

# Public Document Pack



## TRAFFORD COUNCIL

### AGENDA PAPERS FOR SCRUTINY COMMITTEE MEETING

Date: Wednesday, 10 January 2018

Time: 6.30 p.m.

Place: Committee Rooms 2 & 3, Trafford Town Hall,  
Talbot Road, Stretford M32 0TH

<b>A G E N D A</b>	<b>P A R T I</b>	<b>Pages</b>
1. <b>ATTENDANCES</b>		
To note attendances, including Officers, and any apologies for absence.		
2. <b>MINUTES</b>		
To receive and, if so determined, to agree as a correct record the Minutes of the meetings held on 15 November 2017 and 28 November 2017.		
(a)	15 November 2017	1 - 4
(b)	28 November 2017	5 - 8
3. <b>DECLARATIONS OF INTEREST</b>		
Members to give notice of any interest and the nature of that interest relating to any item on the agenda in accordance with the adopted Code of Conduct.		
4. <b>BUDGET SCRUTINY REPORT TO EXECUTIVE</b>		
To receive and note the Budget Scrutiny Report for 2018-19, which is to be presented to the Executive on Monday 29 January 2018.		
		9 - 14
5. <b>SICKNESS ABSENCE REPORT</b>		
To receive a report of the Executive Member for Corporate Resources.		
		To Follow

6. **SCRUTINY COMMITTEE'S TASK & FINISH GROUP REVIEW OF THE COUNCIL'S CRM SYSTEM**
- To consider a report of the Scrutiny Committee Task & Finish Group setup to conduct a review of the Council's CRM System. To Follow
7. **PEDESTRIAN CROSSINGS AND TRAFFIC MANAGEMENT**
- To receive a report of the Executive Member for Highways, Parks, and Environmental Services. 15 - 20
8. **CLG COMMITTEE: PUBLICATION OF OVERVIEW AND SCRUTINY IN LOCAL GOVERNMENT REPORT**
- To receive a report of the Communities and Local Government Committee. 21 - 86
9. **SCRUTINY COMMITTEE WORK PROGRAMME 2017/18**
- To receive a report of the Chairman of the Scrutiny Committee. 87 - 90
10. **URGENT BUSINESS (IF ANY)**
- Any other item or items (not likely to disclose "exempt information") which, by reason of special circumstances (to be specified), the Chairman of the meeting is of the opinion should be considered at this meeting as a matter of urgency.

**THERESA GRANT**  
Chief Executive

Membership of the Committee

Councillors M. Young (Chairman), M. Cordingley (Vice-Chairman), R. Bowker, C. Boyes, K. Carter, Mrs. P. Dixon, J. Holden, M. Hyman, A. Mitchell, D. Western, A.M. Whyte, J. Harding (ex-Officio), Goodstadt and Khan

Further Information

For help, advice and information about this meeting please contact:

Chris Gaffey, Democratic & Scrutiny Officer  
Tel: 0161 912 2019  
Email: [chris.gaffey@trafford.gov.uk](mailto:chris.gaffey@trafford.gov.uk)

This agenda was issued on **Tuesday, 2 January 2018** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford M32 0TH.

Any person wishing to photograph, film or audio-record a public meeting is requested to inform Democratic Services in order that necessary arrangements can be made for the meeting.

## **Scrutiny Committee - Wednesday, 10 January 2018**

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## **SCRUTINY COMMITTEE**

**15 NOVEMBER 2017**

### **PRESENT**

Councillor M. Young (in the Chair).

Councillors M. Cordingley (Vice-Chairman), R. Bowker, C. Boyes, K. Carter, Mrs. P. Dixon, J. Holden, M. Hyman, A. Mitchell, D. Western and A.M. Whyte

#### Also Present

Cllr S. B. Anstee - Leader of the Council

Cllr Mr J. Reilly - Executive Members for Highways, Parks & Environmental Services

#### In attendance

S. Pearson - Corporate Director, Economic Growth, Environment and Infrastructure

N. Bishop - Chief Finance Officer

P. Helsby - Interim Director One Trafford Partnership

P. Forrester - Head of Governance

H. Ashcroft - Senior Environmental Services Officer

C. Gaffey - Democratic & Scrutiny Officer

### **APOLOGIES**

Apologies for absence were received from Councillor J. Harding and S. Khan.

## **22. MINUTES**

RESOLVED: That the minutes of the meeting held on 19 September 2017, be agreed as a correct record and signed by the Chairman.

## **23. DECLARATIONS OF INTEREST**

No declarations of interests were made by Members.

## **24. 2018/19 BUDGET PRESENTATION**

The Committee received a presentation of the Leader of the Council providing an update on the 2018/19 Budget Proposals. It was noted that the budget shortfall for 2018/19 stood at circa £5.5m, which would be met primarily through income generation, including business rates retention and additional income from the Council's new Investment Strategy.

The Council were in discussion with AGMA regarding the business rates retention scheme to ensure this reflected the high level of business rates generated by Trafford. The Executive would confirm the outcome of these discussions at the Budget Scrutiny Working Group Sessions at the beginning of December following AGMA's decision at their meeting at the end of November. The Working Group Sessions would also include information following the national budget announcement due later in November, as well as information on risk assessments made against the Council's proposals.

The Leader advised that no significant changes to services were being proposed, and that these budget proposals would look and feel different to ones proposed in the past.

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Front line services such as school crossing patrols and libraries would not be affected, and many of the efficiencies were a continuation of proposals made as part of previous budgets. As was the case in 2017/18, Council Tax would be increased by the allowed 1.99% for 2018/19, and the Social Care Precept would also be adopted.

The Committee questioned the robustness of the proposals and raised concerns that the current budget shortfall could not be filled by investment income alone. In response to the Chairman's question on the risk of not achieving the proposed income targets, the Leader confirmed that many of the income projections on page 5 of the supplementary agenda were relatively low risk, as they had either already been agreed or had little scope for change. It was also noted that a substantial majority of the savings proposals were already being delivered.

The Committee discussed the potential effect of interest rate rises and inflation on the budget projections. It was advised that much of the investments made by the Council had a fixed rate of return, so the projections shouldn't be affected by a change in interest rates. It was also noted that inflation and other external factors, as well as the lead time for returns on investment, were always considered with any new investments. It was noted that the acquisition of a property in Warrington was now complete.

Scrutiny Members were keen to receive information in relation to risk assessments and how services might be affected by the proposals. The Committee looked forward to a full update at the Budget Scrutiny Working Group sessions at the beginning of December.

RESOLVED: That the presentation be noted.

**25. ANNUAL DELIVERY PLAN 2017/18 - Q1 PERFORMANCE REPORT**

The Committee received a report of the Executive Member for Corporate Resources providing a summary of performance against the Council's Annual Delivery Plan (ADP), 2017/18. The report covered the period 1st April to 30th June 2017, and was presented by the Chief Finance Officer.

Members asked that the meeting schedule be re-evaluated to ensure that the ADP Reports brought to the Committee were relevant. The current report's information was outdated, with the Quarter 2 ADP Report expected to be published the day following the meeting.

Members discussed the continued missed targets in relation to Delayed Transfers of Care and sickness absence. It was noted that Delayed Transfers of Care was a national issue, and it would be useful to receive a national comparison in relation to some indicators. Members were asked to identify the indicators for which they would like a national comparison for their inclusion in future ADP reports.

RESOLVED: That the report be noted.

**26. REPORT ON COMPLAINTS DETERMINED BY THE LOCAL GOVERNMENT OMBUDSMAN 2016/17**

The Committee received a report of the Executive Member for Corporate Resources setting out the background of the statutory duty to report to Members on adverse outcomes of complaints formally investigated by the Local Government Ombudsman. The report provided Members with a summary of complaints determined in 2016/17.

The Chairman requested that the next annual report come with comparative figures for previous years.

RESOLVED: That the report be noted.

**27. MANAGEMENT OF THE NEW GREEN WASTE FEE AND SYSTEM - UPDATE ON IMPLEMENTATION**

The Committee received a report of the Executive Member for Highways, Parks and Environmental Services providing an update on the overall implementation and management of the Green Waste Fee scheme, which commenced on 1 June 2017.

The Executive Member for Highways, Parks and Environmental Services confirmed that the success of the roll out of the scheme had exceeded expectation, with a much larger uptake than originally expected. The larger than expected uptake had initially caused some issues with the scheme's implementation, including delays in providing subscription packs to residents; however these issues had been addressed in readiness for the 2018/19 roll out. A new permit plan was in place, and a new company had been approached to deliver the roll out which would allow for information of new subscribers to be uploaded daily, with packs sent out via a Royal Mail tracked service.

The Executive Member for Highways, Parks and Environmental Services advised that he had not seen an increase in fly tipping since the scheme's introduction. Members discussed possible alternatives to the use of bin stickers, as well as the process for reporting contaminated waste to Amey. It was noted that there had not been an increase in complaints of people burning waste.

The Committee discussed the subscription projections for next year, as well as the potential for increasing this over time. In the context of budget assumptions it was noted that a cautious approach had been taken to ensure they were not overestimating. It was suggested that a multi-year permit could be offered to residents in an attempt to reduce administration costs, and the service agreed to explore this.

RESOLVED: That the report be noted.

**28. SCRUTINY COMMITTEE WORK PROGRAMME 2017/18**

The Committee received a report of the Chairman of the Scrutiny Committee detailing the Scrutiny Committee's work programme for the remainder of the 2017/18 municipal year.

The Committee discussed the upcoming Budget Scrutiny arrangements. Members agreed that the sessions on 5 and 7 of December would be split, with one session

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focusing on the general budget, while the other focused more on the Children, Families and Wellbeing Directorate. All Scrutiny and Health Scrutiny Members would be invited to attend both sessions.

It was agreed that the Task & Finish Group review into SLAs offered to schools would be deferred and reconsidered as part of the 2018/19 work programme.

RESOLVED: That the report be noted.

The meeting commenced at 6.30 pm and finished at 7.35 pm



## SCRUTINY COMMITTEE

28 NOVEMBER 2017

### PRESENT

Councillor M. Young (in the Chair).

Councillors M. Cordingley (Vice-Chairman), J. Holden, M. Hyman, A.M. Whyte and J. Harding (ex-Officio)

Note: Cllr M. Cordingley Chaired the first part of the meeting, with Cllr M. Young assuming the Chairmanship on his arrival at 17:20.

#### Also Present

Cllr J. Reilly - Executive Members for Transformation & Resources  
Cllr B. Shaw - Deputy Executive Members for Transformation & Resources

#### In Attendance

Sarah Pearson - Corporate Director, Economic Growth, Environment & Infrastructure  
Janet Kealey - Director of Legal and Democratic Services  
Paul Helsby - Interim Director, One Trafford Partnership  
Tara Dumas - Head of Environmental Services  
Chris Gaffey - Democratic and Scrutiny Officer

#### Also in Attendance

Cllr S. Adshead - Shadow Exec Member for Highways, Parks & Environmental Services  
Cllr Mrs J. Lloyd - Shadow Executive Member for Health and Wellbeing  
Cllr W. Stennett - Ward Councillor for Clifford

### APOLOGIES

Apologies for absence were received from Councillors R. Bowker, K. Carter, Mrs. P. Dixon, A. Mitchell and D. Western

### 29. DECLARATIONS OF INTEREST

No declarations of interests were made by Members.

### 30. CALL IN OF EXECUTIVE DECISION: M/08.11.17/HPES - PILOT FOR ENHANCED LITTERING AND ALLEYWAY DUMPING ENFORCEMENT IN OLD TRAFFORD AND THE WIDER STRETFORD LOCALITY

The Committee had been called to consider a call in of Executive decision number M/08.11.17/HPES in respect of the Pilot for Enhanced Littering and Alleyway Dumping Enforcement in Old Trafford and the Wider Stretford Locality. The Decision was made by the Executive Member for Highways, Parks and Environmental Services, on Wednesday 8 November 2017.

The call-in had been submitted by Councillors Carter, Cordingley, Harding, D. Western and Whyte, and was based on the grounds that: inadequate consultation had been carried out; alternative options were not given sufficient consideration; and insufficient information was available to make the decision. The Chairman had permitted consideration of the request to explore the issues raised on the grounds

that inadequate consultation had been carried out, and insufficient information was available to make the decision.

The Committee had received the initial report and supporting documentation to the Executive, the decision notice, and the call-in proforma. The Executive Member for Highways, Parks and Environmental Services, the Deputy Executive Member for Highways, Parks and Environmental Services, the Corporate Director, Economic Growth, Environment and Infrastructure, the Director of Legal and Democratic Services, the Interim Director, One Trafford Partnership, and the Head of Environmental Services were in attendance to respond to the Committee's enquiries.

The Committee confirmed that they were in favour of more enforcement, but raised their concerns with the decision and how this was taken. Members' main concern was the possible reputational risk involved with awarding the contract to Kingdom, who had received some adverse publicity earlier in the year following a BBC Panorama report on the company. Officers were confident that any issues raised during the programme were isolated incidents. Members were advised that Kingdom issued circa 18,500 Fixed Penalty Notices (FPNs) per month, meaning a small number of incorrectly issued FPNs could be expected. The Council had contacted the other 8 authorities working with Kingdom for feedback on their performance and practices. All eight Authorities gave Kingdom a score of 4 out of 5 or better. Most of the feedback received from these Authorities had been positive, which gave the Council the required confidence that Kingdom would provide a good service.

Members also raised their concerns about the type of enforcement that would be pursued by Kingdom. It was noted that Kingdom would be enforcing existing Council policies, and the pilot scheme would be constantly monitored and reviewed to ensure that it worked for all. Kingdom had been advised that this was not an exercise for raising revenue for the Council, meaning they would not be pressured to hit financial targets. The immediate objective would be to reduce fly tipping and littering in the Old Trafford area, with Kingdom applying the relevant legislation in a consistent manner to achieve this.

The Committee requested further information in relation to contract performance and how this would be measured. Members were assured that that monitoring the scheme would be of high priority and crucial to its success. Work was ongoing on the Service Level Agreements that would be put in place, and Kingdom's overall performance would determine whether the pilot would be extended beyond the agreed 12 month period. Kingdom would produce a large amount of data which could be monitored, and this data would also be used to shape communications with local residents.

A workshop was in place to discuss the Council's communications approach to ensure local residents and others are aware of the new enforcement scheme, and it was noted that the Council would be meeting with Love Old Trafford to discuss the new scheme and its implementation. Officers would share the Communications Plan with Scrutiny Members once this was complete.

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It was noted that Kingdom would be using cutting edge technology to assist with the enforcement process, and they would be responsible for issuing the penalty notices to fly tippers and litterers. The Council would retain the legal responsibility of pursuing any unpaid penalties through the court if required. Kingdom would have a robust system in place for enforcement, and Officers agreed to circulate Kingdom's operating procedures to Scrutiny Members. It was noted that Kingdom had some successful experience with fly tipping enforcement working with other Local Authorities.

When asked if the scheme would be rolled out to the wider borough, it was noted that this would be considered following the pilot period and a full analysis of how the scheme had performed. It was also noted that performance based breach clauses were in place with the contractor during the pilot period. Members were advised that if the decision was taken to expand the scheme across the borough, then a full procurement exercise would need to be conducted due to the scale of the contract.

The Committee discussed the model used for estimating the revenue from the scheme, and Members were advised that Kingdom would not charge the Council for any FPNs which weren't paid by the offender(s). Members also asked how fly tipping hotspots would be tackled, and were advised that the technology used by Kingdom would allow for hotspot mapping, where additional resources could then be used to apply enforcement in these areas.

