

<b>DECISION-MAKER:</b>		OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE	
<b>SUBJECT:</b>		STATUTORY GUIDANCE ON OVERVIEW AND SCRUTINY IN LOCAL AND COMBINED AUTHORITIES	
<b>DATE OF DECISION:</b>		13 JUNE 2019	
<b>REPORT OF:</b>		DIRECTOR - LEGAL AND GOVERNANCE	
<b><u>CONTACT DETAILS</u></b>			
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<b>STATEMENT OF CONFIDENTIALITY</b>			
None			
<b>BRIEF SUMMARY</b>			
<p>On 7 May 2019 the Ministry of Housing, Communities and Local Government published statutory guidance on overview and scrutiny in local and combined authorities. The guidance, attached as Appendix 1, seeks to ensure 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.</p> <p>Whilst recognising that authorities themselves are best-placed to know which scrutiny arrangements are most appropriate for their own individual circumstances, the Ministerial foreword urges all councils to cast a critical eye over their existing arrangements to ensure that the principles of effective scrutiny are embedded in practice.</p>			
<b>RECOMMENDATIONS:</b>			
	(i)	That the Committee considers the attached statutory guidance on overview and scrutiny in local and combined authorities, reflects on the approach to scrutiny in Southampton, and, if required, recommends changes to ensure that overview and scrutiny in Southampton is in accordance with the published guidance.	
<b>REASONS FOR REPORT RECOMMENDATIONS</b>			
1.	To ensure that scrutiny in Southampton is operating in accordance with the statutory guidelines.		
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>			
2.	None.		
<b>DETAIL (Including consultation carried out)</b>			
3.	In December 2017 the House of Commons Communities and Local Government Select Committee published a report on the effectiveness of local authority overview and scrutiny committees. A key recommendation of the report was:		

	<i>"We therefore recommend that the guidance issued to councils by DCLG on overview and scrutiny committees is revised and reissued to take account of scrutiny's evolving role."</i>
4.	In response to the House of Commons Select Committee recommendation, on 7 May 2019 the Ministry of Housing, Communities and Local Government published statutory guidance on overview and scrutiny in local and combined authorities. The published guidance is attached as Appendix 1.
5.	The guidance covers key issues such as culture, resources, membership of committees, planning work programmes and access to information. As this is statutory guidance from the Ministry of Housing, Communities and Local Government, local authorities and combined authorities must have regard to it when exercising their functions. The phrase 'must have regard', when used in this context, does not mean that the sections of statutory guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case.
6.	At the council the Overview and Scrutiny Handbook, attached as Appendix 2, provides elected members with guidance on overview and scrutiny and sets out locally agreed scrutiny procedures and processes.
7.	The Committee are requested to consider the Statutory Guidance, and the Overview and Scrutiny Handbook, and reflect upon whether changes need to be made to the way overview and scrutiny is undertaken in Southampton in order to ensure compliance with the guidance.
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
8.	None.
<b><u>Property/Other</u></b>	
9.	None.
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
10.	The statutory guidance has been issued under section 9Q of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009, which requires authorities to have regard to this guidance.
<b><u>Other Legal Implications:</u></b>	
11.	None
<b>RISK MANAGEMENT IMPLICATIONS</b>	
12.	If the council are assessed as having failed to comply with the statutory guidance it could impact on the reputation of the scrutiny function and the reputation of the council.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
13.	None

<b>KEY DECISION</b>		No
<b>WARDS/COMMUNITIES AFFECTED:</b>		None directly as a result of this report
<b><u>SUPPORTING DOCUMENTATION</u></b>		
<b>Appendices</b>		
1.	MHCLG Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities – 7 May 2019	
2.	Overview and Scrutiny Handbook	
<b>Documents In Members' Rooms</b>		
1.	None	
<b>Equality Impact Assessment</b>		
Do the implications/subject of the report require an Equality and Safety Impact Assessments (ESIA) to be carried out?		No
<b>Data Protection Impact Assessment</b>		
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out?		No
<b>Other Background Documents</b>		
<b>Equality Impact Assessment and Other Background documents available for inspection at:</b>		
Title of Background Paper(s)		Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None	