

Effectiveness of Local Authority Overview and Scrutiny Committees

Report of the H & C Communities and Local Government Committee

A Personal View

In December 2017 the above report was published. Its antecedents were reflections on the consequences of ineffectual scrutiny drawing on the failings of Mid Staffordshire NHS Trust (which criticised Local Authority Health Scrutiny) and the inadequacy of Rotherham Council where 'Scrutiny had been undermined by an organisational culture that did not value scrutiny' so that communities were not able to assess the information they needed to hold the Executive to account. The Committee sets out a number of recommendations for the Government and LGA to consider.

Role of Scrutiny

The H and C Committee stated 'at its best Scrutiny holds Executive to account, monitors decisions affecting local residents and contributes to the implementation of policy.' It therefore supported the Centre for Public Scrutiny's 4 principles of good Scrutiny in that it:

- Provides a constructive critical friend challenge
- Amplifies the voices and concerns of the public
- Is led by independent people who take responsibility for their role
- Drives improvements in public services

It also noted that:

- As well as reacting to decisions and proposals from local decision makers, effective scrutiny can also be proactive and help to set a policy agenda
- Pre- decision scrutiny is also a vital part of a committee's role offering the Executive the benefit of their ability to focus on an issue in greater depth (a role for PDG's)
- The role of Scrutiny has also evolved e.g.' an increase in scrutiny of external bodies especially health bodies'
- Scrutiny of the growing number of partnership arrangements
- Scrutiny of council driven commercial operations.

Councils are free to organise their own Scrutiny structures and at MDDC we have a single Scrutiny Committee backed by 4 Policy Development Groups who in effect assume the overview function.

The H and C Committee recognise that 'how Scrutiny Committees operate is a matter of local direction but urge Local Authorities to take note of the findings of this report and consider this approach'. It called on the LGA to consider how it can share innovation and best practice and on the DCLG to review its guidance to the account of Scrutiny's evolving role.

RECOMMENDATIONS

The Committee published a series of observations and recommendations:

- Need for buy-in at the top of the organisation – a culture where scrutiny is taken seriously
- Responsibility to foster an environment that welcomes constructive challenge and debate

- Mutual respect

1 **Scrutiny Reports** belong to Full Council, not the executive 'They should be considered by a meeting of the Full Council with the Executive response reported to a subsequent Full Council within two months'.

2 Scrutiny Committees need to have an **independent voice** and to make evidence based conclusions while avoiding political point scoring. They need to be sufficiently resourced, have access to information and operate in an apolitical impartial way.

3 '**Executive Members** should attend meetings only when invited to do so as witnesses and to answer questions from the Committee. Any greater involvement by the executive, especially sitting at the committee table risks unnecessary politicisation of meetings and can reduce the effectiveness of scrutiny by diminishing the role of Scrutiny members'.

4 'It is vital that the **role of Scrutiny Chair** is respected and viewed by all as being a key part of the decision making process rather than as a form of political patronage'.

5 'We believe that there is a great merit in exploring the **independence** and legitimacy of **Scrutiny Chairs** such as a secret ballot of non-executive councillors (but we are wary of proposing that it be imposed and call for a pilot scheme)'.

6 'Councils should be reminded that there should always be an assumption of **transparency** wherever possible and that councillors scrutinising services need access to all financial and performance information held by the authority'.

7 'We do not believe there should be any restrictions on Scrutiny Members **access to information** based on commercial sensitivity issues (i.e. and automatic need to know)'.

8 'We note that few committees make regular use of **external experts** and call on councils to seek to engage local academics and encourage universities to play a greater role in Scrutiny'.

9 'We commend examples of committees engaging with **service users** when forming their understanding of a given subject'.

10 'Scrutiny Committees must be supported by **officers** that can operate with independence and provide impartial advice to Scrutiny councillors. Councils should be required to publish a summary of resources allocated to Scrutiny, using expenditure on Executive support as a comparator. We recommend that the Government extend the requirements of a **Statutory Scrutiny Officer** to all councils and specify that the post holder should have a seniority and profile of equivalence to the Councils Corporate Management Team.'

11 **Member Training** "it is incumbent upon councils to ensure that **Scrutiny Members** have enough prior subject knowledge to prevent meetings becoming information exchanges at the expense of thorough scrutiny. Listening and questioning skills are essential as well as the capacity to constructively critique the executive rather than following party lines".

12 “Scrutiny committees must be able to monitor and scrutinise the **(external) services** provided to residents including by public bodies and commercial organisations and have the power to oversee all taxpayer funded services”.

13 “Encourage more members of the public to participate in local Scrutiny. Consideration also needs to be given to the role of **digital engagement**; local authorities should commit time and resources to effective digital engagement strategies”

As indicated above, the report set out recommendations for the Government and LGA to reflect upon and to consider re-issuing guidance to Local Authorities. Some issues may prove challenging e.g. commitment to extra resourcing or the potential to scrutinise commercial bodies funded by taxpayers e.g. Carillion?

In my view it would be premature to act before new guidance emerges unless Members felt strongly that there is a major shortfall in the operation of Scrutiny at MDDC. We have recently benefited from the long requested and welcome appointment of a Scrutiny Officer. As Chair I have always experienced nothing but full support from Cabinet Members and from officers, but that may not be the experience of other Members. We have had difficulty at times of questioning external bodies but I would suggest that is a consequence of a County underpinned by 8 District Councils. Members may have a view on the value of all Scrutiny reports going to Full Council – some but not all may take that route already but Council can be an unwieldy forum for in-depth analysis. Whilst all reports ultimately are the responsibility of Full Council. In conclusion I recognise that this is a valuable report, that MDDC is well placed to demonstrate compliance with much of the body of the report and that until new guidance emerges it would be premature to undertake any constitutional change.

Frank Rosamond

Chair of Scrutiny