

Statutory Scrutiny Guidance and Role of Scrutiny Board

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Presenter:

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Purpose of todays briefing...

- Recap on Statutory Scrutiny Guidance
- Discuss role of Scrutiny Board
- Discuss proposed changes to the Constitution – Scrutiny Procedure Rules within the Constitution

Statutory Scrutiny Guidance

Statutory Scrutiny Guidance

Published by Government in May 2019 to ensure that local authorities are aware of the purpose of overview and scrutiny, what effective scrutiny looks like, how to conduct it effectively and the benefits it can bring.

Effective overview and scrutiny should:

- Provide constructive 'critical friend' challenge
- Amplify the voices and concerns of the public
- Be led by independent people who take responsibility for their role
- Drive improvement in public services

Most crucially, it should be more than just holding the executive to account, it should have a defined impact on the ground, with the Committee making recommendations that will make a tangible difference to the work of the authority.

Culture

Identifying a clear role and focus

- Prioritisation is necessary because Scrutiny has the power to look at anything which affects the area or its inhabitants, but such a generalised approach is not effective.

Early and regular engagement between the executive and scrutiny

- Early discussion should take place especially regarding the executive's future work programme. Executive should not try and exercise control over work of scrutiny. Chair of scrutiny committee should determine the extent of an executive member's participation in a scrutiny committee.

Managing disagreement

- An 'executive-scrutiny protocol' can help to provide a framework for disagreement and debate. Scrutiny has power to call in decisions – should not be viewed as a substitute for early involvement in decision-making or as a party political tool.

Performance monitoring and to access information

Scrutiny members should have access to a regularly available source of key information about the management of the authority and in particular information on performance management and risk. Access to this information reduces the number of unfocused and unproductive questions.

National and regional matters

Scrutiny must be aware of the context in which it is operating and seek to understand how national and regional issues may impact Wolverhampton. There are direct implications here regarding the West Midlands Combined Authority Overview and Scrutiny Committee and how we work in partnership with this and other organisations to ensure the best for the City.

Executive-Scrutiny Protocol

It is recommended as good practice that an Executive-Scrutiny protocol would provide clarity regarding the expectations of scrutiny members, executive members and officers of the authority.

Planning work

- Effective scrutiny needs to have a clear idea of what it is going to do over a long-term period whilst maintaining enough flexibility for it to respond to any unexpected or short-term issues that might occur.
- When considering an item for inclusion on the work plan the following (as a minimum) should be considered (Section 55)
 1. Do we understand the benefits that scrutiny would bring to this issue?
 2. How do we best carry out the work on this subject?
 3. What do we expect to be the outcome of this work?
 4. How does this work link and engage with the work of the executive, other decision-making bodies, partners and the Council Plan?

Training

- Authorities should ensure committee members are offered induction when they take up their role and ongoing training so they carry out their responsibilities effectively.
- Recommend that all Scrutiny Members attend two seminars by Link Support Services over the summer:
 - Best Practice Scrutiny – useful for new members and also as a refresher for experience scrutiny members
 - Committee scrutiny – assisting members to prepare, participate and ‘add value’ in the scrutiny committee environment.
- The Scrutiny Team and Organisation Development Team will be in contact with Councillors about dates for these courses in due course.

Role of Scrutiny Board

Purpose of Scrutiny Board

- The Centre for Governance and Scrutiny Good Practice on Scrutiny Guide (Section 3) strongly recommends that where multiple work programmes exist, it is necessary that they be co-ordinated to avoid duplication and imposing too great a burden on reporting officers.
- Many councils in the country do not have a Scrutiny Board equivalent – instead they have the various scrutiny panels, but the majority of the West Midlands Met Councils do have a Co-ordinating Scrutiny Committee.
- Scrutiny Board is the overarching Scrutiny Committee over all other 6 panels. It is recommended that more formal reporting mechanisms are in place for Scrutiny Panel Chairs to report back to Scrutiny Board.

Remit of Scrutiny Board

- It will be recommended to Governance and Ethics Committee that Scrutiny Board's responsibilities are strengthened in Article 7 of the constitution to place more emphasis on its co-ordinating role in determining the most suitable scrutiny panel for a particular agenda item to be looked at.
- The proposed remit for Scrutiny Board is below:
 - Major infrastructure projects that crosscut Scrutiny Panels
 - West Midlands Combined Authority interface and the work of their Scrutiny Committee. Interface for the purposes of Scrutiny Board is defined, as including the relationship and interactions the Council has with the Combined Authority, particularly strategy and policy impacting on Wolverhampton.
 - MTFS
 - Overall performance
 - Our City, Our Plan, the council's strategic framework for levelling up
 - Pre-Decision – If an item needs to come for pre-decision, which cannot go to the relevant Scrutiny Panel for logistical reasons such as timing or the agenda already being at capacity, then Scrutiny Board can instead consider the item. Some pre-decision items may always need to come to Scrutiny Board such as the MTFS.
 - Call-in
 - Petitions
 - Wolverhampton Pound
 - Oversight of Select Committee Work – reporting on outcomes. Scrutiny Review Groups and Select Committees should clearly state in their terms of reference if they should report to the parent Scrutiny Panel or Scrutiny Board. To avoid duplication, it should not be both.
- Based on the agenda items on the work programme from 2022-23, Major Infrastructure projects that cross-cut Scrutiny Panels has been added to the Boards remit to avoid future duplication of items.

Constitution Review - Scrutiny

Call-in

- Chair of Scrutiny Board has requested that the Monitoring Officer work on call-in guidance.
- Call-in provides a mechanism for councillors to intervene when they feel that a decision being made by the executive needs to be revisited or changed (to be regarded as a measure that is needed in exceptional circumstances).
- Currently the decision to call-in can be made by any of the following:
 - Chair of the Scrutiny Board
 - Vice-Chair of the Scrutiny Board
 - Leader or Deputy Leader of the main opposition group.
- As good practice and for consistency in approach across the region, it will be recommended that this be changed to at least three members who are not members of the cabinet. A call-in request form will also be produced to assist members with preparing all of the necessary information to call in a decision.

Agenda Setting

- The current constitution allows for any Scrutiny member to request an item be included on the next available agenda.
- Taking the Statutory scrutiny guidance on prioritisation into account, it is not always practical to consider every requested agenda item within the scrutiny work programme.
- Therefore it will be recommended that all agenda items requested go through the Chair/Board/relevant panel to determine if the request for the item is reasonable, practical.
- Thought should be given to the key questions set out in the statutory scrutiny guidance on determining the suitability of an item to be added to the work plan.
- Consideration must also be given to if the agenda item has recently been looked at by another panel and what additional value can be added from reviewing it again at this time.

Next steps

- To received feedback on the information provided.
- The constitution update report will be shared with both groups prior to being taken to Governance and Ethics Committee.
- The constitution update report will be taken to Governance and Ethics Committee on 6 July 2023.