



TO:	Council Forum
REPORT OF:	Chief Executive
DATE:	14 th March 2024

Review of Overview & Scrutiny

1. PURPOSE OF THE REPORT

To provide an update on the Overview & Scrutiny (O&S) arrangements and highlight recommendations for improvement.

2. RECOMMENDATIONS

It is recommended that Council:

- a) Requests the Chair of each Overview and Scrutiny Committee, in consultation with Committee members in the new municipal year, to consider and make recommendations whether Independent Members should be invited to sit on each O&S Committee.
- b) Notes that the structure of the 4 existing Overview and Scrutiny Committees will be maintained with the Policy & Corporate Resources Overview & Scrutiny Committee as the lead committee.
- c) Agrees to introduce mandatory training for all Committee Chairs and Vice Chairs, as well as specific scrutiny training for all O&S committee members and relevant Council Officers as outlined in the report.
- d) Notes the updates to overview and scrutiny processes as outlined in the report.

3. BACKGROUND

Scrutiny is a process whereby Councillors who are not members of the Council's Executive can play an influential role in the shaping of policy and decisions that will be of real benefit to the communities they represent.

The process involves overview and scrutiny committees monitoring performance, reviewing, and evaluating services, querying decisions and plans made by the council's executive, listening to the concerns of local people, and, where appropriate, making recommendations for action and change.

There are four Overview and Scrutiny Committees at Blackburn with Darwen Borough Council, who support the work of the Executive and the full Council. They allow citizens to have a greater say in Council matters by holding inquiries into matters of local concern. These lead to reports and recommendations which advise the Executive and the full Council on its policies, budget, and service delivery. The Scrutiny Committees also monitor the decisions of the Executive and members can 'call-in' a decision which has been made by the Executive, but not yet implemented. This enables the 'call-in' Scrutiny committee to consider whether the decision is appropriate.

The roles of overview and scrutiny are set out in the Constitution and include to:

1. examine and/or scrutinise decisions made, or actions taken in connection with the discharge of any of the Council's functions including Executive functions;
2. make reports and/or recommendations to Executive Members, the Executive Board and to full Council in connection with the discharge of any functions;
3. consider matters affecting the area or its inhabitants; and
4. following a call in, review decisions made but not yet implemented by the Executive.
5. undertake pre-decision scrutiny
6. examine and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
7. question members of the Executive Board and/or committees and officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.

Members will recall that following the LGA's Corporate Peer Challenge in July 2023, one of the recommendations of the peer team was that the Council should:

Engage councillors and officers in work to enhance and embed a culture of effective overview and scrutiny across the council. Consideration should also be given to the officer resources required to support effective overview and scrutiny at the council.

The Council's response to the recommendation was that:

- *A revision of scrutiny support has taken place this year and a senior officer supports each O&S committee. This pilot will be reviewed regularly with recommendations for further development of the scrutiny support function. Each overview and scrutiny committee has agreed areas for focus and a work plan is in place for each of them for 23/24.*
- *The Council will continue to enhance and embed the culture of effective scrutiny with appropriate support.*
- *This will include creating a Corporate Parenting Partnership, the launch of a new induction programme and improving the wider training and support plan for chairs and all members of the O&S Committees.*

4. KEY INFORMATION

4.1 Purpose of Overview & Scrutiny Committees

O&S 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 review and support the development of policy and make recommendations to the council.

Today, the legislative provisions for overview and scrutiny committees for England can be found in the Localism Act 2011. The Council's Constitution includes information on the role and functions of O&S Committees in Article 6. The powers and functions include:

- The power to 'call in' decisions made by their executives. They may then review a decision and recommend that the council reconsider it. This power is normally regarding 'key decisions,' which are defined in law. The Government guidance implies that call-in would be expected to be used as a last resort when other methods of engagement have failed. Councils will normally specify a window of time after a decision during which this power can be exercised, and a minimum number of councillors to exercise it; Committees may require executive members and officers of the authority to appear before them. Individuals from outside the council can be invited, but not compelled, to attend.
- Overview and scrutiny reports and/or recommendations must receive a response from the council executive within two months.
- Committees cannot require either the executive, the council or external bodies to act upon their findings.
- Each authority must appoint at least one designated 'scrutiny officer.'

4.2 Committee Structure

There are currently four Scrutiny Committees who support the work of the Executive and the full Council. The structure is detailed in Appendix A.

Resourcing: Four Overview and Scrutiny Committee meetings take place over the municipal year, per Committee. The meetings have one main focus topic taken from each Committee's Work Programme, which is usually agreed at the initial meeting each year. This meeting should include an update from the relevant Executive Member(s) and Chief Officer(s) on the portfolio key performance measures, delivery priorities and key risks for the year ahead to inform and influence a meaningful work programme for scrutiny.

Some Councils have a team of Officers who deal with scrutiny, with varying numbers of Supporting Officers. It should also be noted that some neighbouring authorities also have a dedicated panel, i.e., Board, which oversees the work of their Scrutiny Committees. The frequency of the panel meetings ranges from once a month to quarterly. However, in the context of BwD, Article 6 of the Constitution sets out that the Policy and Corporate Resources Overview and Scrutiny Committee will co-ordinate the scrutiny function, which can therefore be considered as the 'Board' that oversees Scrutiny Committees.

Some other Local Authorities use the relevant Overview and Scrutiny Committees to deal with the Call-in process, whereas this Council has a separate call-in committee which will meet to hear a call-in.

