

Wiltshire Council

Overview and Scrutiny Management Committee

4 June 2019

New Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities

Purpose

1. To present the new Statutory Guidance on Overview and Scrutiny (OS) in Local and Combined Authorities, as published by the Ministry of Housing, Communities and Local Government on 8 May 2019 (Appendix 1).
2. To highlight the potential implications of the new Statutory Guidance on OS in Wiltshire Council.

Background

3. In January 2017 the Department for Communities and Local Government (CLG) launched an [enquiry](#) looking at whether OS arrangements in England were working effectively and whether local communities are able to contribute to and monitor the work of their councils. The enquiry came almost two decades after the original OS legislation was introduced and followed failures in a number of high profile cases, including child sexual exploitation in Rotherham, poor care and high mortality rates at Mid Staffordshire NHS Foundation Trust and governance failings in Tower Hamlets.
4. As a major local authority with a longstanding commitment to effective OS, Wiltshire Council submitted an individual response to the enquiry (approved by Committee in March 2017). This set out how OS works in Wiltshire and what factors are most influential in making it effective. The CLG enquiry also received oral evidence from local authorities, the Centre for Public Scrutiny (CfPS), the Local Government Association and the Minister for Local Government, Rt Hon Marcus Jones MP.
5. Following a further call for evidence from the Centre for Public Scrutiny (CfPS) and the Association for Democratic Services Officers (ADSO), which were engaged in developing the new Guidance, Wiltshire Council submitted a further response .
6. In March 2018 Committee received the report setting out CLG's findings and recommendations and Central Government's response to them. Committee also considered how the findings might impact upon OS practice in Wiltshire ([link](#)).

7. On 8 May 2019, the Ministry of Housing, Communities and Local Government published the new Statutory Guidance on OS in Local and Combined Authorities (Appendix 1).

Main considerations

8. The new 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. This means that the council must have regard to the Guidance, with the phrase 'must have regard to' meaning that it need not be followed in every detail, but that it should be followed unless there is a good reason not to in a particular case.
9. The Guidance recognises that authorities approach OS in different ways and have different processes and procedures in place, and that what might work well for one authority might not work well in another.
10. The table below summarises the new Guidance and comments on its key aspects, particularly where OS at Wiltshire Council might alter as a result of changes.

Guidance para no.	New OS Guidance – key messages	Implications for OS in Wiltshire
	2. Culture	
10	[OS's] effectiveness, or lack thereof, is often considered by external bodies such as regulators and inspectors, and highlighted in public reports, including best value inspection reports. Failures in scrutiny can therefore help to create a negative public image of the work of an authority as a whole.	The 2015 LGA Peer Challenge found that Wiltshire Council has an effective OS function with a number of key strengths.
11 a)	All members and officers should recognise and appreciate the importance and legitimacy the scrutiny function is afforded by the law.	OS is now an integral part of the council's democratic decision-making arrangements.
11 b)	Authorities should take steps to ensure scrutiny has a clear role and focus within the organisation, i.e. a niche within which it can clearly demonstrate it adds value.	The OS work programme has a broad remit, but particular focus is placed on the corporate priorities in the Business Plan 2017-27.
11 b)	Authorities should ensure a clear division of responsibilities between the scrutiny function and the audit function. While it is appropriate for scrutiny to pay due regard to the authority's financial position, this will need to happen in the context of the formal audit role. The authority's section 151 officer should advise scrutiny on how to manage this dynamic.	The complementary roles of OS and Audit Committee are set out in the Constitution. A recent exercise refined these roles in regards to the council's finances, leading to a clearer delineation in the Constitution.
11 b)	While scrutiny has no role in the investigation or oversight of the authority's whistleblowing arrangements, the findings of independent whistleblowing investigations might be of interest to	These have not yet been considered by OS, but this remains an option for the future.

