Government. The Council must have regard to Statutory Guidance in exercising its functions.

The guidance states that Scrutiny Committees should be “constructive, critical friends”, with “a vital role” of amplifying public voices and concerns when councils take important decisions.

What are the key issues for Dudley?

A key element of the guidance relates to the culture of the organisation. There needs to be full commitment across the whole Council and its leadership to the importance and value of Scrutiny.

This commitment is about taking action to encourage scrutiny that is challenging, sometimes uncomfortable and potentially difficult. This principle is consistent with the Council’s Values and Behaviours, in particular accountability, excellence and determination. Encouraging constructive challenge is also referred to in the Member Officer Charter.

Scrutiny work must have an impact and be focused on outcomes.

The guidance is not written in a prescriptive way – it offers ideas and a framework within which local scrutiny functions will need to find their own solutions. It provides an opportunity for Councils to reflect on their own performance.

Key points are:

- Recognising scrutiny’s legal and democratic legitimacy

Dudley’s existing scrutiny arrangements were introduced in 2013 and have been subject to a number of modifications in the past few years. The Overview and Scrutiny arrangements are approved at the Annual Council meeting and this fully recognises the statutory provisions in the Local Government Act 2000 (as amended) together with regulations and statutory guidance. This is reflected in the Scrutiny Procedure Rules and terms of reference contained in the Council’s Constitution.

- Identifying a clear role and focus – scrutiny’s role has to be focused, and the scrutiny work programme needs to be carefully prioritised

Work was undertaken in 2018/19 to improve and enhance our scrutiny arrangements in advance of the statutory guidance. This included a new process for developing and approving the Annual Scrutiny Programme. This involves engagement with Members, Officers and stakeholders including a workshop for Chairs and Vice-Chairs at the start of the Municipal Year. This aims to ensure that the workloads of scrutiny Committees are prioritised and managed effectively. The programme is sufficiently flexible to allow for ‘in-year’ changes following consultation with Chairs and Vice-Chairs.

- Ensuring early and regular engagement between the Cabinet and Scrutiny and managing disagreement

In 2019/20, the draft annual scrutiny programme was shared with Informal Cabinet during the development stage. This gave an opportunity for the Cabinet and Officers to comment on the programme, suggest amendments and ensure that it reflects key corporate issues, items from the Forward Plan or other Strategic Plans. However, the final decision on items to be included in the Annual Scrutiny Programme rests with the Overview and Scrutiny Management Board and individual Scrutiny Committees. There are some positive examples of items that have been proactively referred to the Scrutiny Committees by the Cabinet. Call-in powers have seldom been used. A link to the Cabinet’s Forward Plan is sent routinely to Scrutiny Committees.

The Cabinet/Council consider the recommendations of Scrutiny Committees, however, the final decision on the discharge of executive functions rests with the Cabinet (or Cabinet Members). If the Cabinet do not agree with recommendations from scrutiny this would be formally recorded and Members of the Scrutiny Committee would be advised accordingly. The agenda for each Cabinet meeting includes an item on issues arising from Scrutiny Committees. Cabinet Members are invited to attend Scrutiny meetings depending on the business being considered.

- Providing the necessary support – including advice and Member/officer development

The operation of the Council's overview and scrutiny arrangements are primarily administered within the resources available to the Democratic Services Team with support from Directorates and other Officers as required. Any proposals to develop the Council's overview and scrutiny functions have to be set in the context of the human resources available and the organisational capacity to support scrutiny work. The Council receives advice and support from the LGA and the Centre for Public Scrutiny as and when necessary.

- Ensuring impartial advice from Officers

General advice to Scrutiny Committees is available from the Monitoring Officer, the Statutory Scrutiny Officer and colleagues in Law and Governance. Appropriate senior Directorate Officers or representatives of partner organisations attend Scrutiny meetings to provide reports and answer questions on individual items depending on the business. There is a suggestion that we could consider engaging professional/ expert/ independent persons should this be necessary for a specific scrutiny review, subject to resources being available.

- Communicating scrutiny's role, purpose and activities to the Council and to the public

The minutes and reports of Scrutiny Committee meetings are available on the Council's website for Members of the Council and the public to view. There is provision for the questioning of Scrutiny Chairs by Members at full Council meetings. All Members have the opportunity to be involved in the development of the Annual Scrutiny Programme. An annual report from Overview and Scrutiny is presented to full Council in April focusing on the outcomes of scrutiny work during the year. All Scrutiny Committees have a Public Forum agenda item. Meetings have been publicised in the past by means of media releases, however, it is recognised that further work is needed to communicate the opportunity for the public to engage in scrutiny.

