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## EXCERPT FROM THE MINUTES OF THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE HELD ON 22 APRIL 2004

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### OSM.25/04 THE CENTRE FOR PUBLIC SCRUTINY – OVERVIEW AND SCRUTINY GUIDANCE FOR DISTRICT COUNCILS

The Chairman advised that he had attended a Centre for Public Scrutiny Regional event in Manchester and that the document entitled Overview and Scrutiny Guidance for District Councils, which had been circulated to members, was a particularly beneficial and worthwhile document considered at that event.

The Overview and Scrutiny Manager commented that the effectiveness of overview and scrutiny could be measured to some extent against the issues to consider which are highlighted at the end of each section of the report. A lot of these issues had already been addressed within this Council and overall the Council was doing reasonably well, but there were also a lot of areas for improvement in relation to overview and scrutiny.

The Town Clerk and Chief Executive commented that he thought that this was a particularly good document and advised that he would be circulating it to Corporate Management Team for discussion. He highlighted the Centre for Public Scrutiny's four principles of good scrutiny, namely that effective public scrutineers:

- a) provide critical friend challenge to Executives as well as external authorities and agencies
- b) reflect the voice and concerns of the public and its communities
- c) take the lead and own the scrutiny process on behalf of the public and
- d) make an impact on the delivery of public services

In addition, he referred to paragraph 4.1 of the document with regard to understanding the role of overview and scrutiny and specifically one of the four roles of "holding the Executive to account". He commented that this paragraph effectively summed up what should be involved in this role of overview and scrutiny.

The Town Clerk and Chief Executive suggested that the Committee should consider referring this document to the Executive highlighting the four principles of scrutiny and the sentiments contained in paragraph 4.1.

Members then discussed the Health Scrutiny Committee which was comprised of representatives from the County Council and all District Councils. They discussed means of ensuring that Members and officers of the Council are aware of what other Authorities in the area are doing on scrutiny, particularly on health scrutiny. The Overview and Scrutiny Manager commented that he could provide details of the Health

Scrutiny Programme and could also highlight any other relevant scrutiny proposals from Cumbrian authorities as and when they arose.

RESOLVED – (1) That in relation to Centre for Public Scrutiny – Overview and Scrutiny Guidance for District Councils document,

- (a) the Overview and Scrutiny Manager circulate the document to all Overview and Scrutiny Members;
- (b) the Town Clerk and Chief Executive circulate the document to officers in the Corporate Management Team and that the matter be discussed at a meeting of the Corporate Management Team;
- (c) the document be referred to the Executive for consideration, in particular the four principles of good scrutiny on page two and the sentiments of paragraph of 4.11 "Holding the Executive to account".

(2) That the Overview and Scrutiny Manager include an item on future agendas, providing details of the Health Scrutiny Programme and highlighting any other relevant scrutiny proposals from Cumbrian authorities as and when they arose.

# overview and scrutiny

guidance for **district** councils

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The production of this guidance has been supported by sponsorship from the Office of the Deputy Prime Minister.



## 1. Introduction

Since the introduction of the overview and scrutiny function in local government much research has been carried out to identify existing best practice. This document does not seek to reproduce existing work but will address some common issues and problems encountered by district councils as distinct from other forms of local government. A separate guide has been produced for district councils which have chosen fourth option alternative political arrangements.

## 2. Legislative and policy context

*'Overview and scrutiny is potentially the most exciting and powerful element of the entire local government modernisation process. It places members at the heart of policy-making and at the heart of the way in which councils respond to the demands of modernisation. In addition, overview and scrutiny is the mechanism by which councils can achieve active community leadership, good governance and by which councillors can become powerful and influential politicians'.*

*The Development of Overview and Scrutiny in Local Government* Snape et al (2002) ODPM

The legislative basis for the new political structures in local government is the Local Government Act 2000. The Act ushered in what many regard to have been the most fundamental change to local government in over 60 years.

Since the introduction of the Act, research reports have identified a number of areas in which local authorities are struggling, namely:

- challenges breaking away from traditional committee system;
- opening up the system and involving the public;
- confusion over role and powers;
- staffing and support;
- budget scrutiny;
- the impact of party politics and a feeling of disenfranchisement from 'backbenchers'; and
- relationships with the executive.

