

Norwich City Council
SCRUTINY COMMITTEE

Item No 6

REPORT for meeting to be held on Thursday 28 June 2018

Response to the Communities and local government report on effectiveness of local authority overview and scrutiny committees

Summary:

The purpose of this report is to provide an update to members the current position of Norwich city council in relation to the recommendations made by the communities and local government committee report 'Effectiveness of local authority overview and scrutiny committees'.

Recommendation:

To consider the current position of Norwich City Council in relation to:

- 1) the recommendations made by the communities and local government committee.
- 2) the government response to the recommendations made by the report produced by the communities and local government committee.

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Report

1. The communities and local government published a report on the 15 December 2017 titled 'Effectiveness of local authority overview and scrutiny committees'.
2. This report provides members with a summary of the report recommendations, summary of the government response to the recommendations and Norwich City Council's current position in relation to the recommendations and government response.
3. Members are invited to comment on the table included within this report.

Summary of the original CLG recommendations	Summary of Government response to recommendations	NCC current position
<p>Recommendation 1: Proposed revisions to Government guidance on scrutiny committees</p> <ul style="list-style-type: none"> a) That overview and scrutiny committees should report to an authority's Full Council meeting. b) That scrutiny committees and the executive must be distinct and that executive councillors should not participate in scrutiny other than as witnesses. c) That councillors working on scrutiny committees should have access to financial and performance data held by an authority, and that this access should not be restricted for reasons of commercial sensitivity. d) That scrutiny committees should be supported by officers that are able to operate with independence and offer impartial 	<p>The Government acknowledges that the current guidance was issued in 2006 and is happy to ensure it is updated.</p> <ul style="list-style-type: none"> a) The Government notes the evidence supplied to the Committee. Updated guidance will recommend that scrutiny committees report to the Full Council. b) The Government accepts the need to limit the executive's involvement in the scrutiny meetings. Updated guidance will make clear that members of the executive should not participate in scrutiny other than as witnesses. c) Scrutiny committees already have powers to access documents and updated guidance will stress that councils should judge each request to access sensitive documents on its merits and not refuse as a matter of course. d) Updated guidance will make clear that support officers should be able to operate independently and provide impartial advice. It will also stress the need for councils to 	<ul style="list-style-type: none"> a) NCC Scrutiny committee currently reports to cabinet. b) NCC executive members do on occasion attend scrutiny committee where an item relates to their portfolio. This is not normally formally deemed being a witness, but is intended to contribute an executive perspective on the item. c) It is rare for the committee to make specific document requests. There is no 'refusal as a matter of course' approach. Where sensitive material is shared, confidentiality processes are deployed. d) NCC currently provides the scrutiny committee with impartial officer advice via the Scrutiny Liaison Officer and wider democratic services team.

<p>advice to committees.</p> <p>e) That members of the public and service users have a fundamental role in the scrutiny process</p>	<p>recognise and value the scrutiny function and the ways in which it can increase a council's effectiveness.</p> <p>e) The Government fully believes that local authorities should take account of the views of the public and service users in order to shape and improve their services. Updated guidance will make this clear.</p>	<p>e) NCC scrutiny committee invites public questions and allows members of the public to attend and ask those in person. It also aims to hold at least one committee meeting a year in a community location to reinforce the public-facing nature of the committee</p>
<p>Recommendation 2: That the Department for Communities and Local Government (DCLG) works with the Local Government Association and Centre for Public Scrutiny to identify willing councils to take part in a pilot scheme where the impact of elected chairs on scrutiny's effectiveness can be monitored and its merits considered.</p>	<p>The Government will give further consideration to this recommendation.</p> <p>The Government fully accepts that the chair of a scrutiny committee can have a great impact on its effectiveness.</p> <p>The Government also accepts that, in some instances, the election, rather than the appointment, of a chair might help ensure that the right individual is ultimately selected, but feels that this is a decision for every council to make for itself.</p> <p>The Government is happy to explore with the sector how best to establish the impact of elected chairs on scrutiny committees' effectiveness, but is not yet convinced that running pilot schemes is the best way to achieve this.</p>	<p>This is a question for the committee chair and committee to determine</p>

<p>Recommendation 3: Councils should be required to publish a summary of resources allocated to scrutiny, using expenditure on executive support as a comparator.</p>	<p>The Government does not accept this recommendation.</p> <p>Many councils do not have dedicated scrutiny support staff - officers work on issues and engage with committees as part of the flow of business - so this would make quantifying the support that scrutiny committees receive very difficult. In the Government's view, the quality of the support is the more important issue.</p> <p>The Government firmly believes that each individual authority is best-placed to decide for itself how to support scrutiny most effectively.</p>	<p>See current position below relating to recommendation 4.</p>
<p>Recommendation 4: That the Government extend the requirement of a Statutory Scrutiny Officer to all councils and specify that the post-holder should have a seniority and profile of equivalence to the council's corporate management team. To give greater prominence to the role, Statutory Scrutiny Officers should also be required to make regular reports to Full Council on the state of scrutiny.</p>	<p>The Government does not accept this recommendation.</p> <p>As the then Minister outlined during the oral evidence he gave to the Select Committee, decisions about the allocation of resources for the scrutiny function are best made at a local level. Each council is best-placed to know which arrangements will suit its own individual circumstances. It is not a case of one size fits all.</p>	<p>NCC has a part time scrutiny liaison officer (SLO) to facilitate the committee meetings and a full time Democratic team leader who manages the SLO and attends and supports meetings. A report is sent to cabinet following all scrutiny meetings, including all recommendations. The strategy manager attends most scrutiny meetings and provides strategy and policy support where appropriate, as well as engaging other members of the strategy team as required. Other officers are also required to provide item specific</p>

