

Public Document Pack

Mid Devon District Council

Scrutiny Committee

Monday, 16 March 2015 at 2.15 pm
Exe Room, Phoenix House

Next ordinary meeting
Monday, 13 April 2015 at 2.15 pm

Those attending are advised that this meeting will be recorded

Membership

Cllr Mrs J Roach
Cllr E J Berry
Cllr Mrs J Rendle
Cllr T W Snow
Cllr Mrs M E Turner
Cllr N A Way
Cllr A V G Griffiths
Cllr Mrs S Griggs
Cllr T G Hughes
Cllr M R Lee

A G E N D A

Members are reminded of the need to make declarations of interest prior to any discussion which may take place

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of substitute Members (if any).

- 2 **PUBLIC QUESTION TIME**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.

- 3 **MINUTES OF THE PREVIOUS MEETING** (*Pages 5 - 8*)
To approve as a correct record the Minutes of the last meeting of the Committee (attached).

The Committee is reminded that only those members of the Committee present at the previous meeting should vote and, in doing so, should be influenced only by seeking to ensure that the minutes are an accurate

record.

4 **MEMBER FORUM**

An opportunity for non-Cabinet Members to raise issues.

5 **DECISIONS OF THE CABINET**

To consider any decisions made by the Cabinet at its meeting on 5 March 2015 that have been called-in.

6 **CHAIRMAN'S ANNOUNCEMENTS**

To receive any announcements that the Chairman of Scrutiny Committee may wish to make.

7 **PANNIER MARKET, TIVERTON** (*Pages 9 - 12*)

The Committee to receive an update from the Head of Communities and Governance regarding the Pannier Market, Tiverton.

8 **HIGH STREET INNOVATION FUND**

To receive a verbal update regarding the High Street Innovation Fund.

9 **CABINET MEMBER FOR FINANCE** (*Pages 13 - 14*)

The Cabinet Member for Finance will update the Committee regarding areas covered by his remit.

10 **HIDING IN PLAIN SIGHT: BARRIERS TO EFFECTIVE SCRUTINY**
(*Pages 15 - 22*)

The Committee to discuss the Centre for Public Scrutiny (CfPS) document 'Hiding in plain sight: barriers to effective council scrutiny'

11 **UPDATES AND ITEMS TO NOTE REGARDING OUTSTANDING ITEMS**

- Planning Committee Procedures: – Members are asked to note that there has been a delay in the issue of this report which will be considered by the Planning Committee. Following this, the report will be further considered by the Scrutiny Committee at the next available meeting.
- Safeguarding: - From the 1st April 2015 legislation give powers in respect of the safeguarding of Adults. The Chairman of the Devon Safeguarding Adults Board has confirmed that this will result in a number of changes to the structure of the Board and the way they work.

Ofsted are currently carrying out a 4 week review of Devon County Council's Children's Services

We have not yet received any feedback from the Devon Safeguarding Children's Board (DSCB) on the survey conducted as part of the section 11 audit.

Child Sexual Exploitation (CSE)

Following the release of the Jay Report into child sexual exploitation (CSE) in Rotherham, Devon County Council has issued a team briefing to highlight the importance of working together across the peninsula to prevent, disrupt and prosecute perpetrators as well as providing support and treatment for victims of CSE.

The role for Devon County Council in tackling CSE is wide-ranging. Including raising awareness through sex and relationship education in schools, to training for key groups, involving local businesses, information sharing and early help and support for families.

Specific actions include information sharing across local forums, a Devon CSE steering group, regular reports to the Devon Safeguarding Children Board, a police unit to monitor on-line safety and Gold Command group overseeing investigations.

The response to CSE in Devon requires a whole system approach, linking operational information with preventative targeting, political leadership, working closely across geographical boundaries and engaging with children and young people.

12 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

Members are asked to note that the following items are already identified in the work programme for the next meeting:

Legal Services – update
Performance and Risk
Crime Detection Rates
Joint East and Mid Devon Crime and Disorder Panel Minutes

Note: - this item is limited to 10 minutes. There should be no discussion on items raised.

