

Report To:	OVERVIEW (AUDIT) PANEL
Date:	30 July 2018
Reporting Officer:	Sandra Stewart, Director - Governance and Pensions Sarah Dobson, Assistant Director - Policy, Performance and Communications
Subject:	THE EFFECTIVENESS OF LOCAL AUTHORITY OVERVIEW AND SCRUTINY
Report Summary:	This report provides a summary of a report published by the Communities and Local Government Committee into the Effectiveness of Local Authority Overview and Scrutiny Committees. Findings have been used to undertake a self-assessment of Tameside's Scrutiny function (section 3).
Recommendations:	The Panel are asked to note the content of the report and next steps (section 4).
Links to Corporate Plan:	The work and recommendations of each Scrutiny Panel remains closely linked to the Council's corporate vision and priorities.
Policy Implications:	An effective Scrutiny function ensures residents receive the best possible services from the Council and its partners. It aims to improve services by examining delivery and making recommendations for improvement. It is important for the Council to take notice of findings and guidance on the provision of local scrutiny to aid best practice.
Financial Implications: (Authorised by the Section 151 Officer)	There are no direct financial implications as a result of this report. Any costs incurred by the Scrutiny Panels and service must be met from existing budgets.
Legal Implications: (Authorised by the Borough Solicitor)	<p>Overview and scrutiny committees were established in English and Welsh local authorities by the Local Government Act 2000. They were intended as a counterweight to the new executive structures created by that Act (elected mayors or leaders and cabinets). Their role was to develop and review policy and make recommendations to the council.</p> <p>Today, the legislative provisions for overview and scrutiny committees for England can be found in the Localism Act 2011. Those for Wales are in the Local Government (Wales) Measure 2011, and those for Northern Ireland are in the Local Government Act (Northern Ireland) 2014. There are no legislative provisions for overview and scrutiny in Scotland, though many Scottish local authorities do operate scrutiny committees alongside executive structures.</p> <p>Local authorities also manage processes of 'external scrutiny', where their committees look at issues which lie outside the council's responsibilities. In England, specific powers exist to scrutinise health bodies, crime and disorder partnerships, and Police and Crime Commissioners. Combined authorities are also required to establish overview and scrutiny committees.</p>

A helpful parliamentary note can be found [here](#)

Risk Management:

A self-assessment of the Council's statutory Scrutiny function has been undertaken to ensure it remains current and fit for purpose.

Access to Information:

The background papers relating to this report can be inspected by contacting Paul Radcliffe, Scrutiny Manager, on:



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1. BACKGROUND AND INTRODUCTION

- 1.1 The House of Commons Communities and Local Government Committee published a report on 15 December 2017, which followed an inquiry into the 'Effectiveness of Local Authority Overview and Scrutiny Committees'. The inquiry was launched due to rising concern that scrutiny in local authorities is not as effective as it should be.
- 1.2 Scrutiny is a vital component of good governance and operates to improve decision making, service provision and value for money principles. It can be difficult to accurately measure the impact that scrutiny has and whilst identifying 'good' scrutiny is not always possible, the consequences of ineffective scrutiny can have a negative and far reaching impact.
- 1.3 This short report aims to summarise findings and recommendations to the Government from the report published by the Communities and Local Government Committee. The findings from the Communities and Local Government Committee report recommendations have then been used to inform a self-assessment of the way scrutiny operates in Tameside and to identify areas where further development and improvements can be made and also how the Executive can more effectively support the work of Scrutiny.

2. FINDINGS FROM THE INQUIRY

- 2.1 The role of scrutiny has evolved since its inception. There has been a noticeable increase in a requirement to scrutinise external bodies with councils delivering services through increasingly varied partnership arrangements. The effectiveness of external scrutiny can vary and can depend on local arrangements and relationships being built and maintained.
- 2.2 It was noted that the latest government guidance on scrutiny dates back to 2006, while several legislative changes have occurred since this date and the local government landscape has changed considerably.