The Committee asked why Old Trafford had been selected for the pilot scheme. The Executive Member for Highways, Parks and Environmental Services confirmed that Old Trafford had been selected as this was the area which had suffered most from fly tipping in recent times. The aim would be to improve the situation for Old Trafford residents, with a view to expand the scheme further if successful.

The Chairman thanked the Officers for their attendance at the meeting to answer the questions raised by Scrutiny Members. Members of the Committee were requested to decide on whether, in the light of the information set out in the report and the discussion at the meeting, the decision should be referred back to the Executive for further consideration.

On the whole, Members felt that their concerns in relation to the decision had been adequately addressed. Members were reassured by the positive feedback obtained from other Local Authorities on Kingdom's performance, although they felt that this information could have been included in the initial report. The Committee were also content that the scheme was a pilot, which would allow the Council to discuss all options on how to proceed following the scheme's completion. The Committee agreed that the decision should not be referred back to the Executive for reconsideration.

Although the Committee had agreed not to refer the decision back to the Executive, Scrutiny Members were disappointed with the Executive's decision not to consult with Ward Members about the scheme in the first instance. Although this was not a legal requirement, Members felt that this should have been done as

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a matter of courtesy to allow Members to communicate with their residents accordingly.

RESOLVED: That the Committee feel that the concerns raised in the call-in request have been adequately dealt with and that no further action be taken.

The meeting commenced at 5.03 pm and finished at 5.57 pm

## TRAFFORD COUNCIL

**Report to:** Scrutiny Committee & Executive  
**Date:** 10 January 2018 & 29 January 2018  
**Report for:** Consideration  
**Report of:** Scrutiny Committee

### Report Title

#### **OVERVIEW AND SCRUTINY REVIEW OF THE EXECUTIVE'S DRAFT BUDGET PROPOSALS FOR 2018-19**

### Summary

The Executive's Draft Budget Proposals for 2018/19 were agreed at its meeting held on 16 October 2017. The Leader of the Council gave a presentation to the Scrutiny Committee on 15 November 2017 setting out the proposals.

A Budget Scrutiny Working Group session was then held on 5 December 2017 with the relevant Executive Members and senior officers in attendance to give background to the proposals and answer questions.

This report reflects the outcome of those discussions and summarises issues for the Executive's further consideration in developing its final proposals and response.

Members welcome the balanced budget proposals for 2018/19, but this report also identifies some key areas of concern where the Executive needs to satisfy itself of the robustness of the proposals. These are:

- **Amber risks totalling circa £6m**
- **Demand led services**
- **Adult Social Care**
- **Budget Reserves**

### Recommendation(s)

**That the Executive consider and respond to the report and recommendations made.**

### Contact person for access to background papers and further information:

Name: Chris Gaffey, Democratic and Scrutiny Officer  
Extension: 2019

Background Papers: None

## **BUDGET SCRUTINY REPORT - 2018/19**

### **Foreword by the Chairman and Vice-Chairman of Scrutiny Committee**

We welcome the opportunity for Scrutiny Members to review and comment on the budget proposals at an early stage. On behalf of Scrutiny Members, we would like to thank the Executive, Corporate Leadership Team and Scrutiny and Health Scrutiny Members for their patience and contribution to the process.

Members acknowledged that the Council continues to work within an increasingly challenging financial climate and the focus of Scrutiny input has been on the robustness and deliverability of the current proposals in the light of experience of budget savings already made in previous years, and the potential impact on communities and service users.

We hope that our Budget Scrutiny will contribute to the decision making process and in ensuring that robust processes are in place to manage changes. We have identified areas where we feel that there are risks and we look forward to receiving details of how the Executive will address these.

**Councillors Michael Young and Mike Cordingley**

Chairman and Vice-Chairman, Scrutiny Committee.

December 2017

## **1.0 Background**

This year the approach to budget scrutiny was agreed by the Scrutiny Committee, with a programme designed to forward any recommendations / observations to the Executive at the earliest opportunity in response to its consultation.

A Budget Scrutiny Working Group session was held to look at the proposals. Scrutiny Members noted that the approach to eliminating the budget shortfall for 2018/19 and later years has consisted mostly of income generation and the continuation of services delivery efficiencies agreed and implemented as part of past budget proposals. The approach this year was to use the session to look at the current proposals in two sections:-

- i) The Children, Families and Wellbeing Directorate
- ii) The General Budget, focused on Investment, Risk Assessments, and the Transformation & Resources and Economic Growth, Environment and Infrastructure Directorates

Whilst Members welcomed the opportunity to provide scrutiny of the budget process, Scrutiny were disappointed that the sessions scheduled for 7 December had to be rearranged. Although the second session was not ultimately required, the need to change the process at a relatively late stage caused issues for all involved with the Budget Scrutiny process. As was the case in 2017, the 2018 Budget Scrutiny sessions will be confirmed at next year's Annual Council meeting, and Scrutiny ask that these dates be noted by all to ensure the same issues do not arise.

Members also feel it can be difficult to process the volume of information presented at the working group session, and requested that future presentations be circulated in advance of the meeting. The Budget Scrutiny process as a whole will be reviewed to ensure that it is as effective and efficient as possible.

The main findings from the session are set out below.

## **2.0 Key Messages**

Scrutiny is pleased with the elimination of the budget shortfall for 2018/19, and welcomes the announcement that Trafford will receive an additional circa £4-5m from the 100% GM business rates retention scheme. Members also welcome the fact that there will be no significant new changes to front line services as part of the proposals. Scrutiny would like to thank the Executive and the Officers for informative presentation and for the hard work put in to produce a balanced budget proposal for the coming year.

However; although the draft proposals show a balanced budget for 2018/19, Scrutiny Members have identified the following issues.

- **Amber risks totalling circa £6m** – The risk assessment document circulated at the meeting detailed the risks identified as part of the proposals, with each risk assigned a RAG rating. Circa £6m of these risks were assigned an amber risk rating. Scrutiny understands that a risk would only receive a green rating if the saving was guaranteed as it was an already agreed saving / income stream. However, it is noted that a significant portion of the projected savings / income are not guaranteed. Scrutiny note that a significant amount of the savings proposals relate to demand led services, and Members are concerned that any

unforeseen increase in demand could cause substantial strain on the budget. Members also have concerns with the assumptions made as part of the income streams and whether the Council will see the returns on their investments as quickly as expected. Scrutiny request that they be updated on progress against these risks throughout the coming year.

- **Demand led services** – The budget proposals contain a number of workstreams to deliver savings in the Children, Families and Wellbeing directorate, which are a continuation of service delivery changes agreed as part of previous budgets. However, as has been the case in previous years with demand led services, any increase in the projected demand could cause a significant budget shortfall. Scrutiny Members note the current position of the Adults and Children Services budgets in the Period 6 Budget Monitor, which indicates a projected overspend in Adult Services, as well as a possible overspend in Children’s Services should there be any variance between now and the end of the current financial year. Members are concerned whether there are sufficient contingencies / reserves in place to cover any further significant variances. Scrutiny would like to be kept informed of any expected demand increases as they become apparent.
- **Adult Social Care** – Members are particularly concerned by the ability to make savings in the Adult Social Care sector, and will continue to keep a close eye on these services throughout the 2018/19 municipal year. Issues around the workforce and the fair price of care will need to be monitored.
- **Budget reserves** – Scrutiny note that a portion of the Council’s budget reserves were used to bridge the shortfall in the budget proposals again this year. Although Scrutiny recognises that this is a necessity, Members are concerned that these reserves will not be available in perpetuity. Once these reserves have been exhausted, any unforeseen increases in demand led services could create a budget deficit with no way to remedy it.

Once again, Scrutiny would like to thank the Executive, Corporate Leadership Team and Scrutiny Councillors for their patience and contribution to this year’s Budget Scrutiny process.



## BUDGET SCRUTINY ACTION PLAN

Issue	Scrutiny Recommendation	Executive Response
<p><b>Budget Scrutiny Process</b>                      – Scrutiny Members will again review the Budget Scrutiny process to ensure it is working as effectively and efficiently as possible.</p>	<p>Scrutiny will be reviewing the Budget Scrutiny process ahead of next year and will provide the Executive with their recommendations once the review has been undertaken. Members request that any information and presentations be provided in advance of the meeting in future.</p>	
<p><b>£6m amber risks</b> -                      Members are concerned about the level of risks rated as amber as part of the proposals.</p>	<p>Scrutiny would like regular updates on the progress made against these risks throughout the 2018/19 municipal year.</p>	
<p><b>Adult Social Care</b> –                      Members are concerned by the pressures on the Adult Social Care sector.</p>	<p>Health Scrutiny will be closely monitoring Adult Social Care as part of its 2018/19 work programme.</p>	
<p><b>Budget Reserves</b> –                      Scrutiny are concerned by the diminishing amount of reserves held by the Council.</p>	<p>Scrutiny would like assurances that the Executive are aware of the diminishing reserves and would welcome information on any contingency plans considered.</p>	
<p><b>Investment Income</b> -                      Members are concerned that the assumptions made as part of the investments will not materialise as expected, which could leave a budget deficit.</p>	<p>Scrutiny will be monitoring the returns on investment and will invite the Executive to provide the Committees with periodic updates.</p>	

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## TRAFFORD COUNCIL

**Report to:** Scrutiny Committee  
**Date:** 10 January 2018  
**Report for:** Information  
**Report of:** Executive Member for Highways, Parks, and Environmental Services

### Report Title

PEDESTRIAN CROSSINGS AND TRAFFIC MANAGEMENT

### Summary

This report identifies the process undertaken to consider the introduction of Pedestrian Crossings within Trafford, identifying the key stages, funding and the involvement with TfGM in introducing Signal Controlled Crossings within the Borough.

### Recommendation(s)

It is recommended that the report be noted.

### Contact person for access to background papers and further information:

**Name:** Darren Findley  
**Extension:** 2535

## **1. Introduction:**

- 1.1 This report is in response to a request by Scrutiny Committee and describes the typical processes involved when considering requests for the introduction of new pedestrian crossings in Trafford.
- 1.2 The report covers the relationship that exists between Trafford as Highway Authority and TfGM as Highway Authority for Traffic Signals within Greater Manchester.
- 1.3 Additionally it identifies the complex process associated with assessing the requirement for a crossing, together with an indication of typical costs.

## **2. Process to Establish Pedestrian Crossings:**

- 2.1 Safety is always the key issue when considering a crossing point. Crossings are provided as amenities to provide access and easier movement to pedestrians and assist them to cross the road. Generally the provision of crossings should be targeted at the needs of those people who experience most difficulty and danger.
- 2.2 The purpose of a crossing is to provide pedestrians with passage across a carriageway. Each type of crossing has advantages and disadvantages; the type chosen should be appropriate to the circumstances of the site and the demands and behavior of road users.
- 2.3 Guidance on the introduction of Pedestrian Crossings is provided in:
  - The Department for Transport Local transport Note 1/95 (see item No1 in the Appendix for a link to this document)
  - The Assessment of Pedestrian Crossings & 2/95 The Design of Pedestrian Crossings. (see item No2 in the Appendix for a link to this document)

## **3. How we assess the need for a pedestrian crossing**

- 3.1 We will assess the level of need for a crossing by:-
- 3.2 Measuring the degree of conflict between pedestrians crossing the road and the two-way traffic flow and we will also take into account the following factors
  - the age and ability of pedestrians;
  - any suppressed demand; (the level of crossing that would occur if it was easy to cross)
  - the different types of vehicles in the flow of traffic;
  - the length of time pedestrians have to wait to cross;
  - the width of the road;
  - the speed of traffic;
  - the pedestrian injury collision record at the site.
- 3.3 This is a two stage process consisting initially of site observations, should they indicate further investigations a full survey is commissioned.

## **4. The survey**

- 4.1 If the safety requirements for a crossing can be satisfied then we will measure the degree conflict between the traffic and pedestrians by carrying out a 12-hour survey which will count both vehicles and pedestrians this is referred to as a  $PV^2$ :-
  - the number of pedestrians crossing in an hour (P)
  - the flow of vehicles in both directions in an hour (V)

- 4.2 Our assessment will be based on the average of the four busiest hours in the day (between 7am and 7pm). When the survey is carried out, the pedestrians will be classified by their age and ability. Vehicles will be classified by vehicle type so that we can take into account the differences between cars, heavy goods vehicles, buses, motorcycles and pedal cycles.
- 4.3 We will consider the possibility that the present situation suppresses crossing demand because of the difficulty in crossing the road to access services. Where appropriate we will estimate suppressed pedestrian demand at the location and add these estimated figures to the actual measured pedestrian figures obtained by the survey.
- 4.4 We define “suppressed pedestrian demand” as the estimated additional number of pedestrian journeys likely to be generated as a consequence of a crossing being provided. We will estimate this through an appraisal of local circumstances and the potential increased access to services.
- 4.5 Where a new crossing would include cycling facilities (i.e. a Toucan crossing) we will consider estimating suppressed cycling demand on the same basis as suppressed pedestrian demand.
- 4.6 If the overall pedestrian and/or cycling count is increased to take the suppressed demand into account, the facts will be recorded and the assumptions noted.

## **5 Types of Pedestrian crossings**

- 5.1 Utilising the information gathered in the survey and the various factors listed in 3.2 above it is determined whether a crossing should be provided and which type of crossing (if any) is appropriate at the site.
- 5.2 There are three main types of crossing - refuges, Zebra crossings and signal-controlled crossings (Puffin, Toucan and Pegasus). The type of crossing to be provided will also be subject to engineering considerations (e.g. there must be sufficient road width to fit in a refuge etc).
- 5.3 To justify a signal-controlled crossing it will be necessary to demonstrate a much higher level of need than a refuge.

## **6 Traffic Management including Refuges**

- 6.1 It may be possible to create more crossing opportunities by utilising one of the following interventions:
- the provision of a refuge or
  - installing traffic calming measures or
  - build outs or narrowing the carriageway (to reduce the crossing time).
- 6.2 Refuges allow both pedestrians and cyclists to cross the road in two halves, reducing the length of the carriageway that needs crossing. Although such facilities aid the pedestrian or cyclist crossing the road, they can on occasion cause potential problems for cyclists travelling along the road due to the reduced width available for motorised traffic to pass.
- 6.3 Refuges are most appropriate where the road is around 10 metres wide. Build-outs or road narrowing assist the pedestrian by reducing the distance the pedestrian would have to travel when attempting to cross the carriageway.

## **7 Zebra crossings**

- 7.1 Zebra crossings are generally used where pedestrian flows are relatively low and traffic flows are moderate. The likely effect of a Zebra crossing can be tested by checking the availability of gaps in the traffic. Gaps of around five seconds are needed for an able person to cross a 7 metre carriageway.
- 7.2 Vehicle delays are typically five seconds for a single able person crossing, but can be much more where irregular streams of people cross over extended periods.
- 7.3 Zebra crossings are also generally avoided on busy town centre streets or outside railway stations since this is likely to result in a constant stream of pedestrians claiming priority. Higher flows of pedestrians will cause substantial delay to vehicles and a Zebra crossing is less likely to be a satisfactory choice.
- 7.5 Where gaps in traffic flows are few, and waiting times long because people feel it may be hazardous to establish precedence, a Zebra crossing is likely to be unsuitable.
- 7.6 Where traffic speeds are higher than 30 m.p.h., people will require longer gaps in the traffic flow or be exposed to the risk of more serious injury if precedence is not conceded for any reason. Zebra crossings should not be installed on roads with an 85 percentile speed (the speed at or below which 85% of all vehicles are observed to travel under free flowing conditions past a nominated point) of 35 m.p.h. or above.
- 7.7 Zebra crossings should not be considered where there are significant numbers of vulnerable road users such as: unaccompanied children, elderly and people with disabilities.