Kevin Finan
Chief Executive
Friday, 6 March 2015

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as

unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access to the Council Chamber on the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Julia Stuckey on:

Tel: 01884 234209

Fax:

E-Mail: jstuckey@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 27 February 2015 at 2.00 pm

Present

Councillors

Mrs J Roach (Chairman)
T W Snow, N A Way, A V G Griffiths,
T G Hughes, Mrs H Bainbridge(substituting
for Mrs J Rendle) and Mrs M E Squires
(substituting for M R Lee)

Apologies

Councillors

E J Berry, Mrs J Rendle, Mrs S Griggs and M R Lee

Also Present

Councillors

D J Knowles and R L Stanley

Also Present

Officers:

Amy Tregellas (Head of Communities and Governance and Monitoring Officer) and Julia Stuckey (Member Services Officer)

141 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Councillors E J Berry, Mrs J Rendle, Mrs S Griggs and M R Lee.

142 **PUBLIC QUESTION TIME**

There were no members of the public present.

143 **MEETING MANAGEMENT**

The Chairman indicated that she intended to take item 6 on the agenda before returning to agenda item 2.

144 **CLINICAL COMMISSIONING GROUP**

The Chairman introduced Mr John Finn, Managing Director of the Eastern Locality, Northern, Eastern and Western Devon Clinical Commissioning Group (CCG) to the Committee.

Mr Finn began by explaining that the CCG operated a dedicated team to avoid bed blocking. The team, which was a dedicated function run by Devon County Council (DCC) and the North Devon Health Care Trust (NDHCT) completed its first full year in March 2014 and results had been very positive. The current year had been a lot more demanding. The year ahead was planned for based on historical data, which had indicated that the increase in demand would be 1 – 2 %. The service was well supported and following the modelling a capacity to cope with an increase of 3% was put in place; unfortunately the increase in demand had been 11% for urgent care.

Contributory factors had included Noro-virus and the fact that the flu vaccine only protected 3% of those that had it, the outcome being that demand had been particularly high in the New Year.

Bed blocking issues were also exacerbated by Noro-virus closing wards and patients from these wards could not be sent home.

Mr Finn also explained the task of the Onward Care Team who managed the patients move from health to social care. The CCG were a stakeholder in the framework for procuring social care. The market had contracted due to home closures and safeguarding issues. There was now a process in place to block purchase beds in homes to speed up the transfer out of hospital for patients that needed onward care. This sped up the process which could take up to five days if carried out on a per patient basis.

The Transforming Communities Consultation had closed the day before and Mr Finn was awaiting the results; Crediton Hospital and the Hub had been part of the consultation.

Mr Finn highlighted that the average waiting time at Accident & Emergency (A & E) in Exeter could be as much as 4hrs 15 minutes but in Tiverton as little as 9 minutes. He stressed the importance of the public using the local facility and asked that Members raise the profile whenever possible.

For a limited period extra resources were going to be put into Tiverton Hospital which would enable procedures such as Deep Vein Thrombosis (DVT) testing, cellulitis care, dehydration and chest infections to be tested and treated. Patients would be directed by their GP. There was no intention to close Tiverton Hospital and results showed that 40% less people from Mid Devon used the Royal Devon and Exeter Wonford than from similar areas.

Discussion took place regarding:

- The closure of cottage hospitals and the need for patients and their families to travel distances for care;
- The closure of beds at Crediton Hospital on safety grounds;
- The lack of intermediate care for those that didn't need hospital but required help;
- Hospice Care and the valuable service they provided. Mr Finn confirmed that the grant made to them had not been reduced;
- Hospital at home services;
- The lack of qualified nursing staff in the area and the need to use agency staff;
- Seven day a week appointments for doctor's being piloted in Exeter;
- The Melrose Unit was part of the Devon Partnership Trust so the CCG had no say in its closure;
- There was a high spend on agency staff, which was being looked into;
- None of the staff that had been made redundant by NHS Devon had been reappointed by the CCG;

The Chairman thanked Mr Finn for attending the meeting, stating that she felt reassured and offered him the opportunity to return at any time.