As a result, many councils' overview and scrutiny functions are now on their second or third reincarnation.

At the same time, these reports have identified a number of strengths of the new system including the value of:

- in-depth studies;
- cross-cutting scrutiny;
- group work and better decisions/policies;
- improved transparency;
- new evidence;
- public involvement and empowerment for non-executive members.

*'Effective scrutiny is the lynchpin of the new political arrangements. If scrutiny isn't working this poses a significant threat to the success of democratic renewal'.*

*Developing new political arrangements, a snapshot* District Audit (2002)

In addition to these challenges, in January 2003 the Health and Social Care Act 2001 came into force and local authorities assumed responsibility for health scrutiny. Whilst the primary duty lies with unitary and county councils, they have an obligation to involve districts in the process.

The Centre for Public Scrutiny has developed four principles of good scrutiny, namely that effective public scrutineers:

- provide critical friend challenge to executives as well as external authorities and agencies;
- reflect the voice and concerns of the public and its communities;
- take the lead and own the scrutiny process on behalf of the public; and
- make an impact on the delivery of public services.

This document examines a number of issues which are frequently raised by districts and seeks to provide some guidance on how they can be tackled consistently with these principles.

### 3. Issues for district councils

From the outset, it should be acknowledged that district councils face a number of distinct challenges:

**capacity:** As relatively small organisations, it is often more difficult for district councils to support overview and scrutiny arrangements to the same degree as unitary authorities in terms of dedicated staff supporting scrutiny committees, indirect support from other officers and financial support for scrutiny. Resource constraints may also pose challenges by limiting what reports and recommendations can reasonably demand.

**meeting times:** More often than not, elected councillors at district level have full time jobs and this will have implications for the frequency and timing of committee meetings and may reduce the scope for participation in site visits (which may often, by necessity, have to take place during the day).

**focus:** Districts are responsible for relatively narrow areas of service delivery which can leave councillors on scrutiny committees feeling constrained in what they can actually look at. Alternatively, it means that wider ranging reviews will have to involve others.

**managing relationships with others:** Whilst no local authority operates in a vacuum, district councils face particular challenges in that they share responsibility for delivering services in their area with county councils. There will often be occasions where scrutiny of a district service will necessarily require some input from a county council. Similarly, scrutiny inquiries may often require the participation of other public bodies such as the police, fire brigade and health service. With these organisations often cutting across the boundaries of more than one local authority, these relationships will need to be carefully managed.

**health:** Whilst, under the Health and Social Care Act 2001, statutory authority for health scrutiny is vested in unitary and county councils. However, there is a requirement under the legislation to involve district councils in the process. This can be problematic, particularly where there is little or no co-terminicity between district and health boundaries.

### 4. Understanding your role

In order to make the most of limited resources, it is vital that councils are clear about the role and the tools available to make scrutiny effective. The ODPM identified four roles for overview and scrutiny:

- holding executive to account
- policy review and development
- best value and performance management
- external scrutiny

#### 4.1 Holding the executive to account

Holding the executive to account through scrutinising their activities is self-evidently a vital component of the overview and scrutiny function but it is also an area where many districts have struggled. In many cases councillors have struggled to distinguish the role of scrutiny from that of opposition: for executive members this means that they can be reluctant to accept scrutiny recommendations, and for backbench members of the group(s) in power it means that they can be loathe to criticise or challenge “their own” policies. But perhaps the most difficult role to play is that of the ‘opposition’ councillor who has to balance their role on committees with their role in opposing the ruling group(s). The metaphor that is often used to encapsulate that balance is that of a ‘critical friend’.

The success or otherwise of the scrutiny function will often be dictated by the approach of cabinet and senior officers. If scrutiny is seen as a threat or a ‘junior partner’ then their proposals may be fiercely opposed or rejected out of hand. This can lead to a cycle of mistrust with scrutiny often becoming reduced to regular call-ins. By contrast, if scrutiny is seen as a valid mechanism for challenge and part of the improvement agenda, and its views and opinions valued, then the committees are more likely to be constructive in their approach and cabinet more likely to accept their recommendations. In this regard, it is important to remember that scrutiny is about more than call-in and there are many other ways in which committees can scrutinise the work of the executive. In particular, councils are required by law to refer major policy documents (including at the highest level the budget and corporate plan) to scrutiny committees. This provides committees with an opportunity to influence the overall policy framework of the council. Similarly, committees can examine cabinet member service plans, conduct one-off evidence sessions on any topical issues of concern,



oversee any performance management systems and scrutinise decisions in advance through judicious use of the Forward Plan. Work that is regarded as 'overview' – policy reviews – is a form of scrutiny as it invariably involves an in-depth examination of policies, budgets and existing practice.