## **8 Signal Controlled Crossings (Puffin / Toucan/ Pegasus)**

### **8.1 Puffin (Pedestrian User Friendly Intelligent Crossing)**

The overall crossing time is established each time by on-crossing pedestrian detectors. The demand for the crossing is still triggered by the push button unit but kerbside pedestrian detectors are fitted to cancel demands that are no longer required (when a person crosses before the green man lights). At the latest Puffin crossings the red man/green man signals are above the push button unit on the pedestrians' side of the road. This layout encourages pedestrians waiting at the crossing to look at the approaching traffic at the same time as looking at the red man/green man signal.

### **8.2 Toucan (two can cross)**

These are designed for both pedestrians and cyclists and are typically used adjacent to a cycle-path (Cyclists are not allowed to cross the road using Zebra, Pelican or Puffin crossings). There is a green cycle symbol alongside the green man. At the latest Toucan crossings the crossing time is established each time by on-crossing detectors in the same way as Puffins. The cost of a Toucan is similar to that of a Puffin.

### **8.3 Pegasus (also known as Equestrian crossings)**

These are similar to Toucan crossings but have a red/green horse symbol and higher mounted push buttons to allow horse riders to cross. This type of crossing is only used where many crossing movements are made across a busy main road.

### **8.4 Signal Controlled Crossings are more suitable where:**

- vehicle speeds are high, and other options are thought unsuitable;
- there is normally a greater than average proportion of elderly or disabled pedestrians or unaccompanied children;

- vehicle flows are very high and pedestrians have difficulty in asserting precedence;
- there is a specific need for a crossing for cyclists or equestrians;
- pedestrians could be confused by traffic management measures such as a contra-flow bus lane;
- there is a need to link with adjacent controlled junctions or crossings;
- pedestrian flows are high and delays to vehicular traffic would otherwise be excessive.

## **9. Upgrading a Zebra crossing to a signal-controlled crossing**

- 9.1 Generally the pedestrian collision rates at Zebra and signal-controlled crossings are low. However, a Zebra crossing may be considered for conversion to a signal-controlled crossing at certain locations where it can be justified that a poor pedestrian injury record is likely to be improved.
- 9.2 We may also consider upgrading a Zebra crossing to a signal-controlled crossing as part of a wider traffic management scheme linked to the TfGM's Urban Traffic Control System in appropriate circumstances.

## **10. Provision of pedestrian facility at traffic signal junction**

- 10.1 We will investigate the need for a pedestrian facility at an existing traffic signal junction in a similar way to a stand-alone pedestrian crossing. However, providing a pedestrian facility will have the effect of reducing the capacity of the traffic signal junction and at busy junctions this can result in long queues of vehicles. For this reason each junction will be considered individually in association with colleagues at TfGM. Existing signal equipment, when being considered to accommodate a pedestrian phase can often be unable to be modified due to the age of the equipment which can in turn increase potential costs

## **11. The TfGM interface**

- 11.1 If a crossing is justified One Trafford Partnership (OTP) engages with TfGM Urban Traffic Control (TfGM UTC) as highway authority for signals and request design/modelling (if required) and cost estimate. If the scheme and its funding is approved, an order is raised with TfGM UTC for signal equipment by OTP who act on behalf of the Council to commission all Civil Engineering design works. OTP is responsible for commissioning all Civil Engineering design works.
- 11.2 Once installed TfGM UTC takes on full ownership/maintenance liability. The relationship between all Greater Manchester Local Authorities and TfGM is set out in the Statutory Instrument 2011 Number 908 - The Greater Manchester Combined Authority Order 2011 identified as No3 in the Appendix

## **12 Potential costs**

- 12.1 The introduction of signal controlled crossings are expensive to design and implement with a single puffin costing in the region of £150,000-£200,000 but this budget estimate could be increased by site conditions i.e. the location of statutory undertakers equipment.

## **13 The priority list**

- 13.1 Once a scheme has been identified funding will require identification. Currently the requests for crossing is low
- 13.2 We will include a justified crossing in a list, ranked by the level of need for future funding. The list will be used annually to inform the selection of schemes to be included in the Council's Integrated Transport capital programme. Additionally due to the high cost of introducing Traffic Signal Control equipment, once assessed and placed on the priority list every effort to secure funding through

other funding streams i.e. Section 106/ CIL, 247 funding as part of other development initiatives within the location will be sort.

## Appendix

1. The Department for Transport Local Transport Note 1/95 The Assessment of Pedestrian Crossings  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/330269/ltn-1-95\\_Assessment-Crossings.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/330269/ltn-1-95_Assessment-Crossings.pdf)
2. The Department for Transport Local Transport Note 2/95 The Design of Pedestrian Crossings.  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/330214/ltn-2-95\\_pedestrian-crossings.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/330214/ltn-2-95_pedestrian-crossings.pdf)
3. Statutory Instrument 2011 Number 908 - The Greater Manchester Combined Authority Order 2011  
[http://www.legislation.gov.uk/uksi/2011/908/pdfs/uksi\\_20110908\\_en.pdf](http://www.legislation.gov.uk/uksi/2011/908/pdfs/uksi_20110908_en.pdf)



## TRAFFORD COUNCIL

**Report to:** Scrutiny Committee  
**Date:** 10 January 2018  
**Report for:** Information

### Report Title

CLG Committee: Publication Of Overview And Scrutiny In Local Government Report

### Purpose

To present the Scrutiny Committee with a copy of the Communities and Local Government Committee's First Report of Session 2017-19 on the Effectiveness of local authority overview and scrutiny committees, along with the associated press release.

### Recommendations

That the report be noted.

### Contact person for access to background papers and further information:

Name: Chris Gaffey, Democratic & Scrutiny Officer.

Phone: x2019

## House of Commons

### [Communities and Local Government Committee](#)

#### **Communities and Local Government Committee calls for culture change at local authorities to ensure independent and properly-resourced scrutiny**

The Government must encourage a culture change at local authorities to ensure overview and scrutiny is truly independent of the executive and can properly contribute to improving services for taxpayers, the Communities and Local Government Committee has concluded.

The Committee's report on overview and scrutiny in local government, published today (Friday), warns that scrutiny is often not held in high enough esteem, leading to a lack of constructive challenge to improve services for residents.

It recommends measures to strengthen the independence of overview and scrutiny committees and for increased scrutiny of combined authorities, Local Economic Partnerships (LEPs) and arm's length bodies.

**Clive Betts, Chair of the Communities and Local Government Committee, said:** *"Scrutiny is marginalised at too many local authorities, which in extreme cases can contribute to severe service failures, letting down council taxpayers and those that rely on services.*

*Scrutiny of those in power is a vital part of any democratic system and has huge benefits for all. We are calling on the Government to strengthen guidance to make overview and scrutiny committees truly independent of those they are charged with holding to account and to make sure the process is properly funded and respected.*

*Only by rebalancing the system and ensuring scrutiny is held in high esteem will we see better decisions and the outcomes that residents who pay for council services deserve."*

Recommendations in the report include:

- That overview and scrutiny committees should report to an authority's Full Council meeting rather than to the executive, mirroring the relationship between Select Committees and Parliament.
- That scrutiny committees and the executive must be distinct and that executive councillors should not participate in scrutiny other than as witnesses, even if external partners are being scrutinised.
- That councillors working on scrutiny committees should have access to financial and performance data held by an authority, and that this access should not be restricted for reasons of commercial sensitivity.
- That scrutiny committees should be supported by officers that are able to operate with independence and offer impartial advice to committees. There should be a greater parity of esteem between scrutiny and the executive, and committees should have the same access to the expertise and time of senior officers and the chief executive as their cabinet counterparts.

- That members of the public and service users have a fundamental role in the scrutiny process and that their participation should be encouraged and facilitated by councils.
- That overview and scrutiny committees should be given full access to all financial and performance information, and have the right to call witnesses, not just from their local authorities, but from other public bodies and private council contractors. They should be able to follow and investigate the spending of the public pound.
- That the DCLG works with the Local Government Association and the Centre for Public Scrutiny to identify councils to take part in a pilot scheme where the impact of elected chairs on scrutiny's effectiveness can be monitored and its merits considered.

The Report also recommends that the scrutiny committees of combined local authorities have a role in monitoring the performance of Local Economic Partnerships (LEPs) and that the Government commits more funding to the scrutiny of mayoral combined authorities.

The [inquiry](#) was set up to examine whether the overview and scrutiny model is meeting its objectives and how decision-makers can best be held to account.

ENDS

**Editor's note:** Overview and scrutiny committees were introduced by the Local Government Act 2000. The full terms of reference of the inquiry can be found [here](#). The Committee held three oral evidence sessions and heard from Professor Colin Copus, Director of the Local Governance Research Unit, De Montfort University; Jacqui McKinlay, Chief Executive, Centre for Public Scrutiny (CfPS); Councillor Marianne Overton, Leader of the Independent Group, Local Government Association; Councillor Mary Evans, Chair of Scrutiny Committee, Suffolk County Council, Councillor Sean Fitzsimons, Chair of Scrutiny and Overview Committee, Croydon Council, and Councillor John Cotton, Lead Scrutiny Member, Birmingham City Council; Jennette Arnold OBE AM, Chair, London Assembly, Susan Ford, Scrutiny Manager, Greater Manchester Combined Authority, Councillor Peter Hughes, Chair of Overview and Scrutiny Committee, West Midlands Combined Authority, and Ed Williams, Director, London Assembly; and Marcus Jones MP, Minister for Local Government, Department for Communities and Local Government. Full transcripts of the sessions are available [here](#).

**Media enquiries:** Gary Calder [caldera@parliament.uk](mailto:caldera@parliament.uk) 07720 202985 or Oliver Florence [florenceo@parliament.uk](mailto:florenceo@parliament.uk) / 07720 202 985

**Further Information:** Follow the Committee on [Twitter](#) or visit the Committee's [website](#). **Membership of select committees was confirmed following an agreement of the House on Monday 11 September. The new members of the CLG Committee are:** Mr Clive Betts MP (Chair) (Labour), Mike Amesbury MP (Labour), Bob Blackman MP (Conservative), Helen Hayes MP (Labour), Kevin Hollinrake MP (Conservative), Fiona Onasanya MP (Labour), Andrew Lewer MP (Conservative), Mr Mark Prisk MP (Conservative), Mary Robinson MP (Conservative), Liz Twist MP (Labour).

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House of Commons  
Communities and Local  
Government Committee

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# **Effectiveness of local authority overview and scrutiny committees**

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**First Report of Session 2017–19**





House of Commons  
Communities and Local  
Government Committee

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**Effectiveness of local  
authority overview and  
scrutiny committees**

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**First Report of Session 2017–19**

*Report, together with formal minutes relating  
to the report*

*Ordered by the House of Commons to be printed  
11 December 2017*

**HC 369**

Published on 15 December 2017  
by authority of the House of Commons

## Communities and Local Government Committee

The Communities and Local Government Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Communities and Local Government.

### Current membership

[Mr Clive Betts MP](#) (*Labour, Sheffield South East*) (Chair)

[Mike Amesbury MP](#) (*Labour, Weaver Vale*)

[Bob Blackman MP](#) (*Conservative, Harrow East*)

[Helen Hayes MP](#) (*Labour, Dulwich and West Norwood*)

[Kevin Hollinrake MP](#) (*Conservative, Thirsk and Malton*)

[Andrew Lewer MP](#) (*Conservative, Northampton South*)

[Fiona Onasanya MP](#) (*Labour, Peterborough*)

[Mr Mark Prisk MP](#) (*Conservative, Hertford and Stortford*)

[Mary Robinson MP](#) (*Conservative, Cheadle*)

[Liz Twist MP](#) (*Labour, Blaydon*)

### Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via [www.parliament.uk](http://www.parliament.uk).

### Publication

Committee reports are published on the Committee's website at [www.parliament.uk/clg](http://www.parliament.uk/clg) and in print by Order of the House.

Evidence relating to this report is published on the [inquiry publications page](#) of the Committee's website.

### Committee staff

The current staff of the Committee are Edward Beale (Clerk), Jenny Burch (Second Clerk), Craig Bowdery, Tamsin Maddock, Nick Taylor (Committee Specialists), Tony Catinella (Senior Committee Assistant), Eldon Gallagher (Committee Support Assistant), Gary Calder and Oliver Florence (Media Officers).

### Contacts

All correspondence should be addressed to the Clerk of the Communities and Local Government Committee, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 4972; the Committee's email address is [clgcom@parliament.uk](mailto:clgcom@parliament.uk).



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## Summary

Overview and scrutiny committees were introduced by the Local Government Act 2000 and were tasked with acting as a counterweight to the increased centralised power of the new executive arrangements. Whilst some authorities were not covered by the changes brought in by the Act, the Leader and Cabinet system is the predominant model of governance in English local authorities. However, since the Localism Act 2011, councils have had the option of reverting to the committee system of governance. Some authorities that have chosen to do so have expressed dissatisfaction with the new executive arrangements, including concern at the limited effectiveness of scrutiny. Noting these concerns, and that there has not been a comprehensive assessment of how scrutiny committees operate, we decided to conduct this inquiry. The terms of reference placed an emphasis on considering factors such as the ability of committees to hold decision-makers to account, the impact of party politics on scrutiny, resourcing of committees and the ability of council scrutiny committees to have oversight of services delivered by external organisations.

We have found that the most significant factor in determining whether or not scrutiny committees are effective is the organisational culture of a particular council. Having a positive culture where it is universally recognised that scrutiny can play a productive part in the decision-making process is vital and such an approach is common in all of the examples of effective scrutiny that we identified. Senior councillors from both the administration and the opposition, and senior council officers, have a responsibility to set the tone and create an environment that welcomes constructive challenge and democratic accountability. When this does not happen and individuals seek to marginalise scrutiny, there is a risk of damaging the council's reputation, and missing opportunities to use scrutiny to improve service outcomes. In extreme cases, ineffective scrutiny can contribute to severe service failures.

Our inquiry has identified a number of ways that establishing a positive culture can be made easier. For example, in many authorities, there is no parity of esteem between the executive and scrutiny functions, with a common perception among both members and officers being that the former is more important than the latter. We argue that this relationship should be more balanced and that in order to do so, scrutiny should have a greater independence from the executive. One way that this can be achieved is to change the lines of accountability, with scrutiny committees reporting to Full Council meetings, rather than the executive. We also consider how scrutiny committee chairs might have greater independence in order to dispel any suggestion that they are influenced by partisan motivations. Whilst we believe that there are many effective and impartial scrutiny chairs working across the country, we are concerned that how chairs are appointed can have the potential to contribute to lessening the independence and legitimacy of the scrutiny process.

Organisational culture also impacts upon another important aspect of effective scrutiny: access of committees to the information they need to carry out their work. We heard about committees submitting Freedom of Information requests to their own authorities and of officers seeking to withhold information to blunt scrutiny's effectiveness. We believe that there is no justification for such practices, that doing so is in conflict with the

principles of democratic accountability, and only serves to prevent scrutiny committees from contributing to service improvement. We have particular concerns regarding the overzealous classification of information as being commercially sensitive.