- Issues relating to how Committee members and Chairs are selected – Taking account of their experience and interests. Reference is also made to how Members are supported and their personal development. It recognises the political element of chair selection

The allocation of seats on Scrutiny Committees needs to be in line with the political proportionality requirements of the Local Government and Housing Act, 1989. It is a matter for each political group to appoint Members to serve on each Committee. The appointment of Chairs and Vice-Chairs is a matter for full Council. It is the current arrangement that some Chair/Vice-Chair positions are allocated to the opposition group. A suggestion has been made that the Council could introduce more flexible arrangements for Members to be appointed to Committees during the year to consider business of interest to them. However, the consensus view was that Members be appointed at the Annual Council meeting to ensure continuity. Substitution arrangements provide for a degree of flexibility. There are ongoing discussions at the Member Development Steering Group concerning the personal development needs of Members.

- Access to information – this emphasises the rights that members have to access information and states that councillors should have regular access to key sources of information which, collectively, will give them a sense of the management of the authority, with a particular focus on performance, finance and risk

The right of Scrutiny Committees to access documents is set out in the Constitution under the Access to Information Procedure Rules. The Council operates in an open and transparent manner and documents requested by Scrutiny Committees would always be provided unless there is a clear and defensible reason as to why the information could not be supplied in limited circumstances. Information about performance is routinely reported to the Corporate Scrutiny Committee. Financial/risk issues are either reported to the relevant Scrutiny Committee or the Audit and Standards Committee. Scrutiny Committees have the discretion to establish Working Groups to allow in-depth consideration of items in an informal setting.

- Workload planning - gathering evidence and making recommendations – the role of the Chair in managing the gathering of evidence is seen as especially important – as is the work of members in pulling together focused and achievable recommendations.

The Council has recognised one of the keys to successful scrutiny is choosing the right subjects/themes through the process of developing the Annual Scrutiny Programme. Also, it is important that scrutiny reviews are undertaken effectively (clear scoping, methodology and a focus on outcomes). The Council's Scrutiny Procedure Rules give Chairs, Vice-Chairs and Committees considerable discretion to determine how they wish to undertake their programme of business during the year. This is considered at agenda planning meetings and there are many examples of different approaches being taken depending on the business being considered. The Annual Scrutiny report for 2018/19 was clearly focused on the outcomes from Scrutiny Committees during that Municipal Year.

- Resourcing – the resources must be available to ensure that scrutiny can operate effectively. It is recognised that many Councils face severe financial challenges. This requires effective planning to prioritise work and make the best use of available resources.

The cost of operating the overview and scrutiny arrangements are contained in existing budgetary allocations. Any proposals to develop or enhance the scrutiny function has to be viewed realistically in the context of the financial and human resources available to support scrutiny work in the current climate. This is recognised in the development of the Annual Scrutiny Programme.

- The guidance applies to scrutiny in combined authorities as well as local authorities. However, there is an issue in recognising the different way that scrutiny needs to be carried out at local level compared to the strategic task of scrutiny at Combined Authorities.

The Council's Annual Scrutiny Programme for 2019/20 includes an item on the scrutiny arrangements for West Midlands Combined Authority. This will involve a discussion on ongoing working relationships and the Council's representatives on the WMCA Overview and Scrutiny Committee will be invited to attend the Overview and Scrutiny Management Board on 4th September, 2019.

What happens next?

The publication of the guidance gives the opportunity for the Council to reflect on whether scrutiny is working as well as it could, and if there are any actions that we can take to improve things.

Although the Statutory Guidance is more focused on organisational culture, Members may wish to offer comments on the structure and terms of reference of the existing Scrutiny Committees. In particular the role, membership and functions of the Overview and Scrutiny Management Board and the number/remit of other Scrutiny Committees.

A report will be submitted to the Overview and Scrutiny Management Board on 4th September, 2019. All Members are invited to attend that meeting and we would welcome any comments from Members in advance.

Below are some useful links to guidance on good practice. Links are also available to reports previously considered by the Overview and Scrutiny Management Board on the development of our scrutiny arrangements.

[Dudley Council's Overview and Scrutiny Arrangements Originally Approved in 2013/14](#)
[Overview and Scrutiny Management Board – 26th March 2019](#)
[Overview and Scrutiny Management Board – 12th June 2019](#)
[Local Government Association – Councillor Workbook on Scrutiny](#)
[Centre for Public Scrutiny - Scrutiny Frontiers 2019](#)