Whilst call-in is of course an important tool, by making it a 'mechanism of last resort' any consequent recommendations will be taken much more seriously. Some councils have developed escalation procedures leading up to a call-in, including one council which makes use of a 'yellow card' system to prompt the executive to reconsider a decision before a call-in is formally demanded.

#### issues to consider:

- are you making adequate use of the Forward Plan?
- are you paying sufficient attention to scrutinising policy framework documents?

## 4.2 Policy review and development

The second role identified by the ODPM is 'Policy review and development'. In general, this has been an area where most councils have been much more successful. However, experience has shown a number of factors can make all the difference.

The first critical issue is the *selection of the topic* in the first place. Whilst scrutiny is obviously a member-led process, officers can assist by providing guidance on the remit of the committee, council priorities, public priorities and any issues that may have previously been raised by a committee. In selecting a topic, committees should seek to ensure that they can add value, that they are avoiding duplication of work already being undertaken and that the topic is of interest to the public.

Having selected a topic, there are a number of further issues that should be considered. In setting *terms of reference*, it may be helpful to consider:

- who is involved: just the council or external agencies?
- the importance of keeping a broad perspective: a key benefit of scrutiny is cutting across what can be fragmented council structures and ensure joined-up working with partners;
- whether the committee should co-opt anyone;

- whether any **similar** inquiries have already been conducted by other authorities (for example, through the CfPS website);
- whether any specific ways of gathering information should be contemplated: for example, commissioning research or mystery shopping; think about best ways to approach target audience; and
- whether there should be any site visits.

One of the key differences between overview and scrutiny and the old committee system is the importance of *basing conclusions on evidence*. The skills required therefore relate more to questioning and analysing rather than opining. Backing up recommendations with the evidence of expert witnesses, service users or other best practice authorities both add credibility and help steer committees through potential political disagreements. A report backed up by evidence and agreed unanimously will be more persuasive.

The way in which a policy review is conducted will vary according to a number of factors including the wishes of members, time available and the nature of the issue. However, inquiries may include written and oral evidence from some or all of the following: council officers, cabinet members, partners, users, other interested parties, (academic) experts in the field, best practice authorities and the private sector. Whilst officers and cabinet members might be expected to attend, other witnesses attend voluntarily. To a degree, local authorities 'trade on their reputation' so some simple steps will help ensure that evidence sessions are useful for both the committee and the witness:

- provide the witness with terms of reference for the inquiry and any evidence gathered to date;
- give the witness any guidance documents, maps or other information they might need;
- cover the costs of travel;
- run through suggested areas of questioning;
- seek feedback after the evidence session and respond to any suggestions for improvement.

In terms of conducting evidence sessions, many councils have sought to make use of 'briefing notes' for committees, providing background information on the witnesses and some of the key issues to be discussed. Some councils go so far as to produce 'suggested questions'; this can help ensure that all topics are covered, that the session is structured and that the witness is briefed to ensure that he/she has all the necessary information to hand.

*issues to consider:*

- ✦ how are you selecting topics of inquiry?
- ✦ how should the inquiry be conducted (should you co-opt, commission research or mystery shopping, use any particular methods to engage target audiences?)
- ✦ how can you attract the views of the public and experts in the field?
- ✦ should there be any site visits?
- ✦ would any briefing papers or 'suggested questions' be helpful?

*example: Chorley Borough Council*

Chorley has one overview and scrutiny committee and three panels. They place a heavy emphasis on selecting topics, making sure that they add value to the work of the Council and result in real benefits to people in Chorley. Criteria are used to select/reject topics with efforts made to assess evidence in support of a particular inquiry and the likely outcomes. Topics are prioritised and an annual work programme is used both to take account of the capacity of members and officers and to ensure that topics are dealt with in a thorough and effective way.