Notes:-

- i. Cllr Mrs M E Squires declared an interest as she was a Devon County Councillor.
- ii. Cllr D J Knowles declared an interest as he was Chair of CHOICE.
- iii. Cllr R M Deed declared an interest in writing as he was a Public Governor for Devon at the South Western Ambulance Service NHS Foundation Trust.

145 **MEMBER FORUM**

There were no issues raised under this item.

146 **MINUTES OF THE PREVIOUS MEETING**

The Chairman requested that the wording 'or take part in the meeting' be added to minute 120 following the wording 'and could not answer questions', from the minutes of the meeting held on 19th January 2015.

The Chairman requested that the wording 'the Committee thanked the Cabinet Member for Housing for his report and commended the Housing Service on the improvements that had been made' be changed to read 'The Committee resolved to thank the Cabinet Member for Housing for his report and commended the Housing Service on the improvements that had been made. Proposed by Cllr T G Hughes and seconded by Cllr N A Way.'

Following these changes the minutes were approved as a correct record and **SIGNED** by the Chairman.

147 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements to make.

148 **THE COMMITTEE TO RESPOND TO THE DCLG CONSULTATION IN RELATION TO 'PROPOSED LOCAL AUTHORITIES(FUNCTIONS AND RESPONSIBILITIES) (ENGLAND) REGULATIONS 2015'**

The Chairman had requested that the Committee discuss the Department of Communities and Local Government (DCLG) proposals for Local Authorities (Functions and Responsibilities) (England) Regulations 2015.

The Chairman explained to the Committee that an area of concern to her had been the reference to proposed regulations for new parking enforcement areas or parking charges and the frequency of waste collection both being put to the Full Council. This information had only been contained in the letter to Chief Executives which had accompanied the consultation document and had not been part of the consultation document itself.

The Head of Communities and Governance and Monitoring Officer outlined key changes within the document. These included:

- Decisions regarding the budget
- Disposal of land and buildings

- Licensing of Scrap Dealers
- Health and Well Being
- Establishment of combined authorities and economic prosperity boards
- Authorising the contracting out of a function
- Sustainable Drainage System Approving Bodies.

It was **RESOLVED** that a response be sent to the consultation regarding the proposed regulations for new parking enforcement areas or parking charges and the frequency of waste collection stating that both should be put to the Full Council.

(Proposed by Cllr N A Way and seconded by Cllr Mrs H Bainbridge.)

It was **AGREED** that the Head of Communities and Governance and Monitoring Officer would make reference to the above resolution in her response.

Note: - Consultation previously circulated and attached to Minutes.

149 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

Tiverton Pannier Market
High Street Innovation Awards
Performance and Risk
Cabinet Member for Finance
Police Detection Rates

(The meeting ended at 4.15 pm)

CHAIRMAN

BRIEFING NOTE FOR SCRUTINY COMMITTEE TIVERTON PANNIER MARKET

I have been asked to provide the Scrutiny Committee with an update on the Market.

In the last couple of years the team have been working to bring more people into the Market and also into the Town as a whole.

To do this we have:

- Worked to increase the number of traders at the market and to offer consumers more choice – including being open days other than the traditional market days
- Held events at the Market – including a gardening fayre and food fayres.
- Worked with the Portas Team on the Feast of St James
- Had Local and Community History Month (joint event with Museum – WW1 themed)
- Supported and been involved with the Summer Festivals Programme for Tiverton
- Supported and been involved with the Christmas events programme including a programme of events at the Market on the 4 Saturdays before Christmas also tying in with Small Business Saturday
- Promoted the shop local campaign and held events for love your local market
- Worked with Business Information Point on a business and new trader event
- Developed a set of terms and conditions for hiring the Market out to generate income
- Worked to hire the Market out more to generate income – this has included such things as the TASTE street food events and the monthly Art Market
- We have agreed to host the Supporting Other Charities (SOC) events
- Run a number of competitions including a shield colouring competition for the Feast of St James and a bake off competition at Christmas
- Actively promoted the Market and its traders through social media – our Facebook page is very successful (492 likes)
- Used national food weeks calendar to promote what is on sale at the Market – normally through social media
- We have wi-fi at the Market so that customers can access the internet whilst at the Market
- We have recently appointed a new proprietor for the Café within the Market and this is already bringing in new customers