We also considered the provision of staff support to committees. Whilst ensuring that sufficient resources are in place is of course important, we note that if there is a culture within the council of directors not valuing scrutiny, then focussing on staff numbers will not have an impact. We are concerned that in too many authorities, supporting the executive is the over-riding priority, despite the fact that in a time of limited resources, scrutiny's role is more important than ever. We also consider the skills needed to support scrutiny committees, and note that many officers combine their support of scrutiny with other functions such as clerking committees or executive support. It is apparent that there are many officers working in scrutiny that have the required skills, and some are able to combine them with the different skill set required to be efficient and accurate committee clerks. However, we heard too many examples of officers working on scrutiny who did not possess the necessary skills. Decisions relating to the resourcing of scrutiny often reflect the profile that the function has within an authority. The Localism Act 2011 created a requirement for all upper tier authorities to create a statutory role of designated lead scrutiny officer to promote scrutiny across the organisation. We have found that the statutory scrutiny officer role has proven to be largely ineffective as the profile of the role does not remotely reflect the importance of other local authority statutory roles. We believe that the statutory scrutiny officer position needs to be significantly strengthened and should be a requirement for all authorities.

We believe that scrutiny committees are ideally placed and have a democratic mandate to review any public services in their area. However, we have found that there can sometimes be a conflict between commercial and democratic interests, with commercial providers not always recognising that they have entered into a contract with a democratic organisation with a necessity for public oversight. We believe that scrutiny's powers in this area need to be strengthened to at least match the powers it has to scrutinise local health bodies. We also call on councils to consider at what point to involve scrutiny when it is conducting a major procurement exercise. It is imperative that council executives involve scrutiny at a time when contracts are still being developed, so that all parties understand that the service will still have democratic oversight despite being delivered by a commercial entity. We also heard about the public oversight of Local Economic Partnerships (LEPs), and have significant concerns that public scrutiny of LEPs seems to be the exception rather than rule. Therefore, we recommend that upper tier councils, and combined authorities where appropriate, should be able to monitor the performance and effectiveness of LEPs through their scrutiny committees.

We recognise that the mayoral combined authorities are in their infancy, but given the significance of organisational culture in effective scrutiny, it is important that we included them in our inquiry to ensure that the correct tone is set from the outset. We are therefore concerned by the evidence we heard about an apparent secondary role for scrutiny in combined authorities. Mayors are responsible for delivering services and improvements for millions of residents, but oversight of their performance is currently hindered by limited resources. We therefore call on the Government to ensure that funding is available for this purpose. We also argue that when agreeing further

devolution deals and creating executive mayors, the Government must make it clear that scrutiny is a fundamental part of any deal and must be adequately resourced and supported.

## Introduction

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1. This inquiry was initially launched in January 2017 by our predecessor committee. However, the dissolution of Parliament and the General Election prevented any oral evidence sessions from taking place. Following the Committee's reconstitution, we considered carefully which issues we should initially pursue in our work and how best we could build on the work of our predecessors. It was clear to us from the level of interest and concern expressed in the evidence received that the effectiveness of overview and scrutiny committees in local authorities was something that we should investigate as an immediate priority. We therefore relaunched the inquiry in September 2017 and undertook to take account of the wealth of written evidence provided by councils, officers, members and stakeholders prior to the election.

2. We are extremely grateful to everyone who contributed to our inquiry. Scrutiny varies significantly across the country, and the level of interest in the inquiry has enabled us to hear from a wide range of authorities and form a representative picture of local authority scrutiny in England. To assist us in forming this picture, and to ensure we spoke with as many authorities as possible, we supplemented our oral evidence sessions with a less formal workshop event in October 2017. Our workshop was attended by over 45 councillors and officers working in scrutiny across the country and we thank them all for their attendance and contributions.

3. This report will consider why scrutiny is important and what the role of scrutiny committees should be in local authorities. We do not believe that certain models should be imposed on councils, but we do believe that there should be an organisational culture that welcomes constructive challenge and has a common recognition of the value of scrutiny, both in terms of policy development and oversight of services. In order to achieve this, we believe that scrutiny committees must be independent and able to form their own conclusions based on robust and reliable data, and that decision-makers should not seek to obstruct their role by withholding information. We also consider the role of the public in local scrutiny, both in terms of their participation in committees' work and in how scrutiny committees can represent their interests to service providers, even when those providers are external commercial organisations. The final chapter of this report considers the role of scrutiny in the recently created mayoral combined authorities in an attempt to help these organisations to establish positive working practices as early as possible. Throughout this report we call on the Government to revise the guidance on scrutiny that it issues local authorities. For clarity, the specific points that we believe should be covered by such a revision are listed below.

## Proposed revisions to Government guidance on scrutiny committees

- That overview and scrutiny committees should report to an authority's Full Council meeting rather than to the executive, mirroring the relationship between Select Committees and Parliament.
- That scrutiny committees and the executive must be distinct and that executive councillors should not participate in scrutiny other than as witnesses, even if external partners are being scrutinised.
- That councillors working on scrutiny committees should have access to financial and performance data held by an authority, and that this access should not be restricted for reasons of commercial sensitivity.
- That scrutiny committees should be supported by officers that are able to operate with independence and offer impartial advice to committees. There should be a greater parity of esteem between scrutiny and the executive, and committees should have the same access to the expertise and time of senior officers and the chief executive as their cabinet counterparts.
- That members of the public and service users have a fundamental role in the scrutiny process and that their participation should be encouraged and facilitated by councils.

# 1 The role of scrutiny

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4. Before considering whether scrutiny committees are working effectively, it is important to consider what their role is and what effective scrutiny looks like. Local authorities are currently facing a number of challenges and competing demands, from an ageing population to budget shortfalls to promoting local growth in an often-hostile economic environment. It is therefore imperative that all expenditure is considered carefully and its impact is measured. However, measuring the impact of overview and scrutiny committees can be a significant challenge. Whilst identifying ‘good’ scrutiny is not always possible, the consequences of ineffectual scrutiny can be extreme and very apparent.

5. The Francis Report<sup>1</sup> was published in 2013 following failings at the Mid Staffordshire NHS Trust. Whilst the failings were not attributed to local committees, the report was critical of local authority health scrutiny, highlighting a lack of understanding and grip on local healthcare issues by the members, little real interrogation and an over-willingness to accept explanations. Similarly, the Casey Report<sup>2</sup> in 2015 on Rotherham Council cited particular failings in Rotherham’s approach to scrutiny, noting that “Inspectors saw regular reports to the Cabinet and Scrutiny committees, but not the effective challenge we would expect from elected Members.”<sup>3</sup> The report also found that scrutiny had been undermined by an organisational culture that did not value scrutiny and that committees were not able to access the information they needed to hold the executive to account. Mid Staffordshire and Rotherham are two of the most high-profile failures of overview and scrutiny committees, but the issues raised in the two reports can easily occur in other local authorities, and we consider some of them in this report.

6. Overview and scrutiny committees were created by the Local Government Act 2000 and were designed to off-set increased centralised power established by the new executive arrangements. The Act replaced the committee system whereby decisions were made either by meetings of the full council or in cross-party committees which managed council services. For proponents of the committee system, one of its strengths was that all members had an active role in decision-making. However, as Professor Colin Copus from De Montfort University told us, it was “an illusion of power. If you put your hands up at the end of a meeting you feel, “I am powerful. I am making something happen”. I am sure I am not giving any trade secrets away, but most of those decisions are made two nights before in the majority party group meetings.”<sup>4</sup> With the exception of councils with a population under 85,000, the 2000 Act created a requirement for authorities to establish an executive of a leader, or elected mayor, and cabinet members.<sup>5</sup> Mirroring the relationship between Parliament and government, the Act also required the non-executive members of councils to scrutinise the executive by creating at least one overview and scrutiny committee.

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1 Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry, [HC947](#), February 2013

2 Report of Inspection of Rotherham Metropolitan Borough Council, [HC1050](#), February 2015

3 Report of Inspection of Rotherham Metropolitan Borough Council, [HC1050](#), February 2015 p65

4 Q38

5 There was also initially an option for Mayor and council manager executive, but this was later repealed. Smaller authorities were able to retain the committee system, as long as there was at least one overview and scrutiny committee. The Localism Act 2011 extended this option to all authorities, but the requirement of a designated scrutiny committee was removed.



However, beyond some statutory requirements (for example designating committees to scrutinise health bodies, crime and disorder strategies, and flood risk management), how councils deliver scrutiny is a matter of local discretion.

7. Some councils have multiple committees that broadly align with departmental functions, while others have fewer formal committees but make greater use of time-limited task and finish groups. Similarly, as the Centre for Public Scrutiny (CfPS) identifies, different councils use different labels for their scrutiny work, including “select committees, policy development committees, or a number of other names. The use of different terminology can prove confusing [but] This is probably a good thing—it reflects the fact that scrutiny has a different role in different places, which reflects local need rather than arbitrary national standards”.<sup>6</sup> Throughout this report references to ‘scrutiny’ and ‘scrutiny committees’ mean all committees and work associated with the overview and scrutiny committees required by the Local Government Act 2000.

8. Whilst acknowledging that scrutiny fulfils different roles in different areas, we believe that at its best, scrutiny holds executives to account, monitors decisions affecting local residents and contributes to the formation of policy. We therefore support CfPS’s four 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 improvement in public services.<sup>7</sup>

9. We believe 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. For example, Birmingham City Council’s Education and Vulnerable Children Overview and Scrutiny Committee carried out a review of the council’s work to tackle child sexual exploitation. As a result of the Committee’s work, the executive responded and addressed the issues raised:

The committee heard much harrowing evidence but produced a hard hitting report containing 19 strong recommendations. As a result of the report extra resources were allocated to the team co-ordinating CSE on behalf of the city. The council also undertook to strengthen its approach to safeguarding children by reviewing its statement of licensing and being more pro-active in using its executive powers of “the protection of children from harm”.<sup>8</sup>

10. Pre-decision scrutiny is also a vital part of a committee’s role. By commenting on and contributing to a decision before it has been made, scrutiny committees are able to offer executives the benefit of their ability to focus on an issue in greater depth over a longer period of time. For example, the London Borough of Merton’s Children and Young People Overview and Scrutiny Panel considered a site proposal for a new secondary school. As a

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6 Centre for Public Scrutiny ([OSG098](#)) para 6

7 Centre for Public Scrutiny ([OSG098](#)) para 38

8 Birmingham City Council ([OSG087](#)) part 3

result of its work, the Panel was “able to provide a detailed reference to Cabinet focusing on how to optimise use of the selected site and mitigate any negative impact”, helping the Cabinet to make a more informed and considered decision.<sup>9</sup>

11. The role of scrutiny has evolved since its inception. The 2000 Act empowers committees to review decisions made by the executive and to make reports and recommendations for the executive’s consideration. In the seventeen years since, the way in which scrutiny committees perform their function has understandably changed. One such way has been an increase in scrutiny of external bodies, most notably health bodies. Councils have delivered services through increasingly varied partnership arrangements - including contracting to private companies, creating arms-length bodies or working with other public bodies - and scrutiny has responded by adjusting how it scrutinises the issues that matter to local residents. The Department for Communities and Local Government (DCLG) highlights that “To support local councils adopting good practice, the Department for Communities and Local Government issues statutory guidance, to which councils must have regard when developing their localist scrutiny arrangements.”<sup>10</sup> This guidance was last issued in 2006<sup>11</sup> and predates several legislative changes as well as changes to ways of working such as an increasing focus on external scrutiny and public participation (both discussed later in this report). When we asked Marcus Jones MP, Minister for Local Government, about the guidance, he told us:

It has been some time since we looked at the guidance on scrutiny ... The initial evidence that you have taken indicates that in many places scrutiny is working well, but there are also instances in which overview and scrutiny committees could improve. It is therefore important that once we see the outcome of this Committee in the report that you provide, I take those recommendations very seriously. If there are areas where it is sensible and pertinent to update the guidance, we will certainly consider that.<sup>12</sup>

12. We welcome the Minister’s willingness to consider our recommendations carefully. We believe that there are many instances across the country where scrutiny committees are operating effectively and acting as a voice for their communities, however there remains room for improvement for too many and we believe that updated guidance from the Department is long overdue. ***We therefore recommend that the guidance issued to councils by DCLG on overview and scrutiny committees is revised and reissued to take account of scrutiny’s evolving role.***

13. Throughout our investigations, we heard about a range of positive examples of effective scrutiny, some of which we have referenced in this report. ***We call on the Local Government Association to consider how it can best provide a mechanism for the sharing of innovation and best practice across the scrutiny sector to enable committees to learn from one another. We recognise that how scrutiny committees operate is a matter of local discretion, but urge local authorities to take note of the findings of this report and consider their approach.***

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9 London Borough of Merton ([OSG037](#)) page 12

10 Department for Communities and Local Government ([OSG122](#)) para 5

11 Department for Communities and Local Government, [New council constitutions: guidance to English Authorities](#) (May 2006)

12 Q111

## 2 Party politics and organisational culture

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### Organisational culture

14. As discussed above, councils across the country deliver scrutiny in a wide range of different ways. We are of the view that whichever model of scrutiny a council adopts it is far less important than the culture of an organisation. Council leaders, both politicians and officials, have a responsibility to set the tone and create an environment that welcomes constructive challenge and democratic accountability. Jacqui McKinlay from the CfPS explained to us:

If you have buy-in to scrutiny at the top of the organisation—that is the leader, the cabinet and the chief executive—it tends to follow that scrutiny is resourced ... However, if you do not get buy-in to a scrutiny approach—that openness and transparency and the willingness to be questioned, seeing the value of scrutiny—it tends to follow that it is not resourced as well and you do not get that parity of esteem ... If your leadership is closed to that sort of challenge, it does not just affect scrutiny; it affects a lot of how the organisation is run.<sup>13</sup>

15. The Minister for Local Government echoed this view when he told us:

I think that where scrutiny is done properly in local authorities that have the right culture, and where scrutiny is taken seriously, it can perform an excellent function in relation to how the executive works by holding them to account and putting them in a position where they probably make decisions that are more in the interests of the people they represent and local residents than they otherwise might be.<sup>14</sup>

16. All of the examples of effective scrutiny that we have heard about have in common an organisational culture whereby the inherent value of the scrutiny process is recognised and supported. Senior councillors and officers that seek to side-line scrutiny can therefore miss out on the positive contributions that scrutiny is capable of, and put at risk a vital assurance framework for service delivery. The Nottingham City Council Overview and Scrutiny Committee explains that:

there can be a perception that overview and scrutiny is an ‘add on’ rather than an integral part of the organisation’s governance arrangements... [with the executive arrangements] there can be a tendency for council officers to feel that they are primarily accountable to one councillor which risks overlooking the important role of other councillors, including those engaged in scrutiny activities, within the decision making structure. As a result the function is not always afforded the prominence it deserves and opportunities to make the most of its potential can be missed.<sup>15</sup>

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13 Q15

14 Q109

15 Nottingham City Council Overview and Scrutiny Committee ([OSG024](#)) para 1.3

## The relationship between scrutiny and the executive

17. We are concerned that the relationship between scrutiny and the executive has a tendency to become too unbalanced. With decision-making powers centralised in the executive, scrutiny can be seen as the less-important branch of a council’s structure. Professor Copus highlighted that there is no parity of esteem in the eyes of many councillors:

One of the things I have noted in all of the work I have done on scrutiny since 2002 is I have only ever once come across a councillor who said, “If you offered me a place in the cabinet, I would reject it. I want to stay a chair of scrutiny”. I am sure there are more than the one I have met, but that is an indication.<sup>16</sup>