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	scrutiny committees as they consider their wider implications.	
11 c)	Authorities should ensure early and regular discussion takes place between scrutiny and the executive, especially regarding the latter’s future work programme.	<p>A roughly annual programme of work planning meetings sees all OS chairmen/vice-chairmen meeting with their Executive counterparts and directors to discuss priorities and forthcoming projects.</p> <p>Regular ad hoc meetings throughout the year supplement the annual process.</p>
11 d)	The executive should not try to exercise control over the work of the scrutiny committee. This could be direct, e.g. by purporting to ‘order’ scrutiny to look at, or not look at, certain issues, or indirect, e.g. through the use of the whip or as a tool of political patronage, and the committee itself should remember its statutory purpose when carrying out its work.	<p>OS Management Committee (OSMC) directs the OS work programme.</p> <p>Major OS reviews are generally discussed with the Executive prior to establishment, to ensure the full context is considered when directing the work.</p> <p>In addition the Executive regularly invite OS to review specific topics, but the final decision remains with OS.</p>
11 d)	All members and officers should consider the role the scrutiny committee plays to be that of a ‘critical friend’ not a de facto ‘opposition’. Scrutiny chairs have a particular role to play in establishing the profile and nature of their committee.	<p>The Constitution requires that Wiltshire OS is,</p> <ul style="list-style-type: none"> • Inclusive • Structured • Non-adversarial • Reliant on evidence rather than anecdote • Cross-party

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		OS committee chairmen meet regularly with their Executive counterparts to discuss current reviews, work priorities and building working relationships.
11 d)	<p>Effective scrutiny involves looking at issues that can be politically contentious. It is therefore inevitable that, at times, an executive will disagree with the findings or recommendations of a scrutiny committee.</p> <p>It is the job of both the executive and scrutiny to work together to reduce the risk of this happening, and authorities should take steps to predict, identify and act on disagreement.</p> <p>One way in which this can be done is via an ‘executive-scrutiny protocol’ (see annex 1) which can help define the relationship between the two and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways.</p>	<p>Managing disagreement effectively in Wiltshire relies on the healthy OS-Executive relationship more generally, based on the agreed principles of good scrutiny.</p> <p>Wherever possible OS discusses draft findings and recommendations with the Executive/directors prior to publication. This ensures that evidence is presented accurately, that the full context has been considered and that recommendations are deliverable.</p> <p>Wiltshire does not have a written OS-Executive protocol, though it has a well-established culture in which OS is an integral part of decision-making. This includes various protocols and procedures that are widely supported and adhered to.</p>
11 d)	Scrutiny committees do have the power to ‘call in’ decisions ... but should not view it as a substitute for early involvement in the decision-making process or as a party-political tool.	In Wiltshire there has been only five OS call-ins since 2015.
11 e)	Authorities, particularly senior officers, should ensure all officers are free to provide impartial advice to scrutiny committees. Of particular importance is the	Senior officers, including the ‘statutory officers’, regularly attend OS committees and task groups as witnesses, as

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	role played by ‘statutory officers’ – the monitoring officer, the section 151 officer and the head of paid service, and where relevant the statutory scrutiny officer.	well as more informal meetings to provide support and advice.
11 g)	Authorities should ... take steps to ensure all members and officers are made aware of the role the scrutiny committee plays in the organisation, its value and the outcomes it can deliver, the powers it has, its membership and, if appropriate, the identity of those providing officer support.	<p>Following local elections, the council provides councillor induction that includes a comprehensive introduction to OS.</p> <p>The council’s Scrutiny team liaise with officers across the council to plan OS input on forthcoming decisions.</p> <p>The Democratic Services and Scrutiny teams deliver regular training to officers across the council on managing and working in a political environment, including OS’s role.</p> <p>In March Committee resolved that a written Councillor briefing on the methods of requesting OS review be circulated to all councillors.</p>
11 h)	One way in which [authorities can ensure Full Council is informed of OS’s work is] by reports and recommendations being submitted to full Council rather than solely to the executive. Scrutiny should decide when it would be appropriate to submit reports for wider debate in this way, taking into account the relevance of reports to full Council business, as well as full Council’s capacity to consider and respond in a	<p>Committee may wish to consider if this new provision may be particularly (or only) appropriate when</p> <ul style="list-style-type: none"> a) Full Council has originally requested the OS review in question; b) when a relevant item appears on the Full Council meeting agenda.