**4.3 Best Value and performance management**

The third role identified by the ODPM is involvement in Best Value and performance management arrangements. The ODPM report illustrated wide variations in practice with some councils continuing to pursue member involvement in reviews separately from overview and scrutiny. There are particular issues for districts in terms of Best Value in that (as opposed to larger councils) benefits can sometimes be difficult to see when set against costs.

Best Value and performance management systems are often avoided by overview and scrutiny committees but, if tackled in the right way, scrutiny of these areas can be extremely revealing and can have a major impact on service delivery. Effective scrutiny is often about striking the right balance: some councils have struggled because they have sought to do too much, with committees being presented with reams of paper and statistics.

It is possible to find ways to make the workload more manageable. In the case of Best Value, some committees have delegated one councillor or a small group of councillors to oversee a particular review. Maidstone has developed a 'rapporteur' system by which a councillor is appointed by the appropriate committee to participate alongside the review team and report back to the committee with any issues of concern. The committees as a whole examine Best Value reviews at a number of key stages: the scope of the initial terms of reference, draft heads of report and draft report. With performance management, some councils have developed mechanisms to filter information with reports only being presented where targets have not been met.

As well as examining Best Value reviews and performance management data, it is also important to look at the way in which BV reviews are conducted and the actual practice of performance management systems. Some councils have sought to do this as part of the annual process of scrutinising the Best Value Performance Plan.

*issues to consider:*

- ✦ do you have a healthy balance between Best Value work and other overview and scrutiny work?
- ✦ can Best Value work be delegated to one member or a small group of members tasked with reporting back to the Committee?
- ✦ are you intervening at the most appropriate time(s) in Best Value reviews (e.g. looking at terms of reference, monitoring progress, assessing draft recommendations)?
- ✦ are you examining the mechanisms by which BV reviews are conducted and the performance management systems themselves as well as looking at reviews and performance?

#### 4.4 External scrutiny

With ever increasing amounts of partnership working (especially in areas such as community safety, economic development and general 'well-being'), it is likely that both scrutiny exercises and policy reviews will involve some examination of partner agencies and the council's relationship with them.

Under section 2 of the Local Government Act 2000 councils have the power to do anything which they consider is likely to promote the economic, social and environmental well-being of their areas in order to respond to the needs of their local communities. The power is wide-ranging and enables local authorities to improve the quality of life, opportunity, and health of their local communities.

In approaching cross-cutting issues, it is important to acknowledge that most public agencies are already subject to a great deal of government scrutiny and may be reluctant to see local authorities adding to this burden. These pressures are particularly acute in the area of health. It may therefore be prudent to emphasise the 'overview' rather than the 'scrutiny' role of committees and the potential benefits of becoming involved in an inquiry: an opportunity to gain publicity; argue a case, influence a review (and through it, council policy) and the opportunity to clarify any misunderstandings.

In seeking to examine the work of partners over whom councils have no jurisdiction, councils should be very aware of building good relations, for example in the way witnesses are treated. Many district council constitutions contain guidance on this which can help assuage any concerns.

Where an organisation such as a primary care trust or police authority cover more than one district council, it may also be helpful to coordinate any approaches with the other district(s); some county groupings have agreed protocols to cover this.

##### *issues to consider:*

- are you taking a cross-cutting approach to inquiries?
- are you regularly consulting and involving partners in scrutiny reviews?
- are there mechanisms for making recommendations to partners to improve the way in which cross-cutting issues are handled?

#### *Example: Dover*

One of Dover District Council's overview and scrutiny committees decided to look at crime reduction in the district. An inquiry examined the work of the local Crime Reduction Partnership and its crime reduction strategy concentrating on youth crime and current gaps in service. The findings of the review were presented by a Councillor to the Dover District Crime Reduction Partnership, as opposed to the cabinet or full Council.

#### **Health scrutiny**

Guidance has been published on health scrutiny, for example from the Department of Health, Audit Commission and Local Government Association but many of the best practice guidelines pose particular difficulties for districts due to limited officer capacity and constraints on the availability of members.