Currently, the council has one dedicated scrutiny support officer, the Democratic & Scrutiny Lead, and from this year a Head of Service who supports each individual Scrutiny Committee, advising the Chair and Members. Officers ensure key actions are communicated and actioned by relevant department and appropriate reports come to Committee. They also hold agenda-setting meetings/briefings with the Chair and Vice Chair.

Resourcing review: to ensure scrutiny is carried out as it should be, policy support and research resources will be reviewed going forward within the Council's budget constraints.

4.3 Training

Current scrutiny members and chairs have suggested that additional training would be useful for more in-depth understanding of overview and scrutiny. Therefore, it is recommended that Officers assess and commission training for Committee Chairs and all Members of the O&S committees. In addition, it is also recommended that general overview and scrutiny training is offered to all Elected Members.

4.4 Culture of effective scrutiny

The recommendation of the LGA Peer Team is to enhance and embed the culture of effective overview and scrutiny across the Council.

To achieve a balance, the views of all members should be considered. This can be achieved by developing a robust work programme at the first meeting of the Municipal year, whereby the relevant Executive Member(s) supported by the Lead Chief Officer should be invited to update on their key priorities and developments for the year ahead. It should be acknowledged that if there is a request for additional items to the scrutiny meeting agenda, this should be in discussion with the Chair for inclusion at a subsequent meeting.

Further consideration is to be given to allow for current O&S Committee Members to continue into the new municipal year, to allow for consistency in progressing the priorities, improved outcomes and to fully embed the culture of effective overview and scrutiny across the Council.

4.5 Local Authority Health Scrutiny

Government have updated current guidance in relation to Local Authority health scrutiny stating that Local Authorities should ensure that regardless of any arrangements adopted for carrying out health scrutiny functions:

- The functions are discharged in a transparent manner that will boost the confidence of local people in health scrutiny.
- Health scrutiny should be held in an open forum and local people should be allowed to attend and use any communication methods such as filming and sharing on social media to report the proceedings. It is to be noted that this is in line with the transparency measures in the [Local Audit and Accountability Act 2014](#) allowing local people, particularly those who are not present at scrutiny hearing meetings, to have the opportunity to see or hear the proceedings.

It should also be noted that this guidance has been updated to reflect amendments to the local authority scrutiny function following the introduction of the [Health and Care Act 2022](#) ('the 2022 Act'), which inserted schedule 10A into the [National Health Service Act 2006](#) ('the NHS Act 2006').

4.6 Progress Update

Training is offered to Scrutiny Members throughout the year, with further training planned for the coming year along with a recommendation to consider mandatory training via an

external training provider as specified in the recommendations. There is also scope for introducing general LGA Overview and Scrutiny training for all Elected Members.

4.6 Governance

The governance arrangements will remain as is and there are no immediate requirements to update these.

5. POLICY IMPLICATIONS

5.1 There are no additional policy implications arising directly from this report.

6. FINANCIAL IMPLICATIONS

6.1 Any financial implications such as additional training will be contained within overall existing budgets.

7. LEGAL IMPLICATIONS

7.1 There are no legal implications arising directly from the contents of this report.

8. RESOURCE IMPLICATIONS

8.1 The potential resource implications are detailed in the report.

9. EQUALITY AND HEALTH IMPLICATIONS

9.1 There are no equality and health implications arising from the contents of this report.

10. CONSULTATIONS

10.1 None arising from the contents of this report.

11. STATEMENT OF COMPLIANCE

11.1 None arising from the contents of this report.

Appendices

Appendix A – Overview & Scrutiny Committee Council Appointments

Chief Officer/Member

Contact Officer: Corinne McMillan (Director Chief Executive's)

Date: 14th March 2024

Background Papers:

- 1) Localism Act 2011
- 2) Local Audit and Accountability Act 2014
- 3) Health Care Act 2022
- 4) Schedule 10A NHS Act 2006 [Local authority health scrutiny - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- 5) Council Constitution

Appendix A

Overview & Scrutiny Committee Council Appointments

Name of Committee	Labour	Conservative	4BwD
Policy & Corporate Resources Overview and Scrutiny Chair: Tony Humphrys Vice-Chair: Kevin Connor	Tony Humphrys Sylvia Liddle Brian Taylor Shaukat Hussain Tasleem Fazal Katrina Fielding	Kevin Connor Neil Slater	Salim Sidat
Place - Overview and Scrutiny Committee Chair: Brian Taylor Vice Chair: Paul Marrow	Zamir Khan Brian Taylor Katrina Fielding Sonia Khan Stephanie Brookfield Shaukat Hussain	Paul Marrow Mark Russell	Suleman Khonat
Children & Young People Overview and Scrutiny Committee Chair: Sylvia Liddle Vice-Chair: Martin McCaughran	Sylvia Liddle Martin McCaughran Ehsan Raja Matt Gibson Matthew Jackson	Julie Slater Denise Gee	Abdul Patel Salma Patel
Health & Social Care Overview and Scrutiny Committee Chair: Jacquie Slater Vice Chair: Elaine Whittingham	Elaine Whittingham Dave Harling Dave Smith Tony Humphrys Anthony Shaw	Jacquie Slater Derek Hardman	Saj Ali Mustafa Desai
Call In Committee Chair: Kevin Connor			
Standards Committee Chair: Ehsan Raja Vice Chair: Kevin Connor	Jim Casey Elaine Whittingham Ehsan Raja Anthony Shaw Iftakhar Hussain	Kevin Connor Neil Slater	Mustafa Desai