Issues and challenges

- Weather – inclement weather tends to reduce the number of people that visit the Town and the Market specifically. People do not like to browse market stalls when the weather is inclement
- Competition from Internet shopping and out of town shopping centres
- Competition to some of the traditional market stall offerings from other retail stores such as Pound Stretcher and Charity Shops
- Traders not turning up to trade – without giving any notice

- Traders closing early
- Getting all traders (Market Traders and also Town Traders) on board with the plans for the Market.
- A number of local businesses would like to trade at the Market but don't have the capacity or manpower to attend and trade
- Finding cost effective ways of marketing and promoting what we are doing at the Market to the widest possible audience
- When running events looking for ways to generate income which at least breaks even on the expenditure and ideally delivers a profit
- Website – one of the traders groups employed an external company to produce a website for the Market but the information on it is out of date (showing Christmas 2014 programme at the moment)
- A need to reinvent the Market for a changing client group

So what are we doing?

We are currently part way through a fundamental review of the service examining all aspects relating to the service and this will result in an action plan for the next 5 years coming forward to Cabinet after the election.

Some of the items to be covered include:

1. Setting out an action plan that has SMART targets and is focused to ensure that we are not trying to achieve all actions in one year
2. Commission Market research to identify the views, attitudes and wishes of a wider group of potential users.
3. Setting up a stakeholder forum for the Market to include representatives from the Market Traders, Tiverton Traders Association, the Portas Team, Tiverton Town Council and the Neighbourhood Planning Team. Consider having sub-groups of the Forum to be involved in delivering projects. The first Forum will meet to consider the action plan
4. Work with the new Town Centre Manager to incorporate the Pannier Market activities with wider Town Centre developments
5. A benchmarking exercise which has looked at other Markets and focused on items such as their terms and conditions for trading, stall fees, fees for hiring out their market, types of markets that they hold and opening hours
6. Using the benchmarking information to revise our terms and conditions for trading and to consider the types of market that we hold and the opening hours and then consult the traders on any proposed changes
7. Put together a professional brochure to promote the Market to potential new traders and also to those people interested in hiring the Market

8. Undertaken a cost benefit analysis of running the street food market inhouse or hiring it out for someone else to take on the running of it. Anticipate these events being relaunched in April/May
9. Work with Licensing to develop a street trading policy
10. Progress the project to have an overall roof – seeking external funding for this as we allocated £110K in the capital programme, which will carry forward, but need approximately £140K to complete the project. This is to be carried out in conjunction with the Tiverton Town Centre redevelopment project.
11. Improve signage to the Market both access points and also from the Coach Park in William Street Car Park
12. Work with the Portas Team to deliver a larger food festival (likely to commence from 2016)
13. Development of a Website for the Market which will be linked in to social media such as Facebook, Twitter, You-tube and Instigram. If possible this will include click and collect, be smart phone friendly, have a virtual tour of the Market, include traders profiles along with photos and videos and have an online calendar to show whats on when,
14. Include links to the Market when the Visitors tab for the Council's website has been developed as part of the work on tourism over the next few months
15. Develop online forms for becoming a trader, booking the market for an event or signing up to trade at an event
16. Continue to put together and deliver a calendar of events. Work more on this to join up items such as the National food days to our providers and also for the Café to cook items showcasing what you can do with fruit and veg.
17. Produce an e-newsletter which will talk about whats on at the Market on a quarterly basis and highlight events that have taken place to showcase what we can offer
18. Use QR codes on our publicity material to promote what we are doing when and to encourage people to sign up to emails or texts to be informed of the next event
19. Work with colleges to hold a competition to devise a 10 second film promoting the Market which can go on You-tube and also be shown as a trailer at the Tivoli Cinema
20. Use other forms of media to promote events including Radio and newspapers