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	<p>timely manner. Such reports would supplement the annual report to full Council on scrutiny's activities and raise awareness of ongoing work.</p>	<p>Full Council's capacity to consider OS work in a timely manner would need to be considered if/when embedding this provision; also whether Full Council would be required to give a response or just note the work.</p> <p>OS already brings an annual report of its activity to Full Council and the minutes of all OS committee meetings are also noted.</p>
11 i)	<p>Authorities should ensure scrutiny has a profile in the wider community. Consideration should be given to how and when to engage the authority's communications officers, and any other relevant channels, to understand how to get that message across.</p>	<p>The council's website explains OS's purpose and processes, as well as hosting its work programmes and reports.</p> <p>The OS Annual Report is a public-facing document highlighting key pieces of OS work through the year.</p> <p>Public participation at OS meetings tends to be greatest when an issue of local concern appears on an agenda. In Wiltshire, Area Boards are the key forum for public engagement on issues of local, community interest.</p>
11 j)	<p>Formal committee meetings provide a vital opportunity for scrutiny members to question the executive and officers. Inevitably, some committee members will come from the same political party as a member they are scrutinising and might well have a long-standing personal, or familial, relationship with them (see paragraph 25). Scrutiny members should bear in mind,</p>	<p>OS committees are politically balanced and (as described under 11 c) the chairmen and vice-chairmen are from across the political spectrum.</p> <p>Democratic Services and the Monitoring Officer provide councillors with advice on potential conflicts of interest.</p>

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	however, that adopting an independent mind-set is fundamental to carrying out their work effectively.	
	3. Resourcing	
15-17	<p>Ultimately it is up to each authority to decide on the resource it provides, but every authority should recognise that creating and sustaining an effective scrutiny function requires them to allocate resources to it.</p> <p>When deciding on the level of resource to allocate to the scrutiny function, the factors an authority should consider include:</p> <ul style="list-style-type: none"> • Scrutiny’s legal powers and responsibilities; • The particular role and remit scrutiny will play in the authority; • The training requirements of scrutiny members and support officers... • The need for ad hoc external support where expertise does not exist in the council; • Effectively-resourced scrutiny has been shown to add value to the work of authorities... • Effectively-resourced scrutiny can help policy formulation and so minimise the need for call-in of executive decisions. 	<p>Wiltshire Council has a small team of scrutiny officers who provide overall project support to the OS function. This is supplemented on occasion by officers from other teams.</p> <p>In addition, officers from across the council support OS by acting as witnesses at formal meetings, as well as providing more informal input between meetings to support the function’s effectiveness.</p>
22	Authorities should ensure that, whatever model they employ, officers tasked with providing scrutiny support	Many officer roles, including scrutiny officers, are politically restricted posts.

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	<p>are able to provide impartial advice. This might require consideration of the need to build safeguards into the way that support is provided. The nature of these safeguards will differ according to the specific role scrutiny plays in the organisation.</p>	
	<p>4. Selecting Committee members</p>	
24	<p>While there are proportionality requirements that must be met, the selection of the chair and other committee members is for each authority to decide for itself.</p> <p>Members invariably have different skill-sets. What an authority must consider when forming a committee is that, as a group, it possesses the requisite expertise, commitment and ability to act impartially to fulfil its functions.</p>	<p>Members of Wiltshire Council’s four OS committees are appointed by Full Council. The four OS committees elect their chairmen and vice-chairmen.</p> <p>By convention, the chairman of the OS Management Committee does not belong to the majority political group, as a demonstration of the position’s independence from the Executive; its vice-chairman does, providing an important link with the Administration.</p>
28	<p>Authorities should not take into account a member’s perceived level of support for or opposition to a particular political party (notwithstanding the wider legal requirement for proportionality referred to in paragraph 24).</p>	<p>The three other OS committees have a mixture of Administration and Opposition group chairmen, with their vice-chairmen by convention coming from the group not occupied by the chairman. This is to ensure political spread in the leading OS positions.</p>

