
Overview and Scrutiny Committee – 19th October, 2023

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

Overview and Scrutiny Arrangements 2023/24

Purpose

1. To consider the ongoing development of the Council's Overview and Scrutiny arrangements for 2023/24.

Recommendations

2. That the Committee express views on the development of the Council's Overview and Scrutiny Arrangements, with reference to the specific points set out in paragraphs 10 to 13 below.
3. That revised versions of Article 6 of the Constitution and the associated Overview and Scrutiny Procedure Rules be submitted to the Council as part of the Annual Review of the Constitution.

Background

4. At the Annual Meeting of the Council on 18th May, 2023, approval was given to the establishment of the Overview and Scrutiny Committee, together with the following Select Committees, for the 2023/24 municipal year.
 - Adult Social Care Select Committee
 - Children's Services Select Committee
 - Climate Change Select Committee
 - Corporate and Economic Strategy Select Committee
 - Highways and Environmental Services Select Committee
 - Housing and Safer Communities Select Committee
 - Public Health Select Committee

6. The Lead for Law and Governance (Monitoring Officer) was authorised to take any necessary and consequential actions to implement the proposals and any other decisions that were taken at the Annual Meeting of the Council. This includes the necessary updates to the Council's Constitution.
7. On 12th June, 2023, a report was submitted to this Committee on the Council's Overview and Scrutiny Arrangements for 2023/24. The report ([available on the Internet](#)) set out updates to Article 6 of the Constitution together with the associated Overview and Scrutiny Procedure Rules.
8. Following a discussion at the last meeting, the Overview and Scrutiny Committee resolved that the proposals be deferred pending the submission of a further report.
9. The views of the Committee are now requested on the following issues:
10. **Scrutiny 'Call In'**

At the meeting of this Committee on 12th June, 2023, some Members expressed concerns about the proposed scrutiny 'call in' arrangements. It was proposed that all 'called-in' decisions would be considered by the Overview and Scrutiny Committee rather than the individual Select Committee that had called in the decision. Members questioned the reason for changing the Council's existing approach to determining scrutiny 'call-ins'.

Earlier this year, the Centre for Governance and Scrutiny issued [guidance](#) to local authorities in England concerning Scrutiny "Call Ins". The Guidance states:

"It is worth noting that many authorities do not normally allow those requesting the call-in to also be members of the reviewing overview and scrutiny committee conducting the review, in the same way that the decision-makers are not, on the basis of the natural justice principle that one may not be a judge in one's own cause. This means that, in practice, while requestors may be able to be present and even to participate in debate, they may not be able to vote."

The process for dealing with scrutiny 'call ins' is a matter of local choice. The Committee is invited to consider the following options and make a recommendation to the Council:

Option 1 – All scrutiny 'call ins' to be referred to and determined by the Overview and Scrutiny Committee

This option is in line with the guidance from the Centre for Governance and Scrutiny. Members of the relevant Select Committee would retain the ability to 'call in' a decision, however, the 'call in' would then be determined by the Overview and Scrutiny Committee rather than the individual Select Committee concerned.

The Overview and Scrutiny Committee would have the ability to invite any Members, Officers or subject matter experts to attend and make representations on the matter under consideration.

Option 2 – Scrutiny 'call ins' to be referred to and determined by the appropriate Select Committee.

This option would effectively maintain the status quo that has operated in Dudley previously. However, it would continue the practice that Members who 'call in' the decision would then participate in the review of the decision.

Option 3 – Scrutiny 'call ins' to be referred to and determined by either the Overview and Scrutiny Committee or the relevant Select Committee.

This option would allow for flexibility. It would require the Members who wish to 'call in' a decision to inform the Monitoring Officer at the time of 'call in', whether they consider that the matter should be determined by the Overview and Scrutiny Committee (eg: in the case of an item with significant corporate implications) or the relevant Select Committee (eg: in the case of a decision affecting a specific service area).

11. **Quarterly Corporate Performance Reports**

The terms of reference of the Overview and Scrutiny Committee, as reported to the meeting on 12th June, 2023, provide that this Committee will receive the quarterly corporate performance monitoring reports and refer any issues of concern for consideration by the appropriate Select Committee.

This does not preclude individual performance reports being presented to Select Committees as part of their normal business. It is a matter for the Chair and Vice-Chairs of the Select Committees to determine their agenda items. However, the Overview and Scrutiny Committee will undertake a corporate overview of the performance reports and may, in appropriate circumstances, refer specific matters for detailed consideration by the relevant Select Committee.

12. **Budget Scrutiny**

In view of its 'overarching' scrutiny role, the Overview and Scrutiny Committee has overall responsibility for scrutinising the Council's budget. However, reports on the Council's budget proposals for 2024/25 will still be submitted to individual Select Committees during the January, 2024 cycle of meetings.

Select Committees are scheduled to meet during January, 2024 to ensure that all Select Committees have an opportunity to comment on the budget proposals before the meeting of the Overview and Scrutiny Committee on 25th January, 2024. The budget report will then be submitted to the Cabinet on 8th February and Full Council on 4th March, 2024.

13. **Health Scrutiny**

The Public Health Select Committee was established at the Annual Council meeting in May, 2023. The Public Health Select Committee has a wider remit, not limited to scrutinising the Public Health functions of Dudley MBC. The Committee has a remit to scrutinise functions as they relate to the improvement of local health and associated services, as a contribution to the Council's community leadership role. This includes local National Health Service (NHS) bodies.

To reflect this wider remit, it is proposed to redesignate the Committee as the Health Select Committee.

Finance

14. The Council's scrutiny arrangements for 2023/24 cause an initial pressure on the budget for Members' Allowances and require additional unbudgeted resource for officer support. The Director of Finance and Legal is seeking, in year, to contain this pressure from reserves. However, arrangements for future years will need to be considered as part of the budget process for 2024/25 onwards.

Law

15. Scrutiny and Select 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 Procedure Rules are contained within Part 4 of the Constitution.

Risk Management

16. Reports to this Committee and individual Select Committees will include a paragraph to ensure proper consideration of any ongoing material risks as part of the Council's Risk Management Framework.

Equality Impact

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

Human Resources/Organisational Development

18. The Overview and Scrutiny Committee and Select Committees are primarily administered by the Democratic Services Team with support from Directorates and other Officers as required. Any proposals to develop the Council's overview and scrutiny functions must be set in the context of the resources available and the organisational capacity to support scrutiny work.

Commercial/Procurement

19. Individual items may have commercial or procurement implications, which will be reported to this Committee or the relevant Select Committees.

Environment/Climate Change

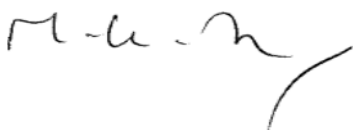
20. Within our governance arrangements, the Council requires that all reports should include an assessment of the impact on the environment. The Council has declared a Climate Emergency and reports on individual proposals should address the impact on the Council's work to address Climate Change and achieve the Net Zero target by 2041. In addition, individual reports should consider how

the proposals support the [United Nations sustainable development goals](#)

21. To reinforce the Council's commitment, the Leader has established a specific Cabinet portfolio for Climate Change. The Council has also established the Climate Change Select Committee for the 2023/24 municipal year.

Council Priorities and Projects

22. Overview and Scrutiny is a key element of the Council's governance arrangements to underpin the delivery of key Council priorities including the Borough Vision, Council Plan and Future Council Programme. Reports to meetings will include details of how proposals impact on key Council priorities.



Mohammed Farooq
Lead for Law and Governance
(Monitoring Officer)

Contact Officers:

Steve Griffiths / Karen Taylor
Telephone: 01384 815238
Email: democratic.services@dudley.gov.uk

List of Background Documents

[Reports to the Annual Meeting of the Council – 18th May, 2023](#)

[Report and Minutes of the Overview and Scrutiny Committee – 12th June, 2023](#)

Article 6 of the [Constitution](#) and Overview and Scrutiny Procedure Rules

[Guidance from the Centre for Governance and Scrutiny](#)