Understandably, many districts have been reluctant to embrace health scrutiny fully. The challenges for districts are immense: health is an enormously complicated field in which lay councillors have historically had little involvement; there is little 'co-terminosity' between district and health authority boundaries; and best practice guidance suggests that there should be dedicated committees looking at health – no small order for districts.

However, there are real benefits to be gained from district involvement in health scrutiny. Whilst county councils tend to restrict their inquiries to broader, cross-cutting issues, districts are able to focus their attention on what matters most to local people: in particular, issues such as access to GPs, A&E waiting times, availability of NHS dental care and so on. Accordingly, some districts have risen to the challenges of health scrutiny which has taken a number of forms: inviting health representatives to comment on health-related aspects of policy reviews, involvement in county health scrutiny arrangements, holding annual or bi-annual meetings with PCTs or more detailed specific reviews.

##### *issues to consider:*

- are there adequate consultation mechanisms for communication between county, district and health authorities?
- how are you preparing councillors to undertake health scrutiny (for example, training);
- are you scrutinising broader health issues rather than restricting yourself to the work of health providers?
- are you exploiting funding opportunities (for example, joint funding arrangements with PCTs and SHAs);

- are you making use of co-optees for health-related inquiries (for example, representatives of patients forums);

#### *Example: Arun*

With the agreement of West Sussex County Council, Arun District Council undertook an examination of the consultation procedures for the site of a new community hospital. The Committee ensured balanced representation of councillors from two of the affected wards and councillors from other wards with a more detached view.

#### *issues to consider:*

- do your committees have an equal workload?
- are your committees structured so as to enable them to look at cross-cutting issues?
- have you successfully moved away from the old committee structure?

#### *Example: Kerrier*

Kerrier District Council has addressed the problem of limited resources and capacity by developing a crosscutting approach that fits with the strategic aims of the council. It has four overview and scrutiny committees, three of which mirror the priorities set out in the community plan: individual well-being; strong communities; and a quality living environment. The fourth committee has a corporate focus.

## 5. Getting the most out of the overview and scrutiny function

With most councils now having operated under the new political arrangements for more than two years, experience, research and CPA inspections are beginning to identify some key hurdles facing districts and some possible solutions.

### 5.1 Organisational structures

The Local Government Act 2000 allowed local authorities a great deal of flexibility in the way in which the overview and scrutiny function could be set up. The ODPM report identified three different models for committees: traditional, select committee and participative. However, in practice, organisational arrangements need to fit local needs. There are variations on the political control of committees (chairs), on the relative strength of scrutiny vis à vis the executive, on whether committees are divided to reflect cabinet portfolios (like their parliamentary counterparts) or whether they are divided by function (for example separate committees for overview, scrutiny, policy review etc).

There is no 'ideal type' overview and scrutiny structure; different councils have used different models with varying degrees of success. Local circumstances will dictate the most appropriate committee structure: council/cabinet structures, political balance, local priorities, political will and resources will all play a role.

Culture and styles of working are as important as structure. Those authorities where overview and scrutiny is struggling tend to be those where party politics predominate and where councillors are struggling to move away from the old committees system.

### 5.2 Work programming

Many districts make use of work programmes for their overview and scrutiny committees. These offer a number of advantages: they provide structure to a committee's work, they enable scrutiny officers to plan ahead and arrange witnesses and they can be a useful way to help committees manage their time and determine what is possible within the course of a year. The CfPS principles of good scrutiny note that there should be 'coordinated workload planning integrated into corporate processes'.

The nature, content and detail of a work programme will vary from council to council and from committee to committee but, between them, the committees should cover a range of work which:

- reviews decisions of the executive
- reviews particular areas of council policy
- monitors administration and expenditure
- scrutinises major policy framework documents including the budget and corporate plan
- follows up on past reports, references and recommendations to assess progress.

Ideally, work programmes should not be fixed but be sufficiently flexible to allow for brief one-off investigations into topical issues or facilitate the call-in of a cabinet decision.

#### *issues to consider:*

- do you have a work programme?
- is it regularly updated and put on committee agenda?
- does it take account of corporate processes such as the need to examine key policy framework documents?
- is your workplan flexible to allow for urgent topical inquiries and call ins?