21. Attend trade shows such as the source food show to promote the Market and also to attract new traders. Also encourage traders that come for a special event to come and trade on a regular basis.
22. Hold Continental markets – French, German and Italian on a Saturday alongside the general market
23. Develop a red carpet programme for prospective new traders to show what we can offer them in terms of trading at the Market – i.e. help from our business support service to establish and then grow their business. Focus on success stories where people have started their business at the Market and have then gone on to rent shops in the town.
24. Put in a project bid for funding to develop a co-operative where small traders can share a member of staff to sell their produce.
25. Investigate the opportunity of working with schools on life skills and in particular diet and cooking meals from scratch.

Update to Scrutiny Committee on 16 March 2015 from the Cabinet Member for Finance

At the start of 2014/15 the Council managed to set a balance GFund, Housing Revenue Account and Capital Programme – whilst freezing Ctax for the 4th successive year – after cumulative Govt grant cuts totalling circa £2m and still managed to freeze car parking charges, invest in improving our leisure centres, only agree a minimal increase in housing rents and continue to maintain existing levels of service provision.

During another successful year our services have been maintained and in some instances improved their previous performance levels. Here is an update on just some of the main achievements we have delivered during the current financial year:

- We have acquired 2 commercial premises in Fore St and have been undertaking a lot of preparatory work before we acquire Market Walk
- Nearly finalised the Local Plan
- Secured significant saving on the provision of public conveniences and working on a similar project for parks/playgrounds
- Increased our Council Housing Stock – Fir Close and St Andrews Street (with further plans for Palmerston Park, Burlescombe, EUE, etc.)
- Made further reductions to our staffing costs – circa £250k
- Modernised our current recycling fleet and completed an operational depot move from Silverton to Tiverton. We have also undertaken a lot of planning for the new waste scheme that will be fully delivered in Oct 2015 and will hopefully reduce running costs by around £500k
- We continue to explore partnership opportunities (working with North Devon on ICT and BControl – this is providing budget savings and producing increased operational capacity)
- In the initial stages of a regeneration plan for Tiverton Town centre.
- Planning for a step change in our use of digital technology
- Increased income at all 3 leisure centres based on the new post investment targets that were given. Income budget for 14/15 was £2.4m – this budget stood at £1.8m back in 2010/11.

- Consideration of increasing developments housing/commercial based on changes to funding on both NHB and business rates
- The Finance team produced a clean set of accounts and our Auditor Grant Thornton commented positively on our work to achieve value for money in the services we provide and in the way the Council is run.
- We have re-located the Ctax dept in with Customer First and collection rates for 2014/15 are well up on the previous financial year.

Key note - Most of the above mentioned work has been completed within existing budgets and some will help deliver future savings and therefore help us deliver balanced budgets in the future (in the knowledge that the Govt's austerity programme will mean further grant reductions for the next 3 years – at least).

The future

As I am sure you are all aware Full Council only a few weeks ago approved yet another balanced budget – coupled to a 5th successive freeze in CTax. This was a very positive outcome for our residents – but was only delivered after a significant amount of planning by officers and members alike. It should be remembered that we received another Govt grant funding cut of £580k for 2015/16 – coming on top of the circa £2m we have already rec'd.

It remains clear that 2016/17 will be a real financial “tipping point” for us and many other Councils as all the relative easier budget reductions have been made. Therefore, it will be imperative for the new Council after its election in May 15 to decide (when putting together its new Corporate Plan) what are its key priorities are and what services can/can't be afforded to be delivered at the current level (or at least will need to be delivered differently. Clearly all members will need to be engaged in this key decision making process.