		input such as compiling background reports and attending meetings. A member of the senior management team also attends all committee meetings.
Recommendation 5: The Department to put monitoring systems in place and consider whether the support to committees needs to be reviewed and refreshed. We invite the Department to write to us in a year's time detailing its assessment of the value for money of its investment in the Local Government Association and on the wider effectiveness of local authority scrutiny committees.	<p>The Government does not accept this recommendation. Local authorities are independent bodies and it is for them to ensure that their scrutiny arrangements are effective.</p> <p>The Government firmly believes that every council should be able to access the training it needs to carry out its functions effectively.</p> <p>The funding is determined annually and for 2017/18 is £21 million. The Government is, very keen to ensure that this funding provides value for money and that local authorities feel that the training on offer serves their needs.</p>	This is not relevant to NCC
Recommendation 6: Scrutiny committees must be able to monitor and scrutinise the services provided to residents. This includes services provided by public bodies and those provided by commercial organisations. Committees should be able to access information and require attendance at meetings from service providers and we call on DCLG to take steps to	Updated guidance will remind councils of the requirements set out in regulations that allow scrutiny members to access exempt or confidential documents in certain circumstances. As mentioned in response to the Select Committee's recommendation on guidance, the Department will also have discussions with the sector to get a better understanding of the issues some scrutiny committees appear to have in accessing information and whether there are any steps the	NCC Scrutiny committee does invite external agencies (including contractors) to committee meetings on a regular basis. There has not been any recent instance of the committee requesting specific information or data from external agencies, but this would have to be addressed on a case by case basis.

<p>ensure this happens.</p>	<p>Government could take to alleviate this.</p> <p>In terms of service providers' attendance at meetings, when councils are tendering contracts with external bodies they should carefully consider including requirements to ensure they are as open and transparent as appropriate. Ultimately, however, it is up to each council to decide how best to hold to account those who run its services.</p>	
<p>Recommendation 7: The Government to make clear how Local Enterprise Partnerships (LEPs) are to have democratic, and publicly visible, oversight. We recommend that upper tier councils, and combined authorities where appropriate, should be able to monitor the performance and effectiveness of LEPs through their scrutiny committees. In line with other public bodies, scrutiny committees should be able to require LEPs to provide information and attend committee meetings as required.</p>	<p>The Government agrees on the importance of clear and transparent oversight of Local Enterprise Partnerships (LEPs).</p> <p>The Ministry of Housing, communities and local government (MHCLG) Non-Executive Director Review, looked at a range of governance issues for LEPs. The Review made a series of recommendations that we have accepted in full and are now implementing.</p> <p>The National Assurance Framework for LEPs states that democratic accountability for the decisions made by the LEP is provided through local authority leader membership of LEP Boards. In places where not all local authorities are represented directly on the LEP board it is important that their representatives have been given a mandate through arrangements which enable collective engagement with all local authority leaders.</p>	<p>This is not an issue for district councils such as NCC, although there have been discussions about the mechanism for scrutiny of LEPs at NCC scrutiny committee meetings in the past.</p>

	<p>The MHCLG Non-Executive Director Review into LEP governance and transparency explored the extent to which scrutiny was embedded into LEP decision making. The Review concluded that it was not appropriate to be prescriptive on the specific arrangements that all LEPs needed to adopt due to the variation in LEP operating models.</p> <p>The Government committed in the Industrial Strategy White Paper to reviewing the roles and responsibilities of LEPs and to bringing forward reforms to leadership, governance, accountability, financial reporting and geographical boundaries. Working with LEPs, the Government committed to set out a more clearly defined set of activities and objectives in early 2018.</p>	
<p>Recommendation 8: We are concerned that effective scrutiny of the Metro Mayors will be hindered by under-resourcing, and call on the Government to commit more funding for this purpose. When agreeing further devolution deals and creating executive mayors, the Government must make clear that scrutiny is a fundamental part of any deal and that it must be adequately resourced and supported.</p>	<p>At the Budget it was announced that the government will make available to mayoral combined authorities with elected mayors a £12 million fund for 2018-19 and 2019-20, to boost the new mayors' capacity and resources.</p>	<p>This is not relevant to NCC</p>