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25	<p>Authorities are reminded that members of the executive cannot be members of a scrutiny committee. Authorities should take care to ensure that, as a minimum, members holding less formal executive positions, e.g. as Cabinet assistants, do not sit on scrutinising committees looking at portfolios to which those roles relate.</p>	<p>To avoid conflicts of interest and maintain OS's independence, current practice is that Portfolio Holders (and Cabinet Members) cannot take part in OS other than as witnesses.</p>
26	<p>Authorities should articulate in their constitutions how conflicts of interest, including familial links (see also paragraph 31), between executive and scrutiny responsibilities should be managed, including where members stand down from the executive and move to a scrutiny role, and vice-versa.</p>	<p>At present the Constitution does not articulate this, other than to prohibit Executive members from acting as OS members. The Committee may wish to consider whether, based on experience, a more detailed protocol is necessary or not.</p>
29 30	<p>The Chair plays a leadership role on a scrutiny committee as they are largely responsible for establishing its profile, influence and ways of working.</p> <p>The attributes authorities should and should not take into account when selecting individual committee members (see paragraphs 27 and 28) also apply to the selection of the Chair, but the Chair should also possess the ability to lead and build a sense of teamwork and consensus among committee members.</p> <p>Chairs should pay special attention to the need to guard the committee's independence. Importantly, however,</p>	<p>Job descriptions for the positions of OS committee chairman and vice-chairmen are currently being drafted. This is to support consistency in the delivery of the roles and help councillors understand their demands before taking them on.</p> <p>OS task groups and rapid scrutiny exercises elect their own chairmen at the first meeting, with a mixture of Administration and Opposition group members holding such positions.</p>

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	they should take care to avoid the committee being, and being viewed as, a <i>de facto</i> opposition to the executive.	
32	The method for selecting a Chair is for each authority to decide for itself, however every authority should consider taking a vote by secret ballot.	The chairmen and vice-chairmen of the four OS committees are elected by their membership, but not by secret ballot (see 30 above).
33 34	<p>Authorities should ensure committee members are offered induction when they take up their role and ongoing training so they can carry out their responsibilities effectively. Authorities should pay attention to the need to ensure committee members are aware of their legal powers, and how to prepare for and ask relevant questions at scrutiny sessions.</p> <p>When deciding on training requirements for committee members, authorities should consider taking advantage of opportunities offered by external providers in the sector.</p>	<p>Following local elections, the council provides councillor induction that includes a comprehensive introduction to OS.</p> <p>There is also an ongoing OS councillor learning and development programme, with two workshops held recently (on ‘Effective OS meetings’ and ‘Gathering and using evidence’).</p> <p>Councillors are supported to attend external training and network events, funded by the council when the topic is relevant to their OS role.</p> <p>The OS Task Group Protocol now encourages task groups to conduct early consideration of councillors’ briefing/training needs.</p>
35	While members and their support officers will often have significant local insight and an understanding of local people and their needs, the provision of outside expertise can be invaluable. There are two principal ways to procure this:	While there is no formal co-option scheme, Children’s Select Committee includes a number of statutory and non-statutory co-opted member positions (decided by Full Council), who provide a specific service-user/sector