Cllr P Hare-Scott

Hiding in plain sight: barriers to effective council scrutiny



Context

The Alexis Jay and Robert Francis Reports into appalling service failure in local public services have, amongst other things, illuminated the risks of weak overview and scrutiny – either in the capacity of non-executive councillors to carry out their scrutiny role or in the commitment of political leaders and others to respect and support the scrutiny role. Scrutiny by elected members is one of the mechanisms of local accountability currently relied upon significantly to provide assurance to central government, parliament and the public that public funding is being spent effectively at local level and delivering the outcomes that are expected.

While its primary purpose as set out in legislation is to form part of the governance of local authorities and to provide a check and balance to local executives, recent developments such as the [governmental accountability systems statements](#) following the demise of the Audit Commission and its central regulatory system have emphasized the importance of scrutiny as a source of national assurance. At CfPS we wanted to try to establish whether the failings highlighted in the Jay and Francis reports are reflective of a wider national picture and to understand what might lie behind these findings.

CfPS already conducts the only national survey of overview and scrutiny in England and Wales which provides an annual snapshot of the state of the local government scrutiny function in terms of resourcing, structures, approaches and overall effectiveness. This, along with our annual reports collating the best examples of good scrutiny practice, provides a balanced picture of the strengths as well as the weaknesses of local scrutiny of public services. However, we wanted to delve a bit deeper into the specific concerns raised by Jay and Francis around a lack of robust challenge by members, political culture issues, and obstructiveness from senior officers and members and indeed other public agencies. We have consulted scrutiny practitioners on the findings that follow and the conclusions we have drawn, and have amended the report to take these views into account. We would like to thank those who responded and contributed their views on this important issue.

CfPS survey of scrutiny effectiveness 2014

Between September and November 2014 we carried out a survey on Survey Monkey, promoted via our networks and newsletters to scrutiny members and officers in England and Wales. It had 95 responses, a handful comprising responses from two different people at the same authority, 84% of which were completed by scrutiny officers, 5% by members and 11% other. Responses were reasonably spread across the different types of authority. It must be acknowledged that this is a limited sample only, and our main conclusion is to endorse [the recent recommendation of the DCLG Select Committee that there should be a national evaluation](#) of the operation, impact and effectiveness of overview and scrutiny – something which has not happened since the [2004 research commissioned into the operation of the new council constitutions](#) by the then ODPM and carried out by Professor Gerry Stoker et al.

This recommendation is strengthened by the findings that emerge strongly, even from this limited sample, around political and officer culture, the prevalence of barriers to members carrying out their scrutiny role effectively, and what we believe are growing risks and strains in the system of local scrutiny and accountability. We believe that this small piece of research provides further weight to the [concerns expressed by the National Audit Office and Public Accounts Committee](#) around the stresses and strains being placed on local accountability systems by a range of pressures including resource reductions and the development of growing numbers of complex multi-agency partnerships and new decision-making bodies. We urgently need to understand better the causes of these risks so that local government can take steps to address them effectively and so that national government – recently criticized by the NAO / PAC and the Department of Health and DCLG departmental select committees for its lack of understanding about the local impact of national spending decisions – can have strong local mechanisms on which to rely.

Headline findings and conclusions

Biggest barrier to effective scrutiny? (analysis of free text responses)

1. Member commitment, engagement and skills – 25%
2. Attitude of senior officers – 24%
3. Political culture and leadership – 22%
4. Lack of resources or officer support – 21%
5. Poor scrutiny practices – 7%

One single thing that would make a difference (analysis of free text responses)

1. More / protected resource for scrutiny, including officer support at senior enough level – 37%
2. More statutory powers, notably over external agencies and to force action on recommendations – 22%
3. Culture change at top, notably tackling impact of large political majority – 20%
4. Member calibre, training and status – 12%
5. Change scrutiny practices, notably more task and finish reviews – 8%

In a significant minority of councils, scrutiny's requests for information may be being blocked or denied – despite a statutory requirement to provide information to scrutiny

- **36% said scrutiny requests for information were regularly or sometimes blocked or denied**

“There is an officer & political culture to keep scrutiny away from the real issues”

-
- **This could be more a senior officer issue than a political one: 71% said blockages come from senior officers**, 40% from leader / cabinet (respondents could tick all that applied, hence totals come to more than 100%)

“the problem seems to come from the culture, and the culture very much depends on senior officers/senior members.”

