

HAMPSHIRE COUNTY COUNCIL

Report

Committee:	Policy and Resources Select Committee
Date:	24 September 2019
Title:	Statutory guidance on Overview and Scrutiny in local and combined authorities
Report From:	Director of Transformation and Governance

Contact name: Barbara Beardwell, Head of Law and Governance and Monitoring Officer

Tel: 01962 845157

Email: Barbara.beardwell@hants.gov.uk

Purpose of this Report

1. The purpose of this report is to update the Policy and Resources Select Committee on the guidance recently published by the Ministry of Housing, Communities and Local Government on 7 May 2019 (Guidance) regarding overview and scrutiny (O&S) in local and combined authorities.

Recommendation

2. That the Policy and Resources Select Committee notes the guidance, attached at Appendix 1 and endorses the County Council's existing approach, detailed at Appendix 3.

Contextual information

3. In December 2017, the House of Commons Communities and Local Government Select Committee published a report on the effectiveness of local authority O&S committees. A key recommendation of the report was: "We therefore recommend that the guidance issued to councils by the Department for Communities and Local Government on O&S committees is revised and reissued to take account of scrutiny's evolving role."
4. In response to the House of Commons Select Committee recommendation, on 7 May 2019 the Ministry of Housing, Communities and Local Government published statutory guidance on O&S in local and combined authorities. The published guidance is attached as Appendix 1 to this report.

5. The guidance covers key issues such as culture, resources, membership of committees, planning work programmes and access to information. As this is statutory guidance from the Ministry of Housing, Communities and Local Government, local authorities and combined authorities must have regard to it when exercising their functions. The phrase 'must have regard', when used in this context, does not mean that the sections of statutory guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case.

Overview and Scrutiny at Hampshire County Council

6. Under the Local Government Act 2000, local authorities must establish at least one Overview and Scrutiny Committee. The County Council has decided to appoint five such Committees known as Select (Overview and Scrutiny) Committees as set out below:
 - Children and Young People Select Committee
 - Culture and Communities Select Committee
 - Economy, Transport and Environment Select Committee
 - Health and Adult Social Care Select Committee
 - Policy and Resources Select Committee
7. Part 2, Chapter 5 of the County Council's Constitution, attached as Appendix 2 to this report, sets out the responsibilities and allocation of scrutiny functions for the Select Committees.
8. The table attached at Appendix 3 summarises the new Guidance and comments on key aspects relevant to the County Council, outlining the way in which the County Council's existing O&S arrangements meet the criteria in the Guidance.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	yes

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

None

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

The proposals in this report relate the governance of the County Council's scrutiny procedures and do not have any direct impact on groups with protected characteristics.