

# Review of scrutiny – best practice

## 1. Introduction and background

1.1 The scrutiny function within local authorities came about as a result of a change in executive arrangements contained within the Local Government Act 2000. There are many similarities between House of Commons Select Committees and scrutiny committees at local government level. Whilst Select Committees can also only make recommendations to parliament, in the same way that scrutiny does at a local level, it is evident that they have substantial influence and are well regarded for the work they undertake. Similarly, the Senate Committee in the United States has immense power and is highly regarded by Congress.

1.2 The Coalition programme for government states that they will, “*allow councils to return to the committee system, should they wish*” although this would require primary legislation to implement this. The government states, “*we need to throw open the doors of public bodies, to enable the public to hold politicians and public bodies to account*”<sup>1</sup>. The programme for government also sets out their intention to give more power to Commons Select Committees, further re-enforcing their support of select committees.

1.3 The 2009 annual survey of overview & scrutiny in local government, conducted by the Centre for Public Scrutiny (CfPS) was completed by 293 (75%) authorities in England and Wales, which included 58 Unitary Authorities. The findings of this survey will be explored in detail throughout this report<sup>2</sup>.

## 2. Models of scrutiny

2.1 There are three models of scrutiny being used nationally which are;

1. Committee Model – where committee officers, who also support other political forums, such as the executive, provide support to the full council and so on.
2. Integrated Model – where support is provided, on an ad hoc basis, from a variety of sources, including committee services, officers within departments, and corporate policy officers.

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<sup>1</sup> HM Government (2010) “*The Coalition: our programme for government*” The Cabinet Office

<sup>2</sup> Centre for Public Scrutiny, 2010, “*The 2009 annual survey of overview and scrutiny in local government*”

3. Specialist Model – support is provided by a scrutiny support unit with dedicated officers, who only work to the overview and scrutiny function.

2.2 The model being operated within PCC is the Specialist Model, which is the model favoured by 61% of Unitary Authorities that responded to the CfPS annual survey, with 26% preferring to operate under the Committee Model, 9% using the Integrated Model and 4% using an other unspecified model.

### **3. How other authorities work**

3.1 According to the CfPS annual survey, the average number of scrutiny committees on an authority is 4, although this does range from 1-11, with the lower average understandably being amongst district councils. Authorities that operate the multiple overview and scrutiny committee structure equates to 69% of all respondents with only 9% operating one scrutiny committee and multiple overview committees. There are 16% of authorities that have one overview and scrutiny committee that commissions time-limited panels and 5% of authorities that have one overview and scrutiny committee that does all the work.

3.2 The average numbers of elected members on an overview and scrutiny committee is eleven. Whilst this number has stayed the same for the past five years of the CfPS survey, the numbers range from 3-21. The average number of members on SMP within PCC is 9 with the average for themed panels being 6 members.

### **4. Alignment to Portfolio and corporate priorities**

4.1 The themed panels were identified to align with the portfolio holders areas of responsibility. The themed panels need to have a good working knowledge of what is going on within the aligned portfolio and this will be achieved by ensuring that the panel are provided with regular updates on the key issues currently ongoing within their particular portfolio area. This will also assist in identifying topic areas for future scrutiny as well as informing the process for pre-decision scrutiny.

### **5. How other authorities are resourced**

5.1 The average number of Full Time Equivalent (FTE) scrutiny officers across all unitary authorities is 3.6.

5.2 The most popular location for scrutiny teams to be located within was Democratic Service (37%) followed by the Chief Executive's Office (21%).

5.3 In 2004, the average amount of money available across all authorities to support the scrutiny function (excluding salary) was £8,280. Whilst this figure has

fluctuated in recent years, the average budget for 2009 was £8,687 which demonstrates a continuing downward trend in the discretionary budget available to scrutiny. There is no discreet budget within PCC as any costs are borne from the overall Democratic Services budget.

## **6. Work programme setting**

6.1 It has been highlighted at paragraph 8.1 that there is limited public participation in suggesting topics for scrutiny with the average being 4 suggestions per year; this is probably as a result of the general public either being apathetic to the scrutiny process or completely unaware of its existence. The views of senior management and elected members are actively sought when determining work programmes for scrutiny; however, the input is minimal, which is a missed opportunity to engage in scrutiny.

6.2 The suggestion of involving Heads of Service in scrutiny could help with identifying key areas out with their own service to scrutinise, thereby further enhancing the role of scrutiny.

## **7. Heads of Service**

7.1 The Heads of Service (HoS) within PCC are ideally placed to assist with the formulation of scrutiny topics and outcome focussed project briefs for scrutiny items outside of their own service area. This would provide a more strategic, corporate emphasis on scrutiny matters and help to develop policy in line with corporate priorities.

7.2 Whilst the HoS will not actively manage the scrutiny review, they would be available to provide the panel with the benefit of their knowledge of the organisational challenges and suggest how best to identify and overcome these challenges.

## **8. Public engagement in scrutiny**

8.1 The average number of suggestions for scrutiny topics coming from the general public last year was 4, which is the same reported figure as last year, however, 45% of authorities reported having received 0 suggestions from the public. Whilst this is a high figure, it is an improvement on the previous year when 55% of authorities reported having received 0 suggestions from the public.

8.2 Clearly there are opportunities for greater public engagement in scrutiny which could be explored such as engaging communities at ward level to look at local issues and how they are affected by them.