Organisational Structure and Culture

- 2.3 All examples of effective scrutiny have a common organisational culture whereby the value of scrutiny is recognised and supported. It is viewed that a council's executive and senior management has a responsibility to set the tone and to create an environment that welcomes constructive challenge, democratic accountability and debate.
- 2.4 There can be a perception that overview and scrutiny is an 'add on' rather than an integral part of the organisation's governance arrangements. Findings showed that the relationship between scrutiny and the executive has a tendency to become unbalanced. If councillors are unable to explicitly recognise the importance of the scrutiny function, then it cannot be effective, with part of the challenge being able to identify what effective scrutiny actually looks like.
- 2.5 Scrutiny committees must have an independent voice and be able to make evidence-based conclusions and recommendations, while avoiding political point-scoring. In order to achieve this scrutiny needs to be sufficiently resourced, have access to information and operate in an apolitical and impartial way.

Member Training and Skills

- 2.6 Unlike members of planning and licensing committees, scrutiny members are not required to undergo any training. Members can often lack the necessary listening and questioning skills for good scrutiny, with the result that questions at meetings are often merely requests for more information. The inquiry therefore identifies and underlines a need for training to be tailored to meet the needs of councillors that undertake scrutiny.

The Role of the Public

- 2.7 The role of digital engagement also needs to be considered, as public meetings tend to be poorly attended and modes of engagement are changing. The report calls on Government to promote the role of the public in scrutiny in revised guidance to local authorities. It recommends that councils should consider how raising the profile of scrutiny can encourage more public involvement.

3. SCRUTINY IN TAMESIDE

Structure and Activity

- 3.1 Since its creation from the Local Government Act 2000, scrutiny in Tameside has developed a strong reputation both within the Council and across partner organisations. It is also widely accepted that councillors involved in scrutiny are likely to need on-going support to do it well.
- 3.2 A review of the Council's scrutiny function was last undertaken in 2013/14, when at that time, there was a need to create a more flexible and responsive model for general activity along with in-depth reviews. It is also positive that Tameside is committed to providing dedicated officer support to scrutiny and with the position now located within Policy, Performance and Communications there will be greater access to performance information and resource to enhance the way scrutiny activity is both planned and delivered.
- 3.3 In order to expand on the changes made in 2013/14, recommendations from the inquiry have been selected where there is evidence in Tameside of such an issue. Tameside is no different to other authorities, in that public engagement in local scrutiny can be difficult to achieve and maintain. There is a growing need for scrutiny to become more involved in planned engagement and consultation for changes to service delivery.
- 3.4 The profile and acceptance of scrutiny within the Council is strong in parts and it would be fair to say that it could be improved in other areas. Budget restrictions and increasing pressures placed on the Council also coincide with scrutiny panels holding broad remits. It has become increasingly common for a senior officer (Director and/or Assistant Director) to receive multiple scrutiny requests throughout the year ranging from updates at formal meetings, to attendance at working group meetings to provide information and data.
- 3.5 Training and development needs of councillors directly involved in scrutiny are apparent, when taking account of newly elected members and those new to chairing. Further investigation is required to ensure that scrutiny chairs and panel members are fully equipped and feel confident to undertake their role effectively.
- 3.6 There is a clear need across most authorities to strengthen connections and transparency between the executive and scrutiny. There is a growing need to explore ways to increase dialogue, improve forward planning and general engagement between scrutiny chairs and cabinet members. At a local level there is potential to introduce formal meetings between cabinet members and scrutiny chairs to share key messages, inform activity and allow scrutiny achievements to be communicated.
- 3.7 To encourage greater interest and 'buy-in' of panel members, options can be explored to improve the responsiveness of scrutiny, with the possible introduction of smaller and timelier projects undertaken at a request of the Executive to support pre-decision activity, and enrich the evidence base on which decisions are made. This can be complemented by the broader and more engaging range of performance and consultations presented to scrutiny throughout the year.

4. NEXT STPES

4.1 Overview (Audit) Panel is asked to note the content of the report and future development actions listed below:

- (a) That any future updates and changes to guidance for local authority scrutiny arrangements be fully incorporated within local structure and delivery.
- (b) To introduce quarterly meetings between scrutiny chairs and cabinet members to improve awareness of priorities, to share information and inform scrutiny activity – **First meeting took place on 12 July 2018.**
- (c) To position scrutiny as an integral part of the Council and CCG performance, engagement and consultation activities.
- (d) That scrutiny becomes a more effective 'critical friend' to the Executive and used to undertake timely research on areas of concern to inform future work and decision making.
- (e) That options are explored for the timely procurement for the training and development of scrutiny members –**Training is being arranged for all scrutiny members (to take place in late August / early September).**
- (f) To improve public engagement and raise awareness of scrutiny activity through social media.