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	<ul style="list-style-type: none"> • Co-option – formal co-option is provided for in legislation. Authorities must establish a co-option scheme to determine how individuals will be co-opted onto committees; and • Technical advisers – depending on the subject matter, independent local experts might exist who can provide advice and assistance in evaluating evidence (see annex 2). 	<p>perspective. Health Select Committee includes non-voting stakeholders for the same purpose.</p> <p>The OS Task Group Protocol describes the roles of co-opted members and expert advisers, both of which have been used to support reviews of more technical topics.</p>
	<p>5. Power to access information</p>	
<p>37</p> <p>38</p>	<p>A scrutiny committee needs access to relevant information the authority holds, and to receive it in good time, if it is to do its job effectively.</p> <p>This need is recognised in law, with members of scrutiny committees enjoying powers to access information.</p>	<p>OS councillors’ special rights to access information are set out in Part 5 of the Constitution.</p> <p>OS committees and task groups regularly receive confidential information, considering these in closed session meetings.</p> <p>The objective is always to facilitate OS engagement prior to decisions being taken, with the relevant reports or drafts being provided as evidence.</p>
<p>40</p>	<p>Scrutiny members should have access to a regularly available source of key information about the management of the authority – particularly on performance, management and risk.</p>	<p>The Financial Planning Task Group has this remit and considers the quarterly financial, performance and risk reports prior to Cabinet.</p>

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41	Officers should speak to scrutiny members to ensure they understand the reasons why information is needed ... While each request for information should be judged on its individual merits, authorities should adopt a default position of sharing the information they hold, on request, with scrutiny committee members.	The Scrutiny team, OS chairmen/vice-chairmen and directors are in regular contact to discuss OS requests for information. Refusal of information requests is an unusual occurrence.
44	Committees should be aware of their legal power to require members of the executive and officers to attend before them to answer questions.	By convention, Executive members and directors engage with OS and are held to account for their decisions.
45 46	Scrutiny members should also consider the need to supplement any authority-held information they receive with information and intelligence that might be available from other sources, and should note in particular their statutory powers to access information from certain external organisations. When asking an external organisation to provide documentation or appear before it, and where that organisation is not legally obliged to do either (see annex 3), scrutiny committees should consider the following... (see page 19 of the appended Guidance).	OS regularly receives information from Wiltshire CCG, NHS Health trusts, Healthwatch, Swindon & Wiltshire Local Enterprise Partnership (LEP), the armed forces and other local authorities. As part of specific reviews OS has also recently engaged with special schools, outdoor education providers, local taxi companies, letting agents and Network Rail. A standard chairman’s verbal statement has been prepared in order to ensure all new witnesses understand OS’s purpose, powers and processes.

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46	<p>Scrutiny committees will often have a keen interest in ‘following the council pound’, i.e. scrutinising organisations that receive public funding to deliver goods and services.</p> <p>Authorities should recognise the legitimacy of this interest and, where relevant, consider the need to provide assistance to scrutiny members and their support staff to obtain information from organisations the council has contracted to deliver services.</p> <p>In particular, when agreeing contracts with these bodies, authorities should consider whether it would be appropriate to include a <i>requirement</i> for them to supply information to or appear before scrutiny committees.</p>	<p>OS regularly scrutinises council services delivered by outside contractors, e.g. waste management, high-speed broadband and highways and streetscene. This sometimes involve representatives of the contractors attending OS meetings to answer questions. The principal witness and object of challenge, however, remains the Executive.</p>
	<p>6. Planning work</p>	
47	<p>Scrutiny committees need to plan their work programme, i.e. draw up a long-term agenda and consider making it flexible enough to accommodate any urgent, short-term issues that might arise during the year.</p>	<p>The three thematic select committees review their sections of the OS work programme at every meeting, with Management Committee then reviewing the whole programme. The emphasis is on covering the known priorities while retaining flexibility to accommodate further issues when they arise unexpectedly.</p> <p>Work planning is led by the chairmen and vice-chairmen in discussion with Executive and directors.</p>