## **9. Involvement of the public**

9.1 There is limited involvement of the public in the scrutiny process and this needs to be developed. The terminology used within scrutiny can be prohibitive with the public being put off by the terms “witness” and being invited to “give evidence”. Demystifying scrutiny and encouraging greater public participation will help to validate the findings of scrutiny reviews and the impact they have on local communities. This could involve holding scrutiny meetings in local community buildings rather than centrally at the civic offices or Guildhall. The effectiveness of scrutiny will be enhanced by taking scrutiny to the public as opposed to expecting the public to come to scrutiny.

## **10. Pre-decision scrutiny**

10.1 This is an area that has been under utilised in the past 12 months, however, it is the intention of SMP to be more proactive in monitoring Forward Plan issues and get involved in more pre-decision scrutiny as this will help to make the decision making process more transparent and reduce the need for Call-in of decisions. The SMP have asked that officers work on developing a Forward Plan template that can be used to give additional information on Forward Plan items together with an indication of when it would be timely to intervene to be effective in pre-decision scrutiny.

## **11. Call-in**

11.1 The average number of call-ins during 2009 was 2.5 nationally, which is in line with the level of call-ins within Portsmouth. The amount of call-ins that resulted in an amended decision rose from 0.43 in 2008 to 0.61 in 2009. The call-in process within PCC has been improved in the past six months to make it easier for members to deal with and effective pre-decision scrutiny has the potential to reduce the level of call-ins.

11.2 It should be noted that responding to Call-in requests prevents the scrutiny team from carrying out other scrutiny work and consequently has the potential to impact on the scrutiny timetable as well as the work programme for the individual scrutiny panels.

## **12. Petitions**

12.1 The petitions scheme was introduced on 15 June 2010, under the Local Democracy, Economic Development and Construction Act 2009. This will be supplemented from 15 December 2010 with the e-petitions scheme. The implications

for scrutiny are, any petition that calls an officer to account and has the requisite amount of valid signatures, will trigger an open meeting (subject to existing confidentiality arrangements under LGA 1972) of overview & scrutiny. In the case of PCC this will be SMP, which will have to include this item on their next available meeting, or consider calling a specific meeting to deal with the officer being called to account. Secondly, any petitions raised at full council could be referred to scrutiny for further consideration and report back to full council at a future date to be agreed.

12.2 All of these issues have the potential to increase the workload of SMP and adversely impact upon their work programme.

### **13. Roles of Overview and Scrutiny Committees and members**

13.1 The 2009 annual survey identified how authorities ranked the types of roles undertaken by overview and scrutiny within their authority as follows;

1. Performance monitoring	-	95%
2. Holding the executive to account	-	93%
3. Policy review	-	90%
4. Scrutiny of partnerships	-	82%
5. Policy development	-	80%
6. Pre-decision scrutiny	-	77%
7. External scrutiny (not health)	-	72%
8. Health scrutiny	-	66%
9. Best Value reviews	-	23%
10. Other	-	11%

13.2 Those involved in scrutiny felt that they were most effective at policy review and policy development, whilst they felt least effective at scrutiny of partnerships and holding the executive to account.

13.3 This resonates with scrutiny within PCC as there have been few occasions when the executive have been held to account which is an area where a more proactive approach is required to ensure that the executive are held to account, such as through the application of effective pre-decision scrutiny. There has not been any specific scrutiny of partnerships over the past 18 months and this is an area that can be explored further, if it is deemed appropriate to do so.

### **14. Impact of scrutiny**

14.1 The percentage of recommendations that have been accepted by the executive or policy committee according to the respondents to the 2009 survey was 85%. This is an increase of 5% from the previous year and demonstrates that as the scrutiny function develops across local authorities, it is seen as a useful tool in providing meaningful recommendations to the authority. The evidence collected from the survey suggests that authorities that are operating a specialist model of scrutiny (such as within PCC) are more likely to have higher acceptance and implementation rates for their recommendations.

14.2 The intention of scrutiny is to ensure continuous improvement in policy development and service delivery, as well as ensuring that the executive are held to account for the decisions they make on behalf of the authority. The impact that scrutiny can provide in terms of adding value to the organisation together with providing a robust challenge to the way the organisation functions and spends the public funds they are entrusted with has the potential to be immense. There are many examples of scrutiny contained with the publication from CfPS, *“successful scrutiny 2009 outstanding practice in public scrutiny”*.

14.3 A recent review undertaken by Oxford City Council and Oxfordshire County Council to scrutinise the programme of works to a pedestrianised area of Oxford used an independent chair and independent technical experts. This proved to be well received and provided an element of independence that otherwise may not have been achieved.

14.4 Knowsley Metropolitan Borough Council use scrutiny to help with budget setting and as a consequence of this, budget savings have been identified that permitted other projects to receive the support they needed such as the mainstreaming of the Community Wardens scheme.

14.5 Eastleigh Borough Council undertook an effective scrutiny of partnerships with Southern Water which helped to obtain investment from Southern Water to make necessary improvements at a sewerage treatment plant that had been causing distress and inconvenience to local residents.

14.6 An example of effective scrutiny within PCC was the review of *“neighbour relationships with private and social lets”*, which input into the development of the Landlord Accreditation Scheme as well as forging closer ties with Portsmouth University. This review also led to the development of a guidance document by the Noise Nuisance Team, which has been published on the website to provide advice about dealing with neighbour noise.

14.7 Thorough well scoped project briefs that are outcome focussed so that the panel begins with the end in mind, will ensure that the scrutiny review specifically

targets the areas highlighted to be able to provide meaningful recommendations to cabinet of ways to improve.

### **Bibliography**

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