

Statement of Principles

For Overview and Scrutiny Committee on Monday 24 January 2022

Summary

Lead Member: Councillor Thomson – Chairman of Overview and Scrutiny Committee

Lead Director: Lee Colyer – Director of Finance, Policy and Development

Head of Service: Jane Clarke – Head of Policy and Governance

Report Author: Mark O’Callaghan – Scrutiny and Engagement Officer

Classification: Public document (non-exempt)

Wards Affected: All

Approval Timetable	Date
Overview and Scrutiny Committee (first draft)	22 November 2021
OSC Work Programme meeting	14 December 2021
Management Board	17 December 2021
Overview and Scrutiny Committee	24 January 2022

Recommendations

Officer recommendations:

1. That the Statement of Principles as set out at Appendix A to this report be adopted by the Committee.

1. Introduction and Background

- 1.1 Members of the Committee attended a training session on Good Scrutiny hosted by the nationally recognised Centre for Governance and Scrutiny on 14 October 2021. A recording of the session was subsequently made available to those members unable to attend in person.
- 1.2 Following the training, members of the Committee wished to take up the recommended action of preparing a Statement of Principles (the Statement) on which the Committee would undertake its work in future.
- 1.3 The Council's Constitution and various statutes set out the formal powers of the Committee. However, the way in which the Committee is to undertake those responsibilities is at the Committee's discretion. The Statement is the Committee's expression of how it wishes to discharge its functions.

Drafting Process

- 1.4 A first draft of the Statement was prepared by the Scrutiny Officer at the request of the Chairman and circulated to members of the Committee at a meeting on 22 November 2021. Members were invited to feedback by email.
- 1.5 Minor revisions were made at the subsequent Work Programme meeting on 14 December 2021 and a copy of the Statement was then circulated to the Council's Management Board on 17 December 2021 for review and noting.
- 1.6 The attached draft Statement (Appendix A) takes account of all proposed changes at the time of publication.

2. Key changes to previous practice

- 2.1 In addition to the guiding principles, the Statement sets out several practices which are intended to reflect those principles. These provide both specific changes in practice and may be taken as an example in general.
- 2.2 The Statement includes two key changes to previous practice. Portfolio Holder reports and evidence gathering.

Portfolio Holder Reports

- 2.3 The previous practice of inviting a Portfolio Holder to each meeting and scrutinising the services within that portfolio was felt to be too big a task in a

single session and did not provide for an adequate opportunity to investigate topics in detail. In future, the Committee will identify specific topics and invite the relevant portfolio holder to participate in the investigation.

Evidence Gathering

- 2.4 The Centre for Governance and Scrutiny recommends gathering evidence from a number of sources for comparison in order to ensure a true picture is painted. This process, known as triangulation, may include seeking evidence from frontline or more junior staff. The Committee may require a senior officer (Head of Service or above) to give evidence. However, the Committee is mindful and sympathetic that junior officers may not be accustomed or willing to present evidence in public, so the statement makes clear that such attendance is voluntary and the relevant Head of Service will be consulted beforehand. Their advice and wishes will be respected by the Committee.

3. Intent

- 3.1 The Statement is not intended to be viewed as a negative response. It sets out the genuine intentions of members to undertake the responsibilities of the Committee in a way that is helpful and adds value.

4. Options Considered

- 4.1 Several examples of such statements from other Councils were reviewed as part of the drafting process but members were keen that the Statement should reflect the principles that were unique to this Committee. As such, no alternatives are presented but members could refine this Statement.
- 4.2 The Committee may decide not to adopt a Statement of Principles and proceed without one. This would forfeit the benefits of having such a document in place.

5. Preferred Option and Reason

- 5.1 The Committee is recommended to adopt the Statement, having been reviewed and refined in previous draft stages.
- 5.2 Benefits of having a statement of principles include:
- Aiding members of the Committee to maintain a consistent approach
 - Alerting others to the honourable intentions of the Committee
 - Providing reassurance that the Committee is working in the interests of the Council

- Providing guidance to officers and others giving evidence to the Committee

6. Consultation on Options

- 6.1 The Statement is an expression of the Committee's intention and as such it has not been subject to external consultation. Members of Management Board have been consulted to ensure the document fits within the parameters of the Constitution and reflects practice which is practical.

7. Implementation

- 7.1 If adopted by the Committee, a copy of the Statement would be published to the Council's website on the Committee's pages and circulated to all senior officers. Copies would be attached to any relevant persons invited to take part in a scrutiny review.

8. Appendices and Background Documents

Appendices:

- Appendix A: Statement of Principles (version 4)

Exempt appendices (if any):

- None

Background Papers:

- None

9. Cross Cutting Issues

A. Legal (including the Human Rights Act)

The Committee has the power under the Local Government Act 2000 (as amended) and the Council's Constitution to review and scrutinise the performance of the Council and in so doing has the authority to determine the manner in which it undertakes this role.

Acting on the recommendation is within the Committee's powers as set out in the above statutory provisions.

There are no consequences arising from the recommendation that adversely affect or interfere with individuals' rights and freedoms as set out in the Human Rights Act 1998.

Claudette Valmond, Interim Head of Legal Partnership, 14 January 2022

B. Finance and Other Resources

There are no direct financial implications as a result of this decision. Any review undertaken by the committee would be undertaken within existing resources and any resulting recommendations would be subject to normal decision-making processes which would be subject to separate consideration of any financial implications.

Mark O'Callaghan, Scrutiny and Engagement Officer, 4 January 2022.

C. Staffing

Senior Officers (Heads of Service and above) are already required to attend meetings of the committee to provide evidence in a review (Constitution Part 4 - Overview and Scrutiny Procedure Rule 10.3). Junior officers are not required to attend, and any invitation will be made in conjunction with the relevant officer's line management.

Mark O'Callaghan, Scrutiny and Engagement Officer, 4 January 2022.

D. Risk Management

Adoption of and adherence to a clear Statement of Principles reduces the risk of reputational damage to the committee specifically, and the council generally.

Mark O'Callaghan, Scrutiny and Engagement Officer, 4 January 2022.

E. Other implications (Environment and Sustainability, Community Safety, Equalities, Data Protection, Health and Safety, Health and Wellbeing)

There are no direct implications as a result of this decision. Any review undertaken by the committee would be undertaken within existing procedures and any resulting recommendations would be subject to normal decision-making processes which would be subject to separate consideration of any implications.

Mark O'Callaghan, Scrutiny and Engagement Officer, 4 January 2022.