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48	<p>While scrutiny has the power to look at anything which affects ‘the area, or the area’s inhabitants’, authorities will often find it difficult to support a scrutiny function that carries out generalised oversight across the wide range of issues experienced by local people, particularly in the context of partnership working. Prioritisation is necessary, which means that there might be things that, despite being important, scrutiny will not be able to look at.</p>	<p>As a major unitary authority, the council’s OS work programme rightly has a broad remit, but particular focus is put on the organisational priorities set out in the Business Plan 2017-27.</p> <p>OS Management Committee coordinates the overall OS work programme in part to ensure that the officer and councillor resources available are not “stretched too thin” to add real value to each activity.</p>
51	<p>Applying this focus does not mean that certain subjects are ‘off limits’. It is more about looking at topics and deciding whether their relative importance justifies the positive impact scrutiny’s further involvement could bring.</p>	<p>OS committees are encouraged to consider the potential value added when deciding whether to review a topic.</p>
55	<p>Approaches to shortlisting topics should reflect scrutiny’s overall role in the authority ... the kind of questions a scrutiny committee should consider might include:</p> <ul style="list-style-type: none"> • Do we understand the benefits scrutiny would bring to this issue? • How could we best carry out work on this subject? • What would be the best outcome of this work? • How would this work engage with the activity of the executive and other decision-makers, including partners? 	<p>In March 2019 OS Management Committee also agreed the following in order to ensure an effective work programme:</p> <ol style="list-style-type: none"> 1. Periodic reviews of work programmes to discuss where value can/cannot be added 2. Work programmes stating why each item is received. 3. When committee requests an update, chairman/vice-chairman to review the information to ensure a further item is needed.

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53	<p>Evidence will need to be gathered to inform the work programming process ... Gathering evidence requires conversations with:</p> <ul style="list-style-type: none"> • <i>The public</i> – it is likely that formal ‘consultation’ with the public on the scrutiny work programme will be ineffective. Asking individual scrutiny members to have conversations with individuals and groups in their own local areas can work better. Insights gained from the public through individual pieces of scrutiny work can be fed back into the work programming process. • <i>The authority’s partners</i> – relationships with other partners should not be limited to evidence-gathering to support individual reviews or agenda items. A range of partners are likely to have insights that will prove useful: <ul style="list-style-type: none"> • Public sector partners • Voluntary sector partners • Contractors and commissioning partners • In parished areas, town, community and parish councils • Neighbouring principal councils • Cross-authority bodies and organisations, such as Local Enterprise Partnerships • Others with a stake and interest in the local area – large local employers, for example. 	<p>An increased emphasis on ‘taking OS to the people’ was recently agreed. This included visits to localities and discussion with service-users and deliverers. In terms of OS work planning, councillors bring their detailed knowledge of local concerns to the process.</p> <p>Health Select Committee engages with Wiltshire CCG, local NHS trusts and Healthwatch to support work planning. Its stakeholder representatives also provide a sector and service-user perspective.</p> <p>OS scrutinises services delivered by outside contractors, though it does not specifically engage them in wider work-planning. This also applies to the bodies like the LEP and armed forces.</p> <p>Other councils tend to be engaged with on specific reviews rather than work-planning, although Scrutiny officers and councillors attend national and regional OS networks to share learning.</p>

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	<i>The executive</i> – a principal partner in discussions on the work programme should be the executive (and senior officers).	The Executive are the principal partner in the OS work-planning process, as described under 11 c).
54	<p>Scrutiny will need access to relevant information to inform its work programme. The type of information will depend on the specific role and function scrutiny plays within the authority, but might include:</p> <ul style="list-style-type: none"> • Performance information from across the authority and its partners; • Finance and risk information from across the authority and its partners; • Corporate complaints information, and aggregated information from political groups about the subject matter of members’ surgeries; • Business cases and options appraisals (and other planning information) for forthcoming major decisions; • Reports and recommendations issued by relevant ombudsmen. 	Most of these sources are used already, but Committee may wish to consider the others.
	7. Evidence sessions	
59-63	<p>Good preparation is a vital part of conducting effective evidence sessions...</p> <p>Effective planning is [primarily] about setting overall objectives and then considering what type of questions (and the way in which they are asked) can best elicit</p>	Before OS committee meetings, chairmen, vice-chairmen and scrutiny officers meet to discuss objectives and key lines of enquiry for each agenda item.

