

Corporate Overview and Scrutiny Committee

Date of Meeting: 31 October 2019

Report Title: Statutory Scrutiny Guidance and Overview and Scrutiny Healthcheck

Senior Officer: Jane Burns, Executive Director of Corporate Services

1. Report Summary

1.1. This report presents the following two documents to the Corporate Overview and Scrutiny Committee:

1.1.1. Statutory Scrutiny Guidance, as published by the Ministry of Housing, Communities and Local Government in May 2019 (Appendix A).

1.1.2. Overview and Scrutiny Healthcheck (Appendix B). This report is submitted together with six appendices; detail on these is in paragraph 3.5 of the Overview and Scrutiny Healthcheck report.

2. Recommendations

2.1. To note the Statutory Scrutiny Guidance and the council's duty to "have regard" to its content.

2.2. To note the report and recommendations of the Overview and Scrutiny Healthcheck, and consider what further actions may be taken to accommodate these.

3. Reasons for Recommendations

3.1. To ensure that the council is aware and informed of the new Statutory Scrutiny Guidance.

3.2. To ensure that the findings and recommendations of overview and scrutiny are appropriately considered and dealt with.

4. Other Options Considered

4.1. N/A.

5. Background

Statutory Scrutiny Guidance

5.1. In January 2017, the Department for Communities and Local Government (now the Ministry of Housing, Communities and Local Government) carried out an inquiry as to whether overview and scrutiny arrangements in England were effective. This work culminated in the production of new statutory guidance on overview and scrutiny, published on 8 May 2019.

5.2. The new guidance was issued under Section 9Q of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A of the Local Democracy, Economic Development and Construction Act 2009. As a piece of statutory guidance, all councils must have regard to it.

5.3. In this context, the requirement to 'have regard' means that councils should follow the guidance at all times, unless there is good reason not to.

Overview and Scrutiny Healthcheck

5.4. In February 2019, the Scrutiny Chairman's Group (comprising the former chairmen and vice-chairmen of the council's four overview and scrutiny committees) undertook a self-evaluation of the council's overview and scrutiny function.

5.5. The methodology and objectives for this piece of work was developed based on best practice and advice from the Centre for Public Scrutiny (see paragraph 8.1 for more detail).

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. All local authorities are required to 'have regard' to statutory guidance published by the government. There are no other direct legal implications.

6.2. Finance Implications

6.2.1. There are no direct financial implications.

6.3. Policy Implications

6.3.1. There are no direct policy implications at this stage; however, policies may need to be reviewed if recommendations for change are made following consideration of the statutory guidance.

6.4. Equality Implications

6.4.1. There are no direct equalities implications.

6.5. Human Resources Implications

6.5.1. There are no direct human resources implications.

6.6. Risk Management Implications

6.6.1. There are no direct risk management implications, beyond ensuring that the statutory guidance is taken into consideration at all times in respect of overview and scrutiny.

6.7. Rural Communities Implications

6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People/Cared for Children

6.8.1. There are no direct implications for children and young people.

6.9. Public Health Implications

6.9.1. There are no direct implications for public health.

6.10. Climate Change Implications

6.10.1. There are no direct implications for the environment and climate change.

7. Ward Members Affected

7.1. All ward members are potentially affected.

8. Access to Information

8.1. The Scrutiny Evaluation Framework. Centre for Public Scrutiny (2017).
Available at: <https://www.cfps.org.uk/wp-content/uploads/CfPS-Scrutiny-Evaluation-v2-SINGLE-PAGES.pdf>

8.2. Overview and Scrutiny in Cheshire East. Available at:
https://www.cheshireeast.gov.uk/council_and_democracy/your_council/overview_and_scrutiny/overview_and_scrutiny.aspx

9. Contact Information

9.1. Any questions relating to this report should be directed to the following officer:

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