“Scrutiny is not universally valued or well understood at a senior management level. It is currently perceived and used as a tick box exercise to try to keep back bench members quiet.”

Large political majorities and strong leaders may inhibit scrutiny’s independence. Although CfPS Annual Surveys do not show correlation between political control, allocation of chair positions and effectiveness, there is some evidence that scrutiny is more valued and effective in councils under no overall control

- **30% said the leader appoints all scrutiny chairs** and 31.5% said the majority group BUT 31.5% said chairs were appointed by non-executive members on a cross-party basis
- **65% give all chairs to the majority party**, with 47.5% taking all Vice-Chairs as well. 35% are held politically proportionately.

“[We need] elections for Chairmen at full council and enabling non-majority party members to be chairmen.”

- Over 71% authorities responding have a large majority – is this a problem for scrutiny?

“Leadership culture of evading challenge - and feeding fish to scrutiny to keep them busy. Probably a result of large political majority.”

“Decisions made at Group - large majority do not want to show dissent in public”

A worrying minority of council scrutiny functions do not appear to be fulfilling their challenge role effectively, including failing to triangulate what they are told by officers and the executive against the experience of service-users or external benchmarking data

- **Nearly 25% said scrutiny never or hardly ever robustly challenges executive** (20% said never or hardly ever robustly challenges senior officers)
- **31% never or hardly ever listen to other sources of evidence or service users** to inform their challenge

The role of the Monitoring Officer is welcomed and valuable but the Statutory Scrutiny Officer role needs to be higher profile, higher status and better understood

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- 61% felt Monitoring Officer supported scrutiny effectively BUT small minority (7%) felt didn't support at all
 - 79% would go to Monitoring Officer if they felt they had a problem with scrutiny's access to information etc, 49% would go to Chief Executive, 17% to CfPS
 - 34% say Statutory Scrutiny Officer never attends senior leadership team, while 31% say the role is not at all understood.

What else do we know?

- CfPS 2014 Annual Survey found that resources and support for scrutiny are at lowest level since 2004 – down to 1.75 FTE staffing
- The trend is towards combining scrutiny and democratic services officers (up to 33% in this latest survey) rather than having a dedicated separate officer or team
- Many districts in particular have no dedicated scrutiny officer at all
- There is a clear correlation in CfPS surveys between effectiveness, following up recommendations and dedicated officer support
- LGA survey in 2012 found that 97% chief executives and 96% leaders agree that “local accountability is strong in my authority” but it is unclear what this means or how this works in practice

What steps would CfPS recommend to address these issues?

1. We believe it is becoming urgent that a proper research project is carried out to establish and understand the operation, impact and effectiveness of the challenge provided by local authority overview and scrutiny, and the extent to which it is able to carry out the role envisaged for it by statute, government, parliament and public expectation, particularly in the context of on-going local government funding reductions. We acknowledge that the findings reported here are based on a limited sample but believe that this underscores the need for a properly resourced piece of research to establish exactly what the national picture is, and to enable the full capturing of good practice as well as any problems. Given the wide variation in scrutiny arrangements the exact scope and focus of such a research project should be carefully thought through and it may be more useful to focus on member governance, political and managerial culture or the different roles of executive and non-executive governors and to take a qualitative approach rather than attempting to draw any generalized quantitative conclusions.
2. Given the evidence presented here, which is borne out by all the anecdotal evidence of which we are aware from CfPS's work as well as the individual examples of serious service failure highlighted by inspections and public enquiries, we call on the LGA and SOLACE to

collaborate with us to raise awareness and acceptance of the importance of independent, properly resourced and effective scrutiny and challenge amongst their senior member and officer council leaderships. We know that the best, most confident leaders accept and welcome challenge as helping them and their organisations improve what they do, but too many see it as something to be limited, obstructed and paid lip service to at best. This must change.