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	<p>the information the committee is seeking. This applies as much to individual agenda items as it does for longer evidence sessions – there should always be consideration in advance of what scrutiny is trying to get out of a particular evidence session.</p> <p>Chairs play a vital role in leading discussions on objective-setting and ensuring all members are aware of the specific role each will play during the evidence session.</p> <p>Effective planning should mean that at the end of a session it is relatively straightforward for the chair to draw together themes and highlight the key findings.</p> <p>After an evidence session, the committee might wish to hold a short ‘wash-up’ meeting to review whether their objectives were met and lessons could be learned for future sessions.</p>	<p>Before task group and rapid scrutiny meetings, the full membership meets for a briefing to agree their approach to each item and key lines of enquiry.</p> <p>At all OS meetings, OS chairmen are supported to introduce the item and remind members of the background, context and purpose of the item.</p> <p>At the conclusion of OS debates, chairmen are encouraged to sum up the key themes of the debate and officers capture these and agreed actions within a resolution (to be set out in the OS chairman’s job description).</p>
64	<p>The development and agreement of recommendations is often an iterative process. It will usually be appropriate for this to be done only by members, assisted by co-optees where relevant. When deciding on recommendations, however, members should have due regard to advice received from officers, particularly the Monitoring Officer.</p>	<p>Task group reviews and rapid scrutiny exercises always conclude with the agreement of recommendations by members. There is usually a discussion of these in draft with the Executive and directors prior to publication (see 11 d).</p>

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67	Recommendations should be evidence-based and SMART, i.e. specific, measurable, achievable, relevant and timed.	This is advised in the OS Task Group Protocol.

11. In general the Guidance supports a culture and approach already well-embedded at Wiltshire Council. In summary, the Guidance recommends the following as key facets of good OS:

- a) A recognition of the importance and legitimacy of OS
- b) Executive and OS roles, plus their relationship, being clearly defined
- c) OS being independent from the Executive, but with regular liaison between the two
- d) OS acting as a 'critical friend' and not using its powers politically
- e) The positive impact of OS being appropriately resourced
- f) OS councillors having the skills and qualities to fulfil its functions
- g) The vital role OS chairmen play
- h) Clear arrangements in place to avoid or manage conflicts of interest
- i) Access to information being refused to OS only by exception
- j) The value of information from external organisations
- k) Enabling OS to 'follow the council pound' by scrutinising contractors
- l) Early OS engagement on proposals
- m) Regular and meaningful engagement with OS from Executive members and senior officers
- n) OS being selective when work-planning
- o) OS councillors understanding their objectives for activities in advance
- p) Recommendations that are 'SMART' and have been discussed with relevant parties.

12. The Committee may wish to pay particular attention to the sections in the Guidance that suggest or allow potential changes to current practice. These are as follows (with more detail provided in the table):

- a) Introduction of an Executive-OS Protocol "to help define the relationship and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways".
- b) OS reports and recommendations (when appropriate) being submitted to full Council rather than just the Executive.
- c) Greater clarity on managing potential conflicts of interest re OS and the Executive.
- d) Including a requirement within council contracts that the contractor must supply information to, or appear before, OS committees on request.

Proposal

13. Committee to discuss the new Statutory Guidance and its potential implications on OS practice at Wiltshire Council.

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Appendices

Appendix 1 New Statutory Guidance on Overview and Scrutiny in Local and
 Combined Authorities