#### *example: Hyndburn*

As part of a review of overview and scrutiny in January 2004, officers at Hyndburn Borough Council found that in the previous six months 42 per cent of the committee's entire workload had been taken up by unscheduled items. Twenty two potential items were identified for the following six months and the committee agreed a set of nine questions as selection criteria for reducing this number to 16 which were then timetabled into the committee's work programme.

### **5.3 Public engagement**

Involving the public is one of the most interesting, and perhaps stretching, challenges for district council overview and scrutiny committees. The CfPS principles note that effective public scrutineers should reflect the voice and concerns of the public and its communities, should own the process on behalf of the public and should make an impact on the delivery of services. However, despite the fact that meetings are held in public and information is freely available, it can be extremely difficult to excite and engage the public.

Public engagement starts with the topics under investigation. It is highly unlikely that people will care about investigations into internal matters such as departmental recharges or procurement initiatives. In selecting topics of inquiry, attention should be paid to public priorities and issues of local concern.

Having selected a topic, much can be done to ensure that the public are at the very least aware, if not involved in scrutiny inquiries. Overview and scrutiny committees can seek to develop relations with the press and media, perhaps through holding regular press breakfast meetings or open evenings with journalists. Press releases announcing inquiries can be sent out inviting written evidence or attendance at meetings, and letters and articles submitted for publication from local newspapers. Advice can be sought on appropriate methods of attracting publicity, such as launch events for reports or taking journalists on site visits.

Electronic media can be employed to good effect. Most councils now have dedicated scrutiny web pages which can be used to disseminate information. Some councils have been more proactive and have made use of direct information services such as electronic agenda alerts and regular 'e-bulletins' setting out the work of the committees and encouraging members of the public to participate.

Many councils are taking advantage of the opportunity of holding committee meetings away from the town hall in the local community, particularly where there is a compelling reason to do so. This can be hard work. To make such meetings successful, work has to be undertaken such as trailing the meeting in local newsletters or parish magazines and attracting public interest through letter drops, posters and any local networks. It might also be necessary to arrange PA systems and refreshments. However, meetings away from the Town Hall can be an extremely useful mechanism for engaging the public, gaining publicity and help ensure that members are aware of the possible benefits of the scrutiny process.

#### *issues to consider:*

- have you established relationships with local newspapers and media organisations – do you send out press releases advertising inquiries and evidence sessions?
- are you taking advantage of the opportunity to hold meetings away from the Town Hall?
- are you making use of low cost, new media, such as websites and e-mail to publicise the work of the committees?

#### *example: Maidstone*

Maidstone Borough Council has used a number of methods to maximise public involvement: inquiries are widely publicised and the public or interested parties invited to contribute. Meetings are frequently held away from the Town Hall with one meeting on motorway noise attracting over 80 members of the public. Reports are publicised in the media, often with high profile launch events. The Council has also made use of new technology with an interactive scrutiny website, 'e-agendas' and a monthly 'e-bulletin' which is sent to over 250 subscribers updating them on the work of the committees.

## 5.4 Report writing

The purpose of any review or scrutiny exercise will be to make recommendations to cabinet. In the case of policy reviews, this will often be in the form of a report. Experience has shown that a number of steps can help ensure that overview and scrutiny reports gain maximum publicity and have the greatest chance of influencing the executive. Executive members also do not want to read too detailed and wordy reports. The following may therefore be useful to consider:

- reports should be well drafted (not in local government speak!) and well presented;
- recommendations should be concise, focused and realistic;
- conclusions should be cogently argued and evidence-based;
- any proposals that might have financial implications should be costed and possible sources of funding identified;
- it should also be noted that the impact of any report will be stronger if the recommendations are unanimous (a focus on evidence and careful drafting so as to mediate between competing positions may help).

There can be a difficult balance to be struck in a reporting process which has to be member-led and represent councillors' views but not be drafted 'by committee'. In practice, most authorities have found that the best solution is to allow scrutiny officers to draft reports on their behalf, but there are steps that can be taken to maximise councillor involvement and to ensure that the report represents the considered views of the committee:

- start thinking about the report early: at the end of each evidence session, encourage members to discuss what they have heard and draw out any key conclusions they have reached;
- at the end of the inquiry, dedicate a meeting to discussing the report, perhaps with the scrutiny officer producing an outline with key points of the eventual report;
- try to have a private, informal drafting session to allow a free and frank discussion and to ensure that when a report is made public for the first time, it truly represents the views of the committee.

To ensure maximum public impact, think about whether the report should have a high profile launch with the press and media invited to attend. Publicity stunts or an appropriate 'peg' to another topical story may help, as may a new or interesting location for the launch. The appropriate executive member may also be willing to get involved in any launch.

### issues to consider:

- have you struck the right balance between member involvement and officer help in drafting reports?
- is the report well presented with clearly argued, evidence-based recommendations?
- have any funding implications been identified and dealt with?

### Example: Shepway

Shepway District Council has developed a two-stage approach whereby the committee as a whole agrees recommendations and proposals for inclusion in reports. The chairman, vice-chairman and lead members are then tasked with preparing a draft report for consideration by the committee. The Cabinet member and Chief Officer with the responsibility for the matter under review are given the opportunity to comment on its findings before it is agreed by the Committee.

## 5.5 Measuring the effectiveness of scrutiny

One problem with which many districts have been grappling is how best to measure the effectiveness of scrutiny. If scrutiny is to be valued by members, officers and the executive, then it is important that any successes are made clear and that any changes to council policy reported back to members. Similarly, for scrutiny members themselves, it will be important to follow up conclusions and recommendations and to monitor them to ensure that any necessary changes are put in place.

Many councils now produce annual scrutiny reports which provide details of the sort of work that committees have undertaken, their conclusions, and any consequent action on the part of the executive. Councils have also employed a number of mechanisms to track recommendations. Some councils have appointed a specific officer to oversee the implementation of committee reports; in other councils, the committees themselves have appointed member 'rapporteurs' for each report charged with seeing them through to their conclusion. If insufficient progress is being made on implementing a particular recommendation, the rapporteur can draw this to the attention of the committee and they can revisit the topic.

In terms of performance, some authorities have sought to introduce performance indicators for the scrutiny function. The ODPM report on scrutiny provides some examples of the types of indicators that might be used and draws on examples used by South Ribble and Darlington borough councils. An appendix gives over 60 possible performance indicators in areas such as: accountability, greater transparency, efficiency in decision-making, public involvement, and developing influential and satisfying roles for councillors.

#### *issues to consider:*

- could you be doing more to report back on any successes or instances where committee recommendations have been accepted/implemented?
- are you producing an annual report to show what scrutiny has achieved?
- are you following up on past reports?
- have you considered the introduction of performance indicators to measure the effectiveness of scrutiny?

#### *example: East Hampshire*

Under the terms of the constitution of East Hampshire District Council, its overview and scrutiny committee must report annually to full Council on its working and make recommendations for future work programmes and amended working methods if appropriate.

The Annual Report of Overview and Scrutiny is considered by Council and summarises the outcomes of the work undertaken by the Committee in the previous year. This provides an opportunity for the work of the Committee to be promoted to all Councillors and to raise the profile of Overview and Scrutiny.

## 6. Supporting scrutiny

Perhaps the single biggest factor in determining the success or otherwise of local overview and scrutiny arrangements is the adequacy of the support that is provided to them: support in terms of staff resources (direct and indirect), financial resources and support from senior officers and members. There is a very high correlation between levels of support and resources and the success of scrutiny. Providing adequate dedicated support also provides improved member confidence in the process and helps build a 'parity of esteem' between scrutiny and the executive.

### 6.1 Support staff

The CfPS principles stress the importance of 'acknowledging professional officer support for the 'lay' scrutineer'. In the early stages of modernisation, there was little in the way of dedicated support and many officers running scrutiny committees were former committee clerks. In some cases, this has worked well but scrutiny officers do require a different set of skills. Committee clerks would have in-depth knowledge of committee procedures which required the production of agendas, minutes and reports in a prescribed format. Scrutiny officers require research skills and need to be prepared to guide and advise the committee and produce free-flowing reports that are appealing to the public rather than other local government officers.

Providing the necessary levels of officer support can be particularly problematic for districts as there are diseconomies of scale. However, more and more councils are now realising the importance of providing dedicated officer support and it is often members themselves that are driving this trend. Many councils also provide indirect officer support to scrutiny by stipulating that non-scrutiny officers owe an equal duty of care to both the executive and overview and scrutiny committees. Some districts are starting to consider ways of sharing expertise and specialist support.

#### *issues to consider:*

- do you have dedicated scrutiny support staff?
- are there agreed procedures by which scrutiny officers can draw on the expertise of other officers?

#### *example: South Norfolk*

South Norfolk has provided dedicated officers to advise and support overview and scrutiny committees. Its constitution obliges them to provide impartial and independent advice.

### 6.2 Budgets

An increasing number of councils are now providing dedicated scrutiny budgets (above and beyond scrutiny section budgets). Budgets are important to allow committees to purchase equipment (such as recording equipment or digital cameras), commission research or mystery shopping, pay for witnesses' expenses, conduct site visits, pay for adverts, take meetings out of the 'town hall' and co-opt specialist advisers.



#### issues to consider:

- do you have a scrutiny budget to help with things such as witnesses' expenses, site visits and meetings in the community?

#### Example: Aylesbury Vale

Aylesbury Vale has a policy by which overview and scrutiny committees have an opportunity to comment on every major policy and budget decision. The committees also have the opportunity to comment on the Cabinet's proposals before recommendations are made to the council. This includes annual budget setting and budget management.

### 6.3 Training

One lesson identified early on is that effective overview and scrutiny requires very new skills and abilities from councillors. Whereas the old committee system placed a heavy premium on oratory skills and powers of persuasion, the new political structures require a new set of skills such as interviewing and evidence gathering, questioning, report writing, project management and budget scrutiny. Accordingly, the CfPS principles of good scrutiny contain within them a commitment to 'appropriate training and development'.

In the early days, training courses were very much focussed on developing the right structures and processes to make scrutiny work. However, the needs of councils have moved on and many of them are now seeking practical support to build and improve capacity and to develop new and effective working styles.

Training courses should ideally be practical and participative, wherever possible involving practitioners and experts in the field. In the area of budget scrutiny, a number of councils have approached the Institute for Public Finance to assist them; similarly, in the area of health, some councils have teamed up with local Primary Care Trusts to develop health scrutiny.

With Council diaries now fuller than ever, part-time councillors find it increasingly difficult to find the time for discretionary training sessions. Training and development should be focused to make the best use of time and be provided at convenient times which suit busy schedules.

#### issues to consider:

- do you have a members' training budget and training plan?
- are training sessions put in members' diaries in advance so as to ensure availability?
- are training sessions being held at the right times to suit members?
- are training courses adding value? Are they participative and do they, where possible, involve experts in the field and practitioner?

#### Example: Maidstone

Following the introduction of the new political arrangements, members themselves were quick to identify a 'skills gap'. Questionnaires were used to find out what training was required and a number of bespoke courses have been developed, some of which are now being rolled out to other councils. In particular, Maidstone teamed up with RADA to develop members' questioning skills and developed a programme of budget training with the Institute for Public Finance.

## 7. Conclusion

The overall picture today is considerably more positive than that of 12 months ago. Research projects and the Centre for Public Scrutiny have found many examples of innovative practice which are being shared across councils and there is a great deal of work being undertaken across the country to ensure that overview and scrutiny committees work well and genuinely add value. If these improvements are to be sustained, districts will have to continue working together and building constructive relationships for effective scrutiny: with counties, with partners and with one another.

## 8. Research reports

- *Evaluating the Effectiveness of Local Scrutiny*, Cardiff University, 2003
- *Evaluating Local Government Team* (Consortium of University of Manchester, Birkbeck College, Goldsmith's College, Salford University) (ODPM) [www.elgnce@hc.uk](http://www.elgnce@hc.uk)  
*Report of ELG Survey Findings for ODPM Advisory Group*, 200
- *Implementing the 2000 Act with Respect to New Council Constitutions and the Ethical Framework* First Report
- *The Development of Overview and Scrutiny in Local Government*, INLOGOV, De Montfort University (ODPM), 2002
- *Old Habits Die Hard? Overview and Scrutiny in Local Government*, Constitution Unit, UCL, 2004

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## 9. Acknowledgments

*This guidance has been prepared for the Centre for Public Scrutiny by William Benson, Assistant Director of Scrutiny and Change Management at Maidstone Borough Council. CfPS is also grateful to all the councils who have supported this work and allowed examples to be cited.*