3. We call on all councils to review their own member scrutiny and governance arrangements in the light of the Francis and Jay reports to ensure they are providing robust, evidence-based challenge to service delivery and performance that draws on the views and experiences of residents and service-users and provides assurance that risks are being appropriately managed. Again, we know that the best scrutiny functions already do this, and that a number have specifically done so following the Francis and Jay reports to ensure they are learning from those failures. Recognising the resource constraints under which authorities are operating, this review should ideally involve some independent, external assessment, for example, using a peer challenge approach or drawing on CfPS's Accountability Works for You methodology for assessing scrutiny's effectiveness, and could be overseen or commissioned by the council's audit committee to provide further independence.
4. We are concerned at the finding that 30% respondents said that scrutiny chairs are appointed by the leader, which must call into question their perceived independence at the very least, although encouraged that slightly more said they are chosen by non-executive members cross-party. We do not have any evidence as to the effectiveness or impact of different ways of choosing scrutiny chairs (something which, again, a piece of national research could address) but believe having an independent mandate sends an important signal about the chair's legitimacy and freedom to act. Given the impact we know a good scrutiny chair has on the effectiveness of scrutiny, CfPS believes the time has come for councils to seriously consider whether scrutiny chairs should be chosen by secret ballot of non-executive members of the council, based on an objective assessment of how well they are able to do the job. We acknowledge that local flexibility around overview and scrutiny arrangements remains an important principle but we would wish to see councils actively demonstrating that they have sought to find the best independent-minded leaders for scrutiny, in line with our long-established 3rd principle of effective scrutiny. There is a range of different ways that this could be done, for example giving members complete discretion over who they choose, either across the whole non-executive membership of the council or within the individual committee memberships, or on the basis of a certain proportion being reserved for the opposition as happens now in Parliament.
5. One interesting finding is that very few respondents independently identified either the external auditor or the remaining inspectorates, CQC and OFSTED, as a source of action or support if they were concerned that scrutiny was being obstructed or that an issue was not

being properly addressed. We call on industry bodies (for example CIPFA and the big 4/5 accountancy firms) and the two inspectorates to work with CfPS to help them engage better with overview and scrutiny and to raise their profile with councillors as a source of action or support for scrutiny.

6. We have long argued for the importance of triangulation as part of the process of effective overview and scrutiny, and in particular the importance of hearing the voices of service-users, which has been one of our four principles of effective scrutiny since 2004. We note an apparent contradiction in overview and scrutiny practice which is that the many excellent examples of policy review and development (overview) which we see every year, for example, in our Good Scrutiny Awards, seem to adopt these approaches more effectively and readily than what might be described as the scrutiny and challenge element of the role. Challenge sessions seem far more often to involve simply hearing from and questioning cabinet members and officers on performance reports which they have produced, without recourse to external sources of evidence to back-up or challenge what the council is saying. We will redouble our efforts to impress upon scrutiny practitioners the importance of verifying internal evidence against other sources when carrying out performance monitoring, service reviews or cabinet member challenge sessions and call on national service-user, patient and other advocacy and consumer groups to work with us to enable overview and scrutiny committees to access the views of their members more readily and effectively.
7. Last but definitely not least, we must draw attention to the reduction in resources affecting most if not all overview and scrutiny functions in local government. As this report notes, resources are at their lowest level since 2004 and this is limiting the scope of what scrutiny committees are able to do. Councils are having to prioritise the issues they investigate and there are concerns that some issues may be missed as a result. Whilst it is right that councils focus their resources on the issues that matter most, continuing to cut back on scrutiny and good governance ultimately poses a risk to good decision-making. The research into governance effectiveness which we are backing must include an assessment of the impact of resource reductions on effective scrutiny.
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