18. Professor Copus argued that this imbalance in esteem is also reflected in council officers:

I found many officers will know the council leader’s name and the name of the portfolio-holder for their particular area of interest, but they might not know the scrutiny chairperson’s name. Once you start to see that, you see the whole thing begin to crumble.<sup>17</sup>

19. If neither councillors or officers explicitly recognise the importance of the scrutiny function, then it cannot be effective. Part of the challenge lies in identifying what effective scrutiny actually looks like, as discussed earlier in this report, as councils are more likely to allocate diminishing resources to functions where there can be a quantifiable impact. **However, all responsible council leaderships should recognise the potential added value that scrutiny can bring, and heed the lessons of high profile failures of scrutiny such as those in Mid Staffordshire and Rotherham.**

20. Council leaderships have a responsibility to foster an environment that welcomes constructive challenge and debate. However, opposition parties also have a key role to play in creating a positive organisational culture. We agree with the Minister who told us that:

At the end of the day, if an opposition takes a reasonable view on these things and treats the executive with respect, but challenges them when challenge is necessary, rather than just for the sake of challenge, I think you can get to a situation where you have—not much of an agreement politically, probably, but there could be mutual respect. That would serve the scrutiny function well.<sup>18</sup>

## The role of Full Council

21. Parliamentary select committees have a well-established independence from the executive in that they do not report to the Government, but to the House of Commons as a whole. In contrast, it is less clear where local authority scrutiny committees report to, with most reporting to the executive that they are charged with scrutinising. The Institute

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16 Q4  
17 Q15  
18 Q137

of Local Government Studies (INLOGOV) at the University of Birmingham argues that it should be made clear in guidance that scrutiny reports and belongs to Full Council, not the executive:

As of now, most scrutiny committees report to the Executive—with only some inviting the scrutiny chair and members who have written a report to present it. A few present reports to the full council. When they do so, this has the opportunity to create a relevant and interesting debate on a matter of local concern which has been investigated in depth by a group of councillors. Such a debate enables other councillors to see what scrutiny has done, and to add their own experiences. Councils should be required to have Reports from scrutiny on all council agendas.<sup>19</sup>

22. Cllr Mary Evans told us that she welcomed the suggestion that scrutiny should be accountable to Full Council.<sup>20</sup> We also heard from Cllr John Cotton from Birmingham City Council, whose scrutiny committees do report to Full Council. He told us that:

speaking from Birmingham’s perspective, due to the fact that everything reports through to full council we have been able to preserve some of that independence of approach, but from the conversations I have been having that certainly needs to be echoed in other authorities.<sup>21</sup>

***23. To reflect scrutiny’s independent voice and role as a voice for the community, we believe that scrutiny committees should report to Full Council rather than the executive and call on the Government to make this clear in revised and reissued guidance. When scrutiny committees publish formal recommendations and conclusions, these should be considered by a meeting of the Full Council, with the executive response reported to a subsequent Full Council within two months.***

## The impact of party politics

24. Scrutiny committees must have an independent voice and be able to make evidence-based conclusions while avoiding political point-scoring. In order to do this, they need to be sufficiently resourced, have access to information (both discussed in greater detail below) and operate in an apolitical, impartial way. Committees of local councillors will always be aware of party politics, but sometimes this can have too great an influence and act as a barrier to effective scrutiny. Jacqui McKinlay from the CfPS told us that “We often say that local government scrutiny is a perfect system until you add politics to it. In our last survey, 75% of people say that party politics affects scrutiny.”<sup>22</sup> Professor Copus also recognised the party-political dynamic to scrutiny when he described to us:

members from opposing political parties, one seeing their role as using scrutiny to attack the executive and the other seeing it as a forum in which to defend the executive. If that is the interaction, you are not going to get executive accountability ... In terms of a lot of the issues that are problematic for overview and scrutiny, the interplay of party politics is often at the

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19 Institute of Local Government Studies, The University of Birmingham ([OSG053](#)) page 6

20 Q68

21 Q68

22 Q12

heart of it. I will quite often hear councillors, even from majority groups, admitting that one of the reasons scrutiny is not as effective as it can be is because of the relationship between the opposing groups.<sup>23</sup>

25. The Local Government Act 2000, and the guidance issued by DCLG, specifies that members of a council's executive cannot also be members of overview and scrutiny committees. A Private Members' Bill in 2009<sup>24</sup> made provisions to allow executive members to sit on committees during scrutiny of external bodies (on the basis that in such instances, it was not the executive that was being scrutinised). The Bill did not pass through the House of Commons, and we are wary of any such attempts to dilute the distinction between executive and scrutiny functions. We heard of instances at the workshop of executive councillors effectively chairing scrutiny committee meetings where the NHS was under scrutiny, and are concerned by such practices. **We believe that executive members should attend meetings of scrutiny committees 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 with the committee, risks unnecessary politicisation of meetings and can reduce the effectiveness of scrutiny by diminishing the role of scrutiny members. We therefore recommend that DCLG strengthens the guidance to councils to promote political impartiality and preserve the distinction between scrutiny and the executive.**

### Committee chairing arrangements

26. Political impartiality can also be encouraged through the process for appointing chairs of committees. Overview and scrutiny committees are required to have a membership that reflects the political balance of a local authority, but there are a range of different approaches for appointing the chairs and vice chairs of committees. Many authorities specify that committee chairs must come from opposition parties, others allocate chair positions proportionally among the parties on the council and others reserve all committee chair positions for the majority party. The Centre for Public Scrutiny states that:

Legally, the Chairing and membership of overview and scrutiny committees is a matter for a council's Annual General Meeting in May. Practically, Chairing in particular is entirely at the discretion of the majority party. Majority parties can, if they wish, reserve all committee chairships (and vicechairships) to themselves ... the practice of reserving all positions of responsibility to the majority party is something which usually happens by default, and can harm perceptions of scrutiny's credibility and impartiality.<sup>25</sup>

27. Chairs from a majority party that are effectively appointed by their executive are just as capable at delivering impartial and effective scrutiny as an opposition councillor, but we have concerns that sometimes chairs can be chosen so as to cause as little disruption as possible for their Leaders. **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.**

23 Q12

24 [Local Authorities \(Overview and Scrutiny\) Bill 2009–10](#)

25 [Centre for Public Scrutiny \(OSG098\)](#) paras 130–132

28. Cllr Mary Evans, chair of the scrutiny committee at Suffolk County Council, told us of her efforts to keep party politics out of scrutiny as a chair from a party with a sizeable majority: “We do it by involving the membership of the scrutiny committee at every point of an inquiry ... we had a workshop just after our elections in May to look at what our forward work programme would be. The membership together has picked the programme.”<sup>26</sup> When asked whether the size of her party’s majority made this easier, Cllr Evans explained that “When I first chaired scrutiny, in 2015, we had a majority of only one. I wanted to work across the committee. I did not have the luxury of a large majority ... We try to be as open and transparent as scrutiny should be, so the membership is engaged and involved in every aspect of the inquiry.”<sup>27</sup> Cllr John Cotton, lead scrutiny member at Birmingham City Council, is also a scrutiny chair from a majority party and he told us that whilst it is important to acknowledge the role of party politics, scrutiny works best when non-partisan:

In terms of the discharge of the scrutiny function, certainly we proceed on a very non-partisan basis. All of our full scrutiny reports go to full council. I can only recall one occasion in the last 15 years where we have had a minority report because there has been a partisan division. Frequently those reports are moved by the chair and seconded by a member from an opposition party. You then have collective ownership of those recommendations, because they are taken by full council. The scrutiny process draws its strength from the fact that we have those inputs from members across the piece ... There is a little bit of grit in the system, if you like, which comes from the party-political roots of members, which you do not want to remove entirely.<sup>28</sup>

29. Cllr Sean Fitzsimons, chair of the Scrutiny and Overview Committee at Croydon Council, echoed this view when he told us that as a chair from a majority party that made critical recommendations of his executive “you have to go along with it if you believe that scrutiny is a function of the backbenches and that you have to put aside your party loyalties in the short term.”<sup>29</sup> However, Cllr Fitzsimons argued that scrutiny is at risk of becoming more partisan and that the process for choosing a chair needed consideration:

My worry is that, as people have drifted away, over time, from what the original aspect of overview and scrutiny was, party politics have played a greater role. If I was looking at this issue, I would look at the political culture of each political party. In the Labour group, under the standing orders of the national party, [scrutiny chairs are] not appointed by the leadership of the Labour group, so I am independent of my leader, so I have a little bit of leeway. My two best chairs that I ever had from the opposition group were so good at scrutiny that they were sacked by their political leader when he was in power. Within the Conservative group, chairs of scrutiny can be appointed effectively by the leader of the council or by the cabinet, and I do think the political cultures of the parties really influence it.<sup>30</sup>

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26 Q65

27 Q66

28 Q66

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30 Q66

30. **We believe that there are many effective and impartial scrutiny chairs working across the country, but we are concerned that how chairs are appointed has the potential to contribute to lessening the independence of scrutiny committees and weakening the legitimacy of the scrutiny process. Even if impropriety does not occur, we believe that an insufficient distance between executive and scrutiny can create a perception of impropriety.** We note, for example, the views of the Erewash Labour Group:

The Scrutiny Committee in this Authority protects the Executive rather than holding them to account. If they are ever held to account it is within the privacy of their own Political Group Meetings which are not open to the public. Most of the important decisions are first made in the Group Meetings ... The opposition have made some very sensible suggestions during Scrutiny debates only to be told “We have already decided this.” Cabinet Members may not attend Scrutiny Meeting unless by the invitation of the Chair. This rule was brought in to stop Cabinet Members exerting any undue pressure on members by their presence. Now they simply exert pressure in other ways such as by the choice of member selection and also the selection of the chair.<sup>31</sup>

31. It is clear to us that scrutiny chairs must be seen to be independently minded and take full account of the evidence considered by the committee. We note the evidence from the Minister who outlined the Government’s prescription that chairs of scrutiny in the new mayoral combined authorities must be from a different political party to the executive mayor in order to encourage effective challenge.<sup>32</sup> Similarly Newcastle City Council where all scrutiny chairs are opposition party members, states that:

This has taken place under administrations of different parties and we believe that it adds to the clout, effectiveness and independence of the scrutiny process; it gives opposition parties a formally-recognised role in the decision-making process of the authority as a whole, more effective access to officers, and arguably better uses their skills and expertise for the benefit of the council.<sup>33</sup>

32. In 2010, recommendations from the Reform of the House of Commons Committee’s report ‘Rebuilding the House’<sup>34</sup> were implemented to change the way Parliament worked. One such recommendation was the introduction of elections for select committee chairs by a secret ballot of all MPs. In 2015, the Institute for Government published an assessment of parliamentary select committees and their impact in the 2010–15 Parliament. The report found that electing chairs had helped select committees to grow in stature and be more effective:

Every chair we spoke to told us that, since the introduction of elections for committee chairs, they had felt greater confidence and legitimacy in undertaking committee work because they knew they had the support of their peers rather than pure political patronage.<sup>35</sup>

31 Erewash Labour Group ([OSG013](#)) page 1

32 Q131

33 Newcastle City Council ([OSG015](#)) para 10

34 Reform of the House of Commons Select Committee, First Report of Session 2008–09, *Rebuilding the House*, HC1117

35 Institute for Government, *Select Committees under Scrutiny: The impact of parliamentary committee inquiries on government* (June 2015), page 34



33. The positive impact of elected chairs for parliamentary committees has led some to suggest that local authority scrutiny chairs should also be elected by their peers. Under such a system scrutiny chairs, regardless of whether they come from the majority party or the opposition, are more likely to have the requisite skills and enthusiasm for scrutiny by virtue of the election process. Electing chairs would also dispel the notion that being appointed scrutiny chair is a consolation prize for members not appointed to the cabinet. The CfPS argue that:

such a process would encourage those seeking nomination and election as chairs to set out clearly how they would carry out their role; it would also mean that they would be held to account by their peers on their ability to do so. The legitimacy and credibility that would come from this election could also embolden chairs to act more independently<sup>36</sup>

34. When we asked the Minister about the prospect of electing scrutiny chairs, he was concerned that doing so could actually increase political pressures, but stated that “The important thing is that we have the right person chairing a scrutiny committee with the requisite skills, knowledge and acumen to take on the functions and achieve the outcomes that the scrutiny committee needs to achieve.”<sup>37</sup>

**35. We believe that there is great merit in exploring ways of enhancing the independence and legitimacy of scrutiny chairs such as a secret ballot of non-executive councillors. However, we are wary of proposing that it be imposed upon authorities by government. We therefore recommend that DCLG works with the LGA and CfPS to identify willing councils to take part in a pilot scheme where the impact of elected chairs on scrutiny’s effectiveness can be monitored and its merits considered.**

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36 Centre for Public Scrutiny ([OSG098](#)) para 133

37 Q138

### 3 Accessing information

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36. Fostering the positive organisational culture discussed in the previous chapter can also determine another important aspect of effective scrutiny: access to information. When we asked Jacqui McKinlay whether scrutiny committees are able to access the information they need, she told us that:

The very determined ones can. I met one last week that had put an FOI request in to its own organisation in order to get the information. You should not have to do that, but there are ways there. There needs to be persuasion and influence in order to say, “This is an issue around flooding”, or whatever it might be, “that is really important”.<sup>38</sup>

37. **Scrutiny committees that are seeking information should never need to be ‘determined’ to view information held by its own authority, and there is no justification for a committee having to resort to using Freedom of Information powers to access the information that it needs, especially from its own organisation. There are too many examples of councils being uncooperative and obstructive.** For example a submission from a spouse of a scrutiny chair argues that it can seem to not be in council officers’ interests to divulge information freely:

There is an element of ‘silosism’ within the Authority whereby Directors or Heads of Service do not release, explain or otherwise divulge their operational objectives, strategies or tactics for fear of being challenged. This makes it almost impossible to scrutinise, for after all how can one scrutinise what you don’t know? There is also a reluctance by officers to divulge operational (in)efficiencies in case it shows that there is an excess of staff ratios for particular tasks. It leads to obfuscation of such measures in order to protect their fiefdom.<sup>39</sup>

38. Similarly, the Minister told us of the example of an authority to which he used to belong and how culture can affect councillors’ ability to scrutinise:

When I was in opposition on the district authority of which I was a member, the controlling group at the time had this unfortunate situation where they used to bring out their budget at the budget-setting council in March. They used to bring it out through the cabinet at 4 o’clock. That mini-meeting used to finish at 5 and then we used to go straight into the full council at 6 to approve the budget. Where you have that type of culture, even if you have resource and access to information, you are not going to get the outcomes that are in people’s best interests.<sup>40</sup>

39. Professor Copus highlighted to us another challenge for scrutiny committees seeking to understand an issue:

I often think, “If someone is willing to give you something you have just asked for, what are they hiding? Why are they being overly enthusiastic?” It is because it is not causing them any problems. The information that

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38 Q31

39 Anonymous submission ([OSG006](#))

40 Q119

scrutiny really needs is the stuff that people are a little bit more reluctant to hand over, whether that is the council itself or an external body. I hear quite often ... of councillors using FOIs against their own council for the want of any other way. It is a sign of an immense frustration among members that they have to do that.<sup>41</sup>

## Commercial confidentiality

40. A particular challenge for councillors wishing to access information in order to scrutinise an issue is related to commercial confidentiality. Jacqui McKinlay told us that “Every councillor I meet will talk about the barrier of commercial confidentiality. They will talk about, “We cannot give that information” and a lack of transparency.”<sup>42</sup> Local authorities are required by statute to publish all information relating to decisions taken and service delivery, however there are certain categories of information that they can withhold. For example information relating to an individual’s circumstances is considered exempt, as is information relating to the financial or business affairs of any particular person - including the authority holding that information. As a consequence, many councils argue that publicly releasing specific details of a contract or a procurement framework such as cost or the details of rival bidders for a contract are withheld on the basis that such information is commercially sensitive and exempt from the access to information rules. Professor Copus told us that:

Commercial confidentiality is always another cloak behind which people who do not want to provide information can hide. There is a need for a much tighter definition of what is acceptable as an exemption for commercial confidentiality. It is not just not wanting to tell somebody what they have asked you. There needs to be a much tighter definition for scrutiny purposes.<sup>43</sup>

41. Whilst we acknowledge that it is not always in the public interest for local authorities to publish all information and make it available to the public, we cannot see a justification for withholding such information from councillors. Councillors have regular access to exempt or confidential information, often distinguished on agendas by use of different colour paper. As Cllr Marianne Overton told us, “Councils are used to dealing with confidential information, and we recognise if it is on pink paper it is confidential. There is no question about it. There should not be any problem with sharing information with elected members. We are already under rules.”<sup>44</sup> **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.**

42. Legislation dictates what information should and should not be released to councillors. Regulations in 2012<sup>45</sup> clarified the position and granted additional access rights to members of overview and scrutiny committees. The Regulations state that

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41 Q32

42 Q30

43 Q32

44 Q32

45 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 ([SI2089](#))

scrutiny members can access any confidential material if they can demonstrate a ‘need to know’ in that it relates to any action or decision that that member is reviewing or scrutinising, or on any subject included on a scrutiny work programme. **We do not believe that there should be any restrictions on scrutiny members’ access to information based on commercial sensitivity issues. Limiting rights of access to items already under consideration for scrutiny limits committees’ ability to identify issues that might warrant further investigation in future, and reinforces scrutiny’s subservience to the executive. Current legislation effectively requires scrutiny councillors to establish that they have a ‘need to know’ in order to access confidential or exempt information, with many councils interpreting this as not automatically including scrutiny committees. We believe that scrutiny committees should be seen as having an automatic need to know, and that the Government should make this clear through revised guidance.**

### Getting data from multiple sources and external advisors

43. Council officers are the primary source of information for many committees, however if they do not present the full picture, then those committees can get very limited assurances about the service they are scrutinising. Whilst scrutiny should be able have access to whatever information it needs, this also serves to emphasise the importance of scrutiny committees seeking to use data from multiple sources and challenge that which they are told. Professor Copus described to us how effective scrutiny should operate:

In some councils ... they are too reliant on officers and too reliant on a single source of advice. In too many councils the flexibility that scrutiny has over the committee system is not used ... sometimes, when you examine scrutiny agendas and scrutiny reports, and observe scrutiny meetings, what you see is a committee, and a one-off event that leads to not very much. In other councils, those that have really supported and understood scrutiny, you get a process ... Where you get scrutiny viewed as not a single event but a process, then the outcomes are much more effective, and there is a greater access to a wider range. What scrutiny should be doing is not taking one source of evidence and going, “That is from the officers. Great. That is okay. We agree the recommendations”. They should be looking at conflicting evidence. There is always conflicting evidence with big policy issues. They need to sift that evidence.<sup>46</sup>

44. Cllr Marianne Overton, Leader of the Independent Group of the LGA, agreed that effective committees seek to triangulate data to build a fuller picture: “That is part of what scrutiny is about ... one of the issues about scrutiny is that the whole point is that you can call all kinds of different witnesses ... You are not just sitting, looking at the papers that you have been fed.”<sup>47</sup> We are concerned that too many committees are overly reliant upon the testimonies of council officers, and that they do not make wider use of external witnesses. Very few councils have the resources to provide independent support to both the executive and scrutiny, and in light of the uneven balance between the two functions discussed earlier, most resources are prioritised upon the executive. This means that officers working in a service department are supporting executive members to develop and implement decisions, and the same officers are then supporting scrutiny committees as

46 Q28

47 Q28

they seek to understand the impact of decisions and performance of departments. Whilst departmental officers may be able to distinguish the two roles and cater their support accordingly, we are concerned that too few councils are hearing alternative perspectives. However, we acknowledge that councils are operating on reduced budgets and that making use of specialist advisors can come at too high a cost for many committees. The LGA explains that:

Employing specialist external advice as part of oversight and scrutiny arrangements is not common ... Where councils do bring in external experts, it is because specific knowledge and skills are needed that are not available in house. Procuring specialist advice comes at a cost and, given the pressures on council budgets, not all committees have funding available to increase their standard staffing compliment, commission professional advice, secure external witnesses or even refresh recruitment of co-optees.<sup>48</sup>

45. We are disappointed that committees do not make greater use of expert witnesses. At the informal workshop event hosted by the Committee, we spoke with councillors and officers on their use of experts such as local academics. One attendee told us that it could sometimes be possible to engage a local academic at the start of an inquiry to help members understand an issue, but it was seldom possible to sustain this engagement throughout the life of an inquiry. ***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 local scrutiny.***

### Service users' perspective and public experiences

46. While recognising the constraints that committees operate under, we believe that it is possible to bring in a wider range of perspectives for limited expenditure, and that the benefits of doing so are significant. We note, for example, the case study presented by the LGA of Brighton & Hove City Council's scrutiny panel on equality for the transgender community:

The panel's review was underpinned by an effective and sensitive engagement strategy enabling the views of a hard to reach community to inform recommendations for action. The panel worked in partnership with the Council's Communities team, the city's LGBT Health Improvement Partnership, and a local charity which supported transgender people, co-opting experts to help better inform the process, and directly engaging through community events and specially designed workshops. A significant amount of time was devoted to the consultation process which was pivotal in helping to build up trust. The Panel's findings were well received by the transgender community and partners, with all 37 recommendations adopted by the Cabinet.<sup>49</sup>

47. Bringing in the perspectives of service users undoubtedly leads to more effective scrutiny, both in developing policy such as the example from Brighton & Hove and in monitoring services. Officers from the London Borough of Hackney described an example of effective scrutiny in their monitoring of services for disabled children in the borough.

48 Local Government Association ([OSG081](#)) paras 10.1–10.3

49 Local Government Association ([OSG081](#)) paras 13.8 – 13.10

Rather than only using the testimony of the council officers delivering the service, “A major part of the evidence base for this review was the views of parents and carers of disabled children, as well as disabled children and young people themselves about the services they receive and the barriers they face in accessing current services.”<sup>50</sup> **We commend such examples of committees engaging with service users when forming their understanding of a given subject, and encourage scrutiny committees across the country to consider how the information they receive from officers can be complemented and contrasted by the views and experiences of service users.**

## 4 Resources

### Reducing council budgets

48. Local government has experienced significant reductions in funding in recent years, leading many authorities to choose to reduce their scrutiny budgets. Whilst understandable in the context of wider reductions, it is regrettable that the resources allocated to scrutiny have decreased so much. The Centre for Public Scrutiny (CfPS) explains that:

There are now significantly fewer “dedicated” scrutiny officers employed by English councils. In 2015 this dropped below one full time equivalent officer post providing policy support to scrutiny per council. In many councils, there might be only 0.2 or 0.3 FTE to carry out this role—or nothing at all. (We would describe a “dedicated” scrutiny officer as one whose sole duties involve providing policy advice to scrutiny councillors.)<sup>51</sup>

49. Cllr John Cotton from Birmingham City Council also described a significant reduction in resources in recent years:

if I look at staffing for scrutiny in Birmingham, if we go back to 2010–11, we had 19.4 full-time equivalent staff. We are now working with 8.2, so there has clearly been a substantial reduction and we have seen a similar reduction in the number of committees and so forth ... it does come back to this issue that, if you value something, you have to invest in it.<sup>52</sup>

50. Birmingham City Council explain that this reduction in resources has matched a reduction in the amount of scrutiny carried out:

Birmingham has had five standing O&S Committees for the last two years, whereas there were on average ten committees in the ten years prior to that. Whilst this is line with the reduction in council budgets overall, it should be noted that the main impacts are the negative effect on the breadth and depth of work that can be covered by each committee, plus the reduced capacity to research, reach out to external partners and to residents and service users—and so to “act as a voice for local service users”.<sup>53</sup>

### Officer support models and required skill sets

51. The CfPS also note that increasingly the officers providing day to day support to scrutiny committees are those whose role is combined with wider democratic services functions or with a corporate policy or strategy role.<sup>54</sup> Whilst those working in combined roles are able to provide effective support to scrutiny, there is a significant risk that non-scrutiny functions can take precedence. For example, democratic services officers supporting scrutiny must balance effective guidance, research and advice with the immediate time pressures and statutory deadlines of agenda publication and meeting administration. In such roles there is a risk that scrutiny is relegated to an ‘add-on’ that is only done once

51 Centre for Public Scrutiny ([OSG098](#)) para 100

52 Q46

53 Birmingham City Council ([OSG087](#)) page 6

54 Centre for Public Scrutiny ([OSG098](#)) paras 101–105

all other tasks are complete. Several officers attending our workshop expressed this view, with one officer explaining that she worked full time but her time was split with a wider corporate policy role and she estimated that no more than a quarter of her time was spent working on scrutiny matters. The ability of council officers to effectively support scrutiny can often depend entirely upon the personalities and enthusiasm of those officers. For example, when we asked Cllr Mary Evans from Suffolk County Council whether she felt that she had sufficient officer support, she told us: “I would say, “Yes, but”. Yes, we are adequately resourced, but it depends upon the fact that we have two extremely dedicated and experienced scrutiny officers who are working at full stretch.”<sup>55</sup>

52. We heard evidence that the skill sets of officers is just as important as the number of officers allocated to support scrutiny. Professor Copus for example told us that when considering whether an authority’s scrutiny function is effective, he asks:

Is the scrutiny function well supported by officers and by the right sort of officers? I used to be a committee clerk, so I am not decrying that grand profession, but scrutiny committees need access to policy officers; they need access to people who can manipulate statistics, for example. They need the right sort of support.<sup>56</sup>

53. Jacqui McKinlay also highlighted that certain skills are needed to effectively support scrutiny. She told us that:

We used to say a dedicated scrutiny officer [was the optimum approach, but] ... As long as they have the passion, dedication and commitment to the principle of scrutiny and the specialist skills to do it, I would say we should leave councils to configure how that happens. We do need to acknowledge that we do now have the internet, and the days of research and how that happens have changed. However, it is wrong to presume that councillors themselves will have the time and the capacity to do the level of research that is sometimes needed to do good scrutiny on complex issues. Fundamentally, it needs the bedrock of good scrutiny skills within the team to do that.<sup>57</sup>

54. From speaking with officers and councillors at our workshop, it is apparent that there are many officers working in scrutiny that have these skills, and some are able to combine them with the different skill set required to be efficient and accurate committee clerks. However, we heard too many examples of officers working on scrutiny who did not possess the necessary skills. One councillor told us that in her authority scrutiny officers had become little more than diary clerks, with reports and data now coming from the service departments across the council, which were invariably overly optimistic about performance and unchallenging of the status quo.

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55 Q45

56 Q4

57 Q23



## Scrutiny's profile and parity with the executive

55. Whilst we regret that the level of resources allocated to scrutiny has diminished, we believe that the bigger issue relates to our earlier conclusions on organisational culture. In this respect, we agree with Cllr Sean Fitzsimons from Croydon Council who told us:

Yes, it clearly does make a difference where the level of resource is, but it is too easy to put the blame on scrutiny not being at its best because we do not have the right officer or the right amount of resource in place. To me, it is clear that it is the power relationship between scrutiny, the executive and the officers. That really is the focus of where strengths and weaknesses are. You could have a very well-resourced scrutiny with officers who know their subject, but if you cannot get the chief executive or the executive director of a department to feel that you have a legitimate role, you can bang your head against the wall for as long as you like. For me, resources would come if we had that power balance right, rather than starting to look at resources first.<sup>58</sup>

56. We are concerned that in many councils, there is no parity of esteem between scrutiny and the executive. Resources and status are disproportionately focussed around Leaders and Cabinet Members, with scrutiny too often treated as an afterthought. Professor Copus told us that:

in many councils, scrutiny lacks a parity of esteem with the executive. As a consequence, resources and focus are placed on the executive. For example, chief executives will find the time and have little problem in working directly with a council leader or with the cabinet. Expecting a chief executive then to work with the scrutiny process is always somewhat problematic. As soon as you differentiate between scrutiny and the executive with its officer base and its officer support, you start to chip away at the esteem that scrutiny has. One way around that, without expecting chief executives to work with every scrutiny committee, is to make sure that the scrutiny function has the resources to be able to produce evidence-based policy suggestions that the executive want to take on board, because they recognise scrutiny has done something they have not, which is spend three or four months looking at a particular issue in detail; cabinets cannot do that.<sup>59</sup>

57. As well as the disproportionate allocation of resources, we are also concerned that the uneven relationship between executives and scrutiny committees means that those officers supporting scrutiny can find themselves conflicted. Scrutiny officers can find themselves in the position of having to balance corporate or administration priorities with the challenge role of scrutiny, conscious that those they are scrutinising can make decisions regarding future resourcing and their personal employment prospects. Advice from officers must be impartial and free from executive influence. Cllr Fitzsimons told us that:

You have to trust your officers and you also have to understand that they will have careers outside scrutiny ... We need to make certain that they do not become part of the rock-throwing contingent, and that they are not seen

58 Q45

59 Q15

as part of the group of officers supporting councillors who are making life difficult. I believe officers can be impartial, but they need to network and to network strongly within the council. If you really want to know what is going on in a department, you need an officer advising you in scrutiny who has those contacts within that highways department, as well as being good with the figures and being able to produce a report. You need impartiality, but you also need great networking skills.<sup>60</sup>

58. We believe that if a local authority does not adequately resource the scrutiny function, such impartiality is harder to ensure. With officers supporting both the executive and scrutiny, there is a significant risk that real or perceived conflicts of interests can occur. For example, an officer from a London Borough explained that in her authority following reductions in scrutiny support, designated senior officers from service departments act as ‘scrutiny champions’:

The scrutiny champion’s role includes supporting the committee with finalising its work programme for the municipal year, and includes directing departmental officers to produce the scoping report for the area the Committee will undertake an ‘in-depth’ scrutiny review on in that year. As the same officers provide direct support to the executive, one can immediately see the defect in this model—officers supporting the scrutiny function are not independent of, and separate from, those being scrutinised.<sup>61</sup>

## Allocating resources

59. Councils are under extreme budgetary pressures, but we are concerned that decisions regarding the resourcing of overview and scrutiny can be politically motivated. Professor Copus told us that:

In some councils, councillors have said to me, “It is a deliberate ploy that we under-resource scrutiny so that it cannot do anything and it cannot challenge the executive. It has very little role to play.” Because of the financial constraint, supporting scrutiny is a soft and obvious target for reductions. It is a false economy, because good, effective scrutiny can save councils money, and indeed save other organisations money as well.<sup>62</sup>

60. When we asked the Minister about resourcing scrutiny committees, he told us:

What we have to consider here is that we have not got a scrutiny function that is in the pockets of the executive and the senior management team. We need a scrutiny function where those senior officers have a relationship with the scrutiny function and the people conducting the scrutiny get to see how the executive works and understand the executive, but that does not take away the fact that we need to make sure that scrutiny committees are properly resourced. That is not necessarily, in certain places, about having a

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60 Q53

61 An officer from a London Borough ([OSG091](#)) para 3

62 Q22

dedicated officer; it is more about having access to the information, support and, at times, research, to make sure that they do a good job of scrutinising the executive.<sup>63</sup>

61. **We acknowledge that scrutiny resources have diminished in light of wider local authority reductions. However, it is imperative that scrutiny committees have access to independent and impartial policy advice that is as free from executive influence as possible. We are concerned that in too many councils, supporting the executive is the over-riding priority, with little regard for the scrutiny function. This is despite the fact that at a time of limited resources, scrutiny’s role is more important than ever.**

*62. We therefore call on the Government to place a strong priority in revised and reissued guidance to local authorities that scrutiny committees must be supported by officers that can operate with independence and provide impartial advice to scrutiny councillors. There should be a greater parity of esteem between scrutiny and the executive, and committees should have the same access to the expertise and time of senior officers and the chief executive as their cabinet counterparts. Councils should be required to publish a summary of resources allocated to scrutiny, using expenditure on executive support as a comparator. We also call on councils to consider carefully their resourcing of scrutiny committees and to satisfy themselves that they are sufficiently supported by people with the right skills and experience.*

## The role of the Statutory Scrutiny Officer

63. The Localism Act 2011 created a requirement for all upper tier authorities to create a statutory role of designated scrutiny officer to promote scrutiny across the organisation. The Act does not require that the officer be of a certain seniority, or be someone that works primarily supporting scrutiny. The Institute of Local Government Studies (INLOGOV) at the University of Birmingham explains that:

The intention was to champion and embrace the role of scrutiny. In reality, in most councils, the designated post-holder, while willing, is a shadow of the other posts required by legislation—the Head of Paid Service, Section 151 Officer, and Monitoring Officer. It is seldom an officer with a level of seniority sufficient to ensure that scrutiny is taken seriously when the Executive (both cabinet members and senior council staff) seek to close ranks.<sup>64</sup>

64. We believe that the role of a statutory ‘champion’ of scrutiny is extremely important in helping to create a positive organisational culture for an authority. However, we are concerned that the creation of this role has resulted in too many instances of Statutory Scrutiny Officers fulfilling the role in name only, with little actual activity. At our workshop, councillors described to us how Statutory Scrutiny Officers were often ‘too low down the food chain’, while officers told us of the need for a higher profile for the role, arguing that officers from across the council should know who their Statutory Scrutiny Officer is in the same way they do for monitoring officers. We agree with INLOGOV that the creation of the post has “proved largely ineffective”<sup>65</sup> and believe that reform

63 Q114

64 The Institute of Local Government Studies, The University of Birmingham ([OSG053](#)) page 6

65 The Institute of Local Government Studies, The University of Birmingham ([OSG053](#)), page 1

is needed in order to achieve the aspirations of the Localism Act 2011. The Association of Democratic Services Officers (ADSO) argue that the profile of the Statutory Scrutiny Officer role should be on a par with the Statutory Monitoring Officer<sup>66</sup> and the County and Unitary Councils' Officer Overview and Scrutiny Network argue that the requirement for a Statutory Scrutiny Officer should be extended to all councils.<sup>67</sup> We note the positive example of Stevenage Borough Council choosing to fund a scrutiny officer despite not being covered by the provisions of the Act:

Some years ago this authority created a post of Scrutiny Officer and this has greatly helped with the running of an effective scrutiny function. We have prioritised this over other funding options. It is increasingly difficult to do so as this is not a statutory function at a District level, and the further funding cuts we face over the next three years place extreme pressure on existing budgets.<sup>68</sup>

***65. We recommend that the Government extend the requirement of a Statutory Scrutiny Officer to all councils and specify that the post-holder should have a seniority and profile of equivalence to the council's corporate management team. To give greater prominence to the role, Statutory Scrutiny Officers should also be required to make regular reports to Full Council on the state of scrutiny, explicitly identifying any areas of weakness that require improvement and the work carried out by the Statutory Scrutiny Officer to rectify them.***

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66 Association of Democratic Services Officers ([OSG123](#)) page 7

67 Council and Unitary Councils' Officer Overview and Scrutiny Network ([OSG114](#)) para 8.1

68 Stevenage Borough Council ([OSG060](#)) page 1

## 5 Member training and skills

### The importance of training

66. Unlike the quasi-judicial council committees of planning and licensing, members of scrutiny committees are not required to have any specialist skills or knowledge. We have heard evidence suggesting that this can hinder the effectiveness of committees, and are concerned that some councillors might not take their scrutiny role as seriously as others. For example, an anonymous spouse of a scrutiny chair states that:

Whilst most Authorities have educational classes for members they are not well attended for the following reasons. Members who are in full time employment are not willing to attend in their ‘nonworking hours’; those who are long standing members think it beneath them and those who work for a political party are ‘instructed’ by the party’s position on the subject.<sup>69</sup>

67. If scrutiny members are not fully prepared and able to ask relevant questions, the committee will not be able to fully interrogate an issue and committee meetings can become little more than educational sessions for councillors to learn about a service, rather than scrutinise it. An officer from a London Borough explains that scrutiny meetings are:

typically between scrutiny members and senior officers where the temptation to ask questions to simply learn more about a subject matter is greater ... The Council’s Member Development Officer, together with Democratic Services Officers, do arrange training for scrutiny members when opportunities arise; but this has proved insufficient as members infrequently display the required level of listening and questioning skills to make scrutiny impactful. Too many discussions at meetings are based on requests for more information, without expressing why it is required or how it will facilitate good scrutiny.<sup>70</sup>

68. Jacqui McKinlay from CfPS explained that training for scrutiny members usually fell into one of two categories:

One is the generic skills element—questioning skills, and understanding data and performance management information. We then also run training, which is around children’s services, understanding health and social care integration, whatever it might be. We are getting into the nitty-gritty then to give people enough knowledge... [However,] it is about who comes forward and accesses that. The people who come forward and access that tend to come from good organisations.<sup>71</sup>

### The suitability of training provided

69. Without the legal requirement for training such as on quasi-judicial committees, councils are not able to ensure that scrutiny members have all of the skills or knowledge

69 Anonymous submission ([OSG006](#))

70 An officer from a London Borough ([OSG091](#)) para 10

71 Q30

that they need to deliver effective scrutiny, and those that need it most are the least likely to engage. However, we also note the view of Professor Copus, who highlighted that the value of councillors is that they are lay persons:

There is a danger that we end up training councillors to be elected officers, and that has to be avoided. Officers are there to do their role. Councillors require a different type of skill and training. I am a great fan of council officers and I am not unfairly criticising them, but in many cases the training that is provided to members is what officers need members to understand, rather than what members need to understand.<sup>72</sup>

70. We agree that councillors require a different type of training from officers and that knowing a subject is not sufficient to ensure good scrutiny. The ability to question effectively, as well as actively listen to responses, is fundamental to successful scrutiny. Cllr Fitzsimons told us:

Indeed, some of the simpler questions are some of the most pertinent questions going. Someone coming in not knowing too much about a subject can almost get more from a session than someone who has drifted into data nirvana or something like that, where they are really drilling down and finding out why this figure does not match this other one.<sup>73</sup>

### The quality of training available and DCLG oversight

71. We are concerned that there is no mechanism to ascertain whether scrutiny councillors are able to fulfil their vital role or that the training they do receive is fit for purpose. We asked councillors about the training and support that they had received from the Local Government Association (LGA), and responses were mixed. Cllr Fitzsimons for example told us:

the LGA runs some really interesting courses, which I have attended. They outsource some of it to the Centre for Public Scrutiny. I am not particularly a fan of the way they do things, and their training has not really moved on for a long time. The skills training that a councillor has for a meeting about questioning-and-answering skills are good training sessions.<sup>74</sup>

72. He argued that fundamental requirements for training included more emphasis on a self-reflective approach:

I remember going to do a training session with the London Borough of Richmond in 2006, and my challenge to the councillors who were doing scrutiny was, “How much backbone do you have?” and I just do not see that within the training. Are you willing to ask difficult questions? Are you willing, in your own political group, after you have done a scrutiny meeting, to have people say to you, “You were a bit harsh on the leader”? They do not get that self-reflective type training about, “What is your role? Are you really going to hold to account?”<sup>75</sup>

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72 Q32  
73 Q59  
74 Q64  
75 Q64

73. Cllr Fitzsimons also criticised national conferences and networking events for having an insufficient emphasis on frontline scrutiny members:

You do not see ordinary councillors leading the events ... ultimately the LGA is focused on the executive and their whole setup. Scrutiny, I believe, is an add-on, and that is just a reflection of the way it works, because the people who are influential in LGA are more likely to be council leaders and cabinet members than the ordinary scrutiny people. Individual training is good, but overall I do not think it is hitting the mark.<sup>76</sup>

74. The Minister told us that the Department allocated £21 million to the LGA “so that it could support various activities to improve the governance in local authorities; and it is why we are absolutely committed to working with the LGA and its delivery partners—organisations such as the Centre for Public Scrutiny”.<sup>77</sup> DCLG states that:

The Government does not monitor the effectiveness of overview and scrutiny committees—which is a matter for the authorities themselves. However, the Secretary of State may intervene in authorities which have failed in their best value duty, as happened in 2014 in Tower Hamlets and in 2015 in Rotherham.<sup>78</sup>

75. We are concerned that DCLG gives the LGA £21 million each year to support scrutiny, but does not appear to monitor the impact of this support or whether this investment represents best value. When we questioned the Minister about his Department’s monitoring of scrutiny effectiveness and the extent to which this was delegated to the LGA, he told us that DCLG “will look very carefully at the recommendations that are made by the Committee.”<sup>79</sup>

**76. 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. In the absence of DCLG monitoring, we are not satisfied that the training provided by the LGA and its partners always meets the needs of scrutiny councillors, and call on the Department to put monitoring systems in place and consider whether the support to committees needs to be reviewed and refreshed. We invite the Department to write to us in a year’s time detailing its assessment of the value for money of its investment in the LGA and on the wider effectiveness of local authority scrutiny committees.**

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76 Q64

77 Q113

78 Department for Communities and Local Government ([OSG122](#)) para 19

79 Q125

## 6 The role of the public

77. Earlier in this report, we discussed the need for scrutiny committees to have greater legitimacy and independence from their executives. A key way of delivering this is to ensure that members of the public and local stakeholders play a prominent role in scrutiny. By involving residents in scrutiny, the potential for a partisan approach lessens and committees are able to hear directly from those whose interests they are representing. Many local authorities have been very successful in directly involving their residents through open meetings, standing agenda items and public appeals for scrutiny topics. Other authorities, and indeed parliamentary select committees, can learn from such positive examples.

### Case studies of public engagement

78. Devon County Council argues that “Scrutiny serves as almost the only bastion of opportunity for local people to voice an opinion on changes to a wide range of services, not just those provided by the Council.” The authority also cites an example where scrutiny considered a national issue which had a local manifestation. Search and Rescue services were previously provided by RAF Chivenor, but when this changed “Local People were very concerned about the loss of the service and scrutiny reviewed the evidence in an independent way. The subsequent report helped to reassure local people that the evidence supported the change as well as to establish a baseline from which to challenge future incidents.”<sup>80</sup>

79. At its most effective, we believe that scrutiny amplifies the concerns of local residents and of service users. A positive example of this is in Exeter where the City Council established a ‘Dementia Friendly Council’ task and finish group. As part of its work, the group “invited members of the Torbay Dementia Leadership Group to visit the Customer Service Centre to observe the front line service and facilities from the point of view of a person with dementia and to see if the Council could make any improvements to the existing customer experience.” Subsequent recommendations to improve the service have since been made.<sup>81</sup>

80. At our workshop with councillors and officers, one councillor explained that she did not like the term ‘public engagement’ and instead preferred to think of it as ‘listen and learn’. This approach was evident in the example of Surrey County Council, cited by the LGA.<sup>82</sup> Surrey conducted extensive pre-decision scrutiny of the authority’s cycling strategy to help inform the final strategy. Following an independent consultation, it was apparent that there were mixed views on the proposals within the strategy and a joint meeting of two scrutiny committees was held to consider them, with a public forum to allow residents to express their views. The outcome was a better-informed and more successful strategy:

Having heard and considered the voice and concerns of the public on the Council’s proposed Cycling Strategy, the committees made recommendations to ensure the final strategy was acceptable to Surrey residents. These included: ensuring benefits for local businesses; including

80 Devon County Council ([OSG008](#)) page 2

81 Exeter City Council ([OSG011](#)) para 7

82 Local Government Association ([OSG081](#)) paras 13.5–13.7



cycling infrastructure schemes on highways maintenance programmes; lobbying central government so that unregulated events were regulated; working with boroughs & districts to develop cycling plans; and amending the strategy to ensure roads would only be closed with strong local support.<sup>83</sup>

## Digital engagement

81. The examples above are illustrations of the value that greater public involvement can bring both to the scrutiny process and an authority's decision making process. However, we are also aware that the majority of scrutiny committees across the country are not well-attended by the public. Involving the public in scrutiny is time and resource intensive, but the rewards can be significant. In this context, it should also be noted that many members of the public do not want to engage with public services in the same way that they used to. Digital engagement is becoming increasingly important, with some councils embracing new media better than others (for example the twitter feed of Doncaster Metropolitan Borough Council recently received national attention for effective engagement regarding the naming of two gritters<sup>84</sup>). Jacqui McKinlay told us:

There are some real challenges about what public engagement looks like in the future. It is not necessarily the village hall where we are expecting people to turn up on a wet Wednesday. We need to start to accept that when we engage with people they do not necessarily always speak the same language as we do, particularly on contentious issues. People are very angry. They are very upset. In scrutiny and public services generally, we have to think about what engagement looks like in the future. We are also in a digital and social media world where the conversations now, probably in the last six months, are happening in WhatsApp. They were happening in Facebook earlier. That is something that scrutiny is really going to have to manage if it is going to stay relevant and part of the dialogue.<sup>85</sup>

**82. *The Government should promote the role of the public in scrutiny in revised and reissued guidance to authorities, and encourage council leaderships to allocate sufficient resources to enable it to happen. Councils should also take note of the issues discussed elsewhere in this report regarding raising the profile and prominence of the scrutiny process, and in so doing encourage more members of the public to participate in local scrutiny. Consideration also need to be given to the role of digital engagement, and we believe that local authorities should commit time and resources to effective digital engagement strategies. The LGA should also consider how it can best share examples of best practice of digital engagement to the wider sector.***

83 Local Government Association ([OSG081](#)) paras 13.5–13.7

84 "[David Plowie or Spread Mercury? Council asks public to name its new gritters](#)", The Telegraph, 17 November 2017

85 Q39

## 7 Scrutinising public services provided by external bodies

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### The conflict between commercial and democratic interests

83. We heard a lot of evidence that scrutiny committees are increasingly scrutinising external providers of council services, both in an attempt to avoid politically ‘difficult’ subjects and as a reflection that services are being delivered in increasingly diverse ways.<sup>86</sup> We believe that scrutiny committees are ideally placed, and have a democratic mandate, to review any public services in their area. However, we have heard of too many instances where committees are not able to access the information held by providers, or the council itself, for reasons of commercial sensitivity (as further discussed in Chapter 3 of this report). Jacqui McKinlay from CfPS told us that there can be an “unbelievable barrier” with commercial organisations as they “do not recognise they are contracting with a democratic organisation that has democratic governance processes.”<sup>87</sup>

84. The conflict between commercial and democratic interests means that many companies are not set up to accommodate public accountability. This is in contrast with health services, which have a more established history of engagement (backed up by legislative requirements). The London Borough of Hackney explains that:

Health scrutiny has been luckier than other areas in that the duties to attend meetings and engage with scrutiny are well established and accepted. For health scrutiny in Hackney there is an understanding that if invited to attend to be held to account on an issue, the invitation cannot be refused. Where service providers have appeared reluctant to attend scrutiny is often linked to their accountability to local government and whether their management structures are local. We have found where structures are regional or national and the organisation has very limited local accountability there can be difficulty with engagement in the local scrutiny function.<sup>88</sup>

### Scrutiny powers in relation to external organisations

85. Overview and scrutiny committees have a range of powers that enable them to conduct scrutiny of external organisations. The Health and Social Care Act 2012 gives local authorities the power to scrutinise health bodies and providers in their area or set up joint committees to do so. They can also require members or officers of local health bodies to provide information and to attend health scrutiny meetings to answer questions. Scrutiny also has powers with regard to the delivery of crime and disorder strategies, with those bodies which are delivering such strategies also being required to attend meetings and respond to committee reports. However, for all other organisations delivering public services, be they public bodies or commercial entities, their participation depends upon their willingness of both parties to do so and the ability of scrutiny committees to forge a positive working relationship. Attitudes to local scrutiny are varied, as Cllr Sean Fitzsimons from Croydon Council explained to us:

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86 See for example Q9

87 Q30

88 Overview and Scrutiny Team, London Borough of Hackney ([OSG110](#)) para 11

I would say that the smaller the organisation the better they are at coming along. The most difficult one I ever dealt with was probably the Metropolitan Police. Borough commanders do not think we have any legitimacy. Sometimes, you can see they are thinking about other things. As someone who has sat on a riot review panel, led by a judge, to get someone there was an effort. They may want to come and talk about a certain thing, but the moment you ask them anything specific it is like, "I cannot talk about it". Policing is a really difficult area, and it is actually within our remit. The fire brigade has been quite a useful organisation, and they are quite keen. The ambulance service is desperate to turn up.<sup>89</sup>

### Scrutinising council contracts

86. A significant obstacle to effective scrutiny of commercial providers is an over-zealous classification of information as being commercially sensitive (as discussed in relation to council-held information in paragraph 40). Council officers are wary of sharing the terms of contracts as they do not want to prejudice future procurements, and contractors do not always see why they should share information. As discussed earlier in this report, we can see no reason for withholding confidential information from scrutiny councillors, who can then consider it in a private session if necessary. We believe that councils and their contractors need to be better at building in democratic oversight from the outset of a contract. We note for example the views of Cllr Fitzsimons, who argued that scrutiny often gets involved in contracting situations too late:

It is only when the major recommendations can go to cabinet that you can say, "I am unhappy with that and I will bring it in." My experience, particularly in my local authority, is that the failure of the authority, at the time, to engage in scrutiny early on in the process so that we could help shape the outcomes meant that a decision had been taken by the relevant cabinet member, and really it allowed itself to drift into party political flag-waving, to say, "We are just not happy with the letting of this contract." If we had been allowed to look at it six months or a year beforehand, we may have been able to have had some influence for the betterment of the service. I have found that contractors are quite keen to talk, but what it again goes back to is how comfortable the executive is having their decisions challenged, when they may have done 18 months or two years of private work on it and they think they already have the answer.<sup>90</sup>

87. It is imperative that executives consider the role of scrutiny at a time when external contracts are still being developed, so that both parties understand that the service will still have democratic oversight, despite being delivered by a commercial entity. Scrutiny committees have a unique democratic mandate to have oversight of local services, and contracting arrangements do not change this. We therefore support the recommendations made by the scrutiny committee at Suffolk County Council, as described to us by Cllr Evans:

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89 Q77

90 Q52

We had a task and finish group that did a lot of work on procurement and contracting, and we are asking that, in future, when the council signs any contracts, those people who are making the contract are aware that we could well expect to see them in front of scrutiny at some point. They cannot sign a contract with the authority and expect never to be put on the spot and be accountable.<sup>91</sup>

88. We heard examples where committees had successfully engaged external providers, such at Suffolk County Council where the contractors for highways and for social care come to scrutiny willingly.<sup>92</sup> However this is not always the case and such variance is an issue of concern for us. We are of the view that scrutiny committees must be able to scrutinise the services provided to residents and utilise their democratic mandate and we therefore agree with the Minister, who told us:

When councils put contracts out to external bodies, they should look at that in the context of how open and transparent those arrangements can be. That can quite often be difficult because of commercial confidentiality, but, as I say, that should not be a cover-all for everything. I think that that should be considered in the context of when a contract is let, in terms of making sure that a particular provider can be called to a scrutiny committee. However, when a particular local authority lets a contract to a particular company, I do not think it should lead to a situation where that particular local authority is able to sit back and just blame its contractor. The local authority in question should, when tendering out, put together a process over which it has a level of control that enables it to scrutinise a particular contractor and take enforcement action should that contract not be fulfilled.<sup>93</sup>

### Following the ‘council pound’

89. The CfPS highlight the difficulties that scrutiny committees can have monitoring services delivered in partnership, and notes that scrutiny has been effective when its formal powers give it a ‘foot in the door’:

We would therefore like to see these powers balanced across the whole local public service landscape. We would like to see the law changed and consolidated, to reflect the realities that local authorities now face—particularly the fact that much council business is now transacted in partnership. We would like to see an approach which uses the “council pound” as the starting point for where scrutiny may intervene—that is to say, that scrutiny would have power and responsibilities to oversee taxpayer-funded services where those services are funded, wholly or in part, by local authorities.<sup>94</sup>

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91 Q50

92 Q52

93 Q148

94 Centre for Public Scrutiny ([OSG098](#)) paras 149–151

90. *Scrutiny committees must be able to monitor and scrutinise the services provided to residents. This includes services provided by public bodies and those provided by commercial organisations. Committees should be able to access information and require attendance at meetings from service providers and we call on DCLG to take steps to ensure this happens. We support the CfPS proposal that committees must be able to 'follow the council pound' and have the power to oversee all taxpayer-funded services.*

## Scrutiny of Local Economic Partnerships

91. We are also extremely concerned at the apparent lack of democratic oversight of Local Economic Partnerships (LEPs). There are 39 LEPs in operation across England, tasked with the important role of promoting local economic growth and job creation. However, we fear that they vary greatly in quality and performance, and that there is no public assurance framework, other than any information they themselves choose to publish. LEPs have been charged with delivering vital services for local communities and do so using public money, and so it is therefore right and proper that committees of elected councillors should be able to hold them to account for their performance. LEPs are key partners of mayoral combined authorities and we note that the relationship in London seems established. Jennette Arnold OBE AM, Chair of the London Assembly, told us:

The responsibility for the LEPs falls within the Mayor's economic strategy, so for us the buck stops with the Mayor. He then has a LEP board. There are local authority councillors and businesspeople on that. There is a Deputy Mayor who is charged with business and economic growth in London. Both members of that LEP board and that Deputy Mayor have appeared in front of our Economy Committee. We also had questions about skills, because skills was linked, so our education panel raised questions. Business as usual for us is that where there is a pound of London's money being spent, we will follow that and we will raise any issues as relevant.<sup>95</sup>

92. We applaud this approach and welcome the oversight of the London LEP provided by the London Assembly. In the next chapter we will consider the role of scrutiny in combined authorities, where we have concerns over the capacity of the newer organisations. Their relative infancy when compared to the London Assembly is reflected in unclear relationships with their local LEPs. Cllr Peter Hughes, Chair of the West Midlands Combined Authority Overview and Scrutiny Committee, told us:

There are non-voting LEP representatives on the board of the combined authority and there has been since the day it started. I have LEP representatives on the Overview and Scrutiny Committee. Again, they are non-constituent members, as are some of the rural authorities. Their commitment to overview and scrutiny and to audit is patchy, to say the least. There is one big authority or LEP area that does not contribute to scrutiny or audit ... We have not done so yet, but I am sure before the 12 months are up that the LEP involvement in the combined authority's work will be looked at.<sup>96</sup>

95 Q103

96 Qq104-106

93. Whilst we welcome the established arrangements in London and the intentions of the newer mayoral combined authorities, we are concerned that there are limited arrangements in place for other parts of the country. We do note that examples exist, and call for such arrangements to be put in place across the country. Wiltshire Council states that:

Wiltshire Council is one of the few local authorities nationally to have a OS task group actively engaging with the region's Local Enterprise Partnership, providing extra public accountability to the LEP funding spent within the county. All LEP reports and expenditure are published to facilitate further scrutiny by members of the public.<sup>97</sup>

94. In October 2017, a review of LEP governance arrangements was published by DCLG. The review makes a number of recommendations and noted that while many LEPs have robust assurance frameworks, approaches vary. For example, LEPs are required to publish a conflict of interest policy and the review found that "Whilst LEPs comply with this requirement, the content of policies and approach to publication varies considerably and is dependent on the overall cultural approach within the organisation."<sup>98</sup> The review also noted that:

A number of LEPs, but not all, refer to the role of scrutiny in overseeing their performance and effectiveness. Some LEPs are scrutinised from time to time by their accountable body Overview and Scrutiny function. This is an area for further development which would give increased independent assurance. Given the different structures across LEPs it is not appropriate to specify any particular approach to scrutiny. It is an area which could benefit from the sharing of good practice/'what works' to assist LEPs in shaping their own proposals.<sup>99</sup>

95. When we asked the Minister about the democratic oversight of LEPs, he told us that local authorities will usually have representation on LEP boards and that expenditure will often be monitored by the lead authority's Section 151 finance officer. When we asked him about more public methods of scrutiny, he told us that:

in terms of the scrutiny there are ways in which a LEP can be scrutinised. At this point I do not believe that those arrangements need to be changed, but I will certainly be interested—I know you have asked this of a number of the witnesses at this Committee—in their views on local enterprise partnerships. Certainly that will be a Government consideration once the Committee has submitted its report.<sup>100</sup>

***96. In light of our concerns regarding public oversight of LEPs, we call on the Government to make clear how these organisations are to have democratic, and publicly visible, oversight. We recommend that upper tier councils, and combined authorities where appropriate, should be able to monitor the performance and effectiveness of LEPs through their scrutiny committees. In line with other public bodies, scrutiny committees should be able to require LEPs to provide information and attend committee meetings as required.***

97 Wiltshire Council ([OSG034](#)) para 10

98 Department for Communities and Local Government, [Review of Local Enterprise Partnership Governance and Transparency](#) (October 2017), para 6.1

99 Department for Communities and Local Government, [Review of Local Enterprise Partnership Governance and Transparency](#) (October 2017), para 9.3

100 Q146

## 8 Scrutiny in combined authorities

97. We recognise that the mayoral combined authorities are in their infancy, but given how important organisational culture is, it is important that we include them in our inquiry to ensure that the correct tone is set from the outset. We are therefore concerned by the evidence we heard about an apparent secondary role for scrutiny. Mayors will be responsible for delivering services and improvements for millions of residents, but oversight of their performance will be hindered by limited resources.

### The London Assembly

98. The London Assembly has 25 members elected to hold the Mayor of London to account and to investigate any issues of importance to Londoners. London Assembly Members are elected at the same time as the Mayor, with eleven representing the whole capital and fourteen elected by constituencies. The Mayor holds all executive power and the Assembly's ability to override decisions is limited to amending budgets and rejecting statutory strategies. The most visible accountability tool is Mayor's Question Time, when the Mayor of London is required to appear in public before the Assembly ten times a year to answer for decisions made and their outcome. Oversight is also provided by ten thematic scrutiny committees. In 2016/17 the London Assembly controlled a budget of £7.2 million, of which £1.5 million was allocated to scrutiny and investigations, with the remainder used for other member services and democratic services functions. This compares with the Mayor's budget of around £16 billion.<sup>101</sup> The Chair of the Assembly, Jennette Arnold, told us:

You will see that we have been learning and changing over the last 16 years. I would say we are a much more robust body than we were, say, eight years previously because we have taken on learning. We set out to make sure that the centrepiece of our work, which is detailed scrutiny, is evidence-based, well resourced and is disseminated as widely as possible. We have two tracks: the first track is to follow the Mayor, i.e. we ensure mayoral accountability; and the other track we have is about any issue of public concern to London. I would say the combined authorities should look and see the clarity that we have. This is what good scrutiny looks like: it is separate; it has its own officers; it has its own budget; and there is money that is required to do that work.<sup>102</sup>

### The mayoral combined authorities

99. We welcome and applaud the approach of the London Assembly, however the wide discrepancy in the approach to scrutiny in the newer mayoral combined authorities which has come to light during our inquiry is an issue of concern. Combined authorities have a far smaller budget and do not have an equivalent body to the London Assembly, with scrutiny instead being performed by members of the constituent councils. The Local Government Research Unit at De Montfort University argue that:

101 London Assembly, [The London Assembly Annual Report 2016–17](#), page 57

102 Q83

An opportunity was missed in the creation of combined authorities—because of the focus on leadership—to recreate a London Assembly style directly elected body with the responsibility to hold the mayor of any combined authority (and other organisations) to account. A directly elected scrutiny body with its own staff and resources may seem an expensive innovation, but ... serious governance failures resulting in damage to public services and the public can occur where O&S is inadequate or fails.<sup>103</sup>

100. In contrast with the London Assembly, Cllr Peter Hughes of the West Midlands Combined Authority told us:

The regulations for the combined authority actually state “a scrutiny officer”, as it stands at the moment. This has been the case for the last 18 months. The combined authority scrutiny chair, whether it is me or anybody else, is supported by a part-time person who is lent out from our own authority. That is the case across all of the other issues. Effectively, the West Midlands Combined Authority is run on the basis of good will and people, chief executives and directors, giving up their time. That is exactly the same with scrutiny. At the moment, we have a person who is lent, with no financial refund to Sandwell, to the combined authority. That has not yet been formalised.<sup>104</sup>

101. We recognise that the resourcing levels are not necessarily decisions for the combined authorities themselves, with Government funding dictating that they be organisations with minimal overheads. However, we also acknowledge that the absence of an allocated budget or a directly-elected scrutiny body does not mean that the approach to scrutiny in combined authorities is necessarily wrong. Cllr Hughes for example told us how he will be measuring the effectiveness of his committee:

Part of scrutiny is not just the questioning and scrutiny aspect of it; it is also that we are adding value to the work of the combined authority. As you have just said, it is in the very early stages at the moment. We feel that we can actually add value to some of the policy decisions that are being taken or being formed by actually taking specific pieces of work and drilling down and calling upon evidence from the local authorities beneath us to add value to the work of the combined authority itself.<sup>105</sup>

102. Susan Ford, Scrutiny Manager of the Greater Manchester Combined Authority, also told us that successful scrutiny in Greater Manchester will enable the Mayor and officers to:

understand the value that scrutiny can bring, and... sense-checking what might cause issues in particular districts and bringing that kind of wealth of in-depth knowledge that scrutiny members bring in with them. The scrutiny function also has a duty to the public to try to simplify some of what can be seen as a very complicated governance arrangement. Having different governance arrangements across different devolved areas has not helped. Mayors in different city region areas have different powers, so

103 Local Government Research Unit, De Montfort University ([OSG022](#)) para 4

104 Q87

105 Q85



there is a duty to members of the public. There is also a duty to broaden the engagement in terms of thinking about things like younger people and the way in which elected members actually engage with their constituents. We have to support them to be able to make devolution governance and decision-making intelligible.<sup>106</sup>

103. We raised the issue of scrutiny of combined authority mayors with