



OFFICE OF THE
DEPUTY PRIME MINISTER

LOCAL AND REGIONAL GOVERNMENT
RESEARCH PROGRAMME

Research Summary

The Development of Overview and Scrutiny in Local Government

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Introduction

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 report is largely about how local authorities can realise this potential.

The report draws on the positive lessons from local implementation and presents practical solutions to on-the-ground barriers and obstacles across local government. It covers an exploratory research study, qualitative in nature, which sought to identify good practice in the development of overview and scrutiny. To gather this information, the team undertook case study research in ten authorities (selected using a range of criteria) and wider scanning of good practice examples.

The research has found a good deal of experimentation across local authorities in terms of the structure and operation of

overview and scrutiny and within this there is strong trend towards individual authorities emphasising particular key roles. The following explores these approaches before key conditions for effective scrutiny are set out.

Policy Development and Review

Policy development and review work has been the most impressive we have seen undertaken by overview and scrutiny committees. In a number of the authorities, this has involved a wide range of investigative methods and the production of well honed and targeted reports. They have been carefully project managed, extremely well led by members and well supported by officers.

Many members and officers argue that such quality of work was undertaken rarely within the traditional committee system. In a number of authorities, it has produced a cadre of members who are becoming skilled at investigating below the surface of policies and initiatives and adept at developing evidence-based approaches. Members also find this investigative approach particularly satisfying.

Service Quality

Participation

Finance

Management

Regions

When analysed collectively, the following good practice elements in undertaking in-depth investigations emerge:

The Selection of Significant Issues

Many of the investigations concern issues of real public concern such as the siting of mobile phone base stations, the salting of roads, public disorder aspects of licensing policy, abandoned vehicles, etc. A number of the case studies had important financial implications.

Pre-Investigation Project Planning

All of the case study investigations had the benefit of being carefully project planned in advance. This included well thought out terms of reference, plans for methods of inquiry, timescales, officer support and reporting mechanisms.

Range of Investigative Methods Adopted

The investigations also demonstrate the value of using a wide range of investigative methods, from a range of 'participative' methods to the more formal 'select committee' style approach adopted by a number of authorities.

Involvement of Partners and the Public

All of the case studies involve investigations where the committees took care to involve partners, the public and occasionally also the press. This usually took the form of requesting written and oral evidence and often included varying the location of meetings.

Well Presented Final Report and Recommendations

The reports from these investigations also largely depart from traditional service committee reports, providing summary sections, reviewing the evidence gathered and providing a range of evidence-based recommendations.

Follow up

Many of these investigations have been carefully followed up in order to ensure action has been taken.

Growing awareness and experimentation in external scrutiny has produced some impressive in-depth reports concerning the actions and impact of external agencies. The full report presents examples of external scrutiny being undertaken collaboratively with other agencies and local authorities.

Best Value reviews

In the examples we have seen, the energy of scrutiny councillors in connecting with best value has largely been targeted on overseeing individual best value reviews. However, this has the disbenefit of scrutiny councillors concentrating on detailed individual reviews, but neglecting the key strategic decisions of packaging and prioritising. In other words, members can be missing the 'big picture'. Taking a broader view of involvement in best value would include overview and scrutiny committees involving themselves in the following:

- The content and presentation of the best value performance plan. Do members think that the public and partners will find this useful and comprehensible?
- Decisions over the prioritisation and timing of the best value programme of reviews. Do members believe that public concerns and failing services have been given sufficient priority?
- Decisions concerning the packaging of best value reviews. Does this make sense to members? Are sufficient cross-cutting and area-based reviews included? Would they have meaning to members of the public and partners?
- The nature of performance management generally. Are members convinced of the general systems for performance management within the authority? Are the most helpful – and informative – performance targets being presented to members and to the public generally?

Holding decision-makers to account

Holding fellow members to account in a transparent and rigorous manner is simply not part of the traditional member behaviour and culture. This has led to some fundamental misconceptions about undertaking this role.

The report presents a range of methods that might be employed in seeking to hold the decision-makers to account:

- Examining minutes and agendas;
- Using call-in procedures;
- Attending the executive (or policy committee) meeting;

- Examining the forward plan;
- Calling the cabinet (or policy committee) member as a witness;
- Meetings with cabinet (or policy committee) members;
- Officer briefings;
- Shadowing.

In using the above methods, most overview and scrutiny committees have tended to take a 'narrow' definition of holding decision-makers to account which focuses on the detailed decisions planned or taken. In essence, this narrow approach is reactive to an agenda set by the executive or policy committee itself. And a common response by cabinet members to this approach is to dismiss it as 'nitpicking' over detailed issues.

There is a growing awareness amongst scrutiny councillors that it would also be possible to take a 'wide' interpretation of the role, which focuses on the strategic direction set by the executive or policy committees and proactively works to establish whether the key strategies are appropriate and are being implemented effectively. If this wide definition is adopted then much of the policy development and review work being undertaken by authorities is contributing to 'holding the decision-makers to account'.

e Structure and Operation of Overview and Scrutiny

In some authorities, the traditional committee system is casting a long shadow in shaping the approach to overview and scrutiny. It is still common for overview and scrutiny committees to operate almost as traditional service committees 'in disguise'. Sometimes this is a purposeful local decision, but more often it is a product of changing structures without changing culture; members and officers simply assume the same behaviour and activities that they have always performed.

Identifying a 'Traditional Committee' Overview and Scrutiny Forum

You are probably operating in a 'traditional' committee overview and scrutiny forum if the following are the case:

- You are meeting in the same venue;
- Members and officers are sitting in the same positions;
- The agenda, minutes and reports are unaltered from the traditional service committee system;
- You prepare for meetings the same way as before;
- You follow-up meeting the same way as before;
- Members and officers behave the same;
- Members are voting on motions/recommendations;
- The work of the committee is meetings-based.

Authorities have experimented widely in creating local structures for the overview and scrutiny function. The number of committees varies, the membership and size also varies. However, it is possible to broadly categorise local authority structures into one of four broad structural approaches.

A popular approach to structuring overview and scrutiny is to create **multiple scrutiny committees** (between two to, usually no more than, eight committees), each having a mix of cross-cutting and functional briefs. This approach can have several potential advantages, for example, it can ensure that enough places are available for all non-executive members to sit on at least one committee and that members address key cross-cutting issues. An important variant on this approach is **multiple scrutiny committees with a co-ordinating forum**. This addresses one of the potential weaknesses of the first model: a tendency to duplicate each others work or leave gaps between committees. A co-ordinating forum is also important in increasing the legitimacy and power of overview and scrutiny and in sharing learning across the committees.

We have categorised two other structural models: a **single standing committee**; and a **role differentiation model**. In the first, there is one standing committee which undertakes the work of overview and scrutiny. Such an approach has the advantage of flexibility but can restrict the number of members who can be involved. The second is based on establishing different forums for the different overview and scrutiny roles. A case study example of this involves: a scrutiny select committee whose function is to hold the executive to account; and four cross-cutting select committees whose role is to undertake policy development and review work.

Conditions for Effective Overview and Scrutiny

The concluding chapter of the report raises a number of key processes for overview and scrutiny which might lead to good quality, wide-ranging public debate by better informed and motivated members. But, however excellent an authority is in terms of its processes, 'successful' overview and scrutiny has to involve tangible and substantive outcomes. This means that overview and scrutiny committees must be able to demonstrate that they have:

- Held the decision-makers to account;
- Supported the development of effective policies and initiatives which have a beneficial impact on the community;
- Contributed significantly to continuous improvement in services through best value;
- Positively impacted on the work and outcomes of external agencies.

The research findings point strongly towards the following key conditions which will support the achievement of these outcomes in any local authority.

Member Leadership and Engagement

Overview and scrutiny can only work in the longer term if scrutiny councillors drive the process and provide genuine leadership. And this is not a task just for the chairs and vice chairs but a wider number of members must be actively engaged and enthusiastic about scrutiny. These members also have to demonstrate the appropriate skills, competencies and knowledge to undertake this work.

Responsive Executive or Policy Committees

A responsive executive – or policy committees in alternative arrangements – which is willing to listen to and be influenced by overview and scrutiny is a pre-requisite for effective scrutiny. However, where executives 'stone wall' overview and scrutiny it is still possible for committees to work to combat this, through influencing full council, engaging and influencing partners and the public.

Genuine Non-Partisan Working

In local authorities, the traditions and culture of party politics colours the relationship between the party groups. However, most authorities we have seen appear to have developed good cross-party working within overview and scrutiny committees. Certainly the relaxation of party group discipline (including self-discipline) will be vital factor in the long term development of local authority scrutiny.

Effective Direct Officer Support and Management of Scrutiny Processes

Where members must lead and 'own' the scrutiny processes, officer support is required to manage the range of scrutiny processes, including work programmes, meetings, agenda, minutes and so on. The findings from this research clearly identify a link between investment in officer support and effectiveness of overview and scrutiny arrangements. Those authorities that had invested more in terms of officer support (and other resources, including training and payment of expert witnesses) had reaped the rewards.

Supportive Senior Officer Culture

A supportive senior officer culture for overview and scrutiny is just as important as a responsive executive or policy committee. Decision-makers and senior officers can work to effectively smother the effectiveness of overview and scrutiny. It is an important condition for effective working that senior officers welcome and support the challenge and added value that overview and scrutiny can bring. In particular, senior officer support is vital in terms of the provision of effective direct officer support and general responsiveness of officers in departments to the requests and demands from overview and scrutiny.

High Level of Awareness and Understanding of the Work of Overview and Scrutiny

A pre-condition for effective scrutiny is that internal and external individuals and organisations are aware of, and understand, the work of overview and scrutiny. Educating officers and 'non-scrutiny' members about the role, processes and potential of overview and scrutiny is an important task. As is raising the awareness of the work of committees with partners, the public and the local media.

Conclusion

Drawing on the experience of a number of local authorities to date, it is possible to identify two key elements of 'good practice' or 'effective scrutiny': effective processes and tangible outcomes. The report presents a range of evidence from local authorities striving to achieve both.

The strength of overview and scrutiny is that each council can cast it in their own image and give it the specific links with other aspects of modernisation that each council finds of value. The report highlights specific examples that were found of councils recognising the need to link overview and scrutiny to other modernisation activities, including best value, community leadership and ethical standards. There is a far wider agenda in operation as councils develop their own response to modernisation – the question that needs to be asked is: how can overview and scrutiny be linked to each step in the modernisation process?

Further information

Copies of the full report, priced at £15, are available from:

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This summary and full report are also available on the ODPM website:
<http://www.local.dtlr.gov.uk/research/index.htm>

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