

## **Review of the Council's scrutiny arrangements**

Lead Officer & Author: Scott Wooldridge, Monitoring Officer and Strategic Manager - Governance & Risk

Contact Details: 01823 357628

### **1. Summary**

- 1.1 This report provides the committee with details of a review which is being undertaken of the Council's scrutiny arrangements and that any recommendations arising from that review will be reported to the Committee during Spring 2019.

### **2. Recommendations**

- 2.1 **The Committee is asked to note the review being undertaken of the Council's scrutiny arrangements and that it should receive a further report in Spring 2019 ahead of any recommendations being presented to the County Council meeting in May 2019.**

### **3. Background**

- 3.1. Overview and scrutiny committees were established in English and Welsh local authorities by the Local Government Act 2000. They were intended as a counterweight to the new executive structures created by that Act (elected mayors or leaders and cabinets). Their role was to develop and review policy and make recommendations to the council. The legislative provisions for overview and scrutiny committees for England can be found in the Localism Act 2011.

Local authorities also manage processes of 'external scrutiny', where their committees look at issues which lie outside the council's responsibilities. Specific powers exist to scrutinise health bodies, crime and disorder partnerships, and Police and Crime Commissioners.

- 3.2. Since 2001, Somerset County Council has operated overview and scrutiny arrangements in a number of forms. The current arrangements date from 2015, when the Council expanded its previous two scrutiny committees to three scrutiny committees as part of its democratic arrangements:
- Scrutiny Committee for Adults and Health
  - Scrutiny Committee for Children and Families
  - Scrutiny Committee for Policies and Place

The committees typically meet every six weeks throughout the year and submit regular reports regarding the work that they have undertaken to every County Council meeting, as well as an annual report each May.

- 3.3. Each committee comprises 9 elected members reflecting the political

composition of the Council. In addition, the membership of the Scrutiny for Policies, Children and Families Committee includes 3 co-opted church representatives, 2 co-opted parent governor representatives, and 1 representative each from the Schools Forum and the Schools Compact, all with voting rights (which are full voting rights) on educational matters only. The Leader of the Council and Cabinet Members cannot be members of these committees.

- 3.4.** In respect of their functions, each committee :
- (a) Advises the Cabinet, on the formative stages of key service developments and reviews;
  - (b) Influences planned key decisions before they are taken;
  - (c) Holds Cabinet decision-makers (including Officers) to account for Key decisions.
  - (d) Questions members of the Cabinet and/or committees and senior officers about their decisions and performance standards
  - (e) Ensures that all the Council's performance management and assessment systems continually improve the Council's service delivery;
  - (f) Assists the Cabinet / Council in budget and policy development;
  - (g) Reviews delivery of key action plans (including external inspection action plans) and Council objectives through the achievement of outcomes;
  - (h) Considers any matter affecting the County of Somerset or its inhabitants (specifically children in the case of Scrutiny Children and Families);
  - (i) Ensures active engagement of Members, the public, media, stakeholders, partners and Officers in the work of the Council and the Committee and to enable the voice of the wider community to be heard within the Council;
  - (j) Makes reports and/or recommendations to the Full Council and/or the Cabinet, Council, other Committees and/or partner bodies;
  - (k) Scrutinises the performance of other public bodies in the area and invite reports from them by requesting them to discuss their activities and performance.

**3.5.** Review of scrutiny arrangements

The Council undertakes an annual review of its democratic arrangements and its Constitution to ensure they remain fit for purpose for the organisation and meet its legal duties. The review is reported to Constitution & Standards Committee for comments and endorsement prior to being approved by the County Council at its Annual General Meeting in May every year.

- 3.6.** The Communities and Local Government Committee published in December 2017 "the Effectiveness of Local Authority Overview and Scrutiny Committees", which sets out a number of recommendations for the Government to consider. The Government responded to the recommendations in March 2018.

- 3.7.** A Peer Challenge review of Somerset County Council was undertaken

with the Local Government Association and this was reported to the County Council meeting in May 2018. One of its recommendations to the Council was:

“Somerset County Council should review its overall approach to scrutiny, ensuring all councillors are equipped to play an active role and contribute to the policy making and key decisions affecting the future of Somerset’s residents and the council, and that its governance arrangements are reflective of this.”

- 3.8. The Leader of the Council and the Chief Executive have committed officer support to work with the Chairs and Vice-Chairs of the three scrutiny committees to undertake a review of the council’s scrutiny arrangements with the aim of reporting to the County Council’s Annual General Meeting in May 2019. A scoping meeting was held in early July 2018 and there was a consensus of support for taking forward a review.
- 3.9. The Government is preparing new statutory guidance on overview and scrutiny in local government during October with the aim of publishing it in December 2018. The Centre for Public Scrutiny has been commissioned by the Ministry for Housing, Communities and Local Government (MHCLG) to draft parts of the guidance.

The guidance will be statutory guidance, issued under section 9Q(1) of the Local Government Act 2000. This means that councils will have to “have regard to” the guidance in the way that they work and the decisions they make. The phrase “have regard to” has a particular legal meaning, which is essentially that a body subject to such guidance has to have a clear reason for departing from it.

- 3.10. Undertaking a review of this nature can be resource intensive and the Council is currently exploring the potential for the Centre for Public Scrutiny to assist Democratic Services officers with completing this review.

#### **4. Consultations undertaken**

- 4.1 As detailed in the report.

#### **5. Implications**

- 5.1 Legal: As stated in this report.
- 5.2 Financial: Any costs associated with the Centre for Public Scrutiny involvement would be intended to be subject to funding from the Local Government Association being in place.
- 5.3 Business risk: The involvement of Centre for Public Scrutiny is seen as a key part of the review.
- 5.4 Impact Assessment: There are no direct impacts on any of the protected characteristics falling under the definition of the equalities legislation or the local additional protected characteristics adopted by the Council. There are also no direct impacts in other impact assessment categories of community safety, sustainability or privacy.

## **6. Background Papers**

6.1 Peer Challenge review reported to County Council in May 2018

6.2 Council's Constitution

**Note:** For sight of individual background papers please contact the report author.