



**EXECUTIVE OVERVIEW &  
SCRUTINY COMMITTEE:  
27 June 2019**

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**Report of: Borough Solicitor**

**Relevant Portfolio Holder: Councillor Ian Moran**

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**SUBJECT: STATUTORY GUIDANCE ON OVERVIEW AND SCRUTINY IN LOCAL  
AND COMBINED AUTHORITIES**

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Borough wide interest

## **1.0 PURPOSE OF THE REPORT**

1.1 To consider the Statutory Guidance published by the Ministry of Housing, Communities and Local Government (MHCLG) and its impact on existing overview and scrutiny arrangements.

## **2.0 RECOMMENDATIONS**

2.1 That comments be provided on the Statutory Guidance attached at Appendix A to the report, taking into consideration the current arrangements for Overview & Scrutiny at West Lancashire, as detailed in paragraph 4 of the report.

2.2 That the Borough Solicitor be asked to submit a report back to a future meeting to establish an Executive (Cabinet) / Scrutiny Protocol, as detailed in paragraph 5 of the report, and any other matters raised during consideration of the above, as appropriate.

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## **3.0 BACKGROUND**

3.1 The statutory guidance on overview and scrutiny in local government has been published by the Ministry of Housing, Communities and Local Government (MHCLG). The guidance has been produced following a commitment that Government made in early 2018, following on from the Communities and Local Government Select Committee's inquiry into Overview & Scrutiny and it aims to provide local authorities and combined authorities in England help for them carry out their overview and scrutiny functions effectively. In particular, it provides

advice for senior leaders, members of overview and scrutiny committees, and support officers.

#### **4.0 CURRENT POSITION**

4.1 Overview and Scrutiny at West Lancashire operates through two Committees:

4.1.1 Executive Overview and Scrutiny Committee:

- Calls in Cabinet decisions and comments upon them to the Cabinet (may ask for a council debate before the decision is finalised)
- Examines Cabinet decisions which have not been called in, after they have been made, and comments to the Cabinet or council (post hoc scrutiny)
- Considers matters referred by the Cabinet or council
- Makes proposals to the Cabinet of its own volition
- Acts as Co-ordinating Committee for Overview and Scrutiny
- Considers Member items related to decisions made by portfolio holders under delegated authority

4.1.2 Corporate and Environmental Overview and Scrutiny Committee:

The Committee conducts in depth reviews/policy development as set out in its work programme.

The Committee considers, as part of its routine work:

- Items referred from "Members Update" at the request of a Member
- Members items/Councillor Call for Action (CCfA)
- Performance Management
- Acts as the Council's Crime and Disorder Committee
- Monitors recommendations from previously conducted reviews

The Member Development Commission reports to this Committee.

The topic selected for review in the 2019/20 Work Programme is "Litter Bin Policy Review".

4.1.3 A copy of the 2017/18 Annual report is attached at Appendix B for information, which sets out a retrospective insight into the work undertaken by each of the Council's Overview and Scrutiny Committees. The 2018/19 Annual report will be submitted to Council in October 2019.

4.2 The role of Overview & Scrutiny Committees at West Lancashire Borough Council are set out in Constitution 3.6: Article 6 - Overview and Scrutiny Committees and Constitution 9.1: Overview and Scrutiny Committee Procedure Rules, attached at Appendix C & D.

4.2 Members are being asked to consider the newly issued guidance and make comments, taking into consideration the current arrangements in place for overview & scrutiny in West Lancashire.

## **5.0 EXECUTIVE / SCRUTINY PROTOCOL**

5.1 As set out in the Guidance document at page 9 of Appendix A, effective scrutiny involves looking at issues that can be politically contentious. It is the job of both the executive and scrutiny to work together to reduce the risk of this happening, and authorities should take steps to predict, identify and act on disagreement. One way in which this can be done is via an 'executive-scrutiny protocol' (see annex 1 of the Guidance document) which can help define the relationship. The benefit of this approach is that it provides a framework for disagreement and debate, and a way to manage it when it happens.

## **6.0 SUSTAINABILITY IMPLICATIONS**

6.1 Enhanced Overview and Scrutiny arrangements give a greater level of involvement for non-cabinet members in the decision making process.

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

7.1 There are financial and resource implications in respect of officer and member time in dealing with these matters. These are currently being contained within existing resources.

## **8.0 RISK ASSESSMENT**

8.1 There are no risks associated with this report as any issues that need to be taken forward will be the subject of a further report.

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### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

### **Appendices**

- A. Statutory Guidance published by the Ministry of Housing, Communities and Local Government ' Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities' May 2019
- B. 2017/18 Overview & Scrutiny Annual Report
- C. Constitution 3.6: Article 6 - Overview and Scrutiny Committees
- D. Constitution 9.1: Overview and Scrutiny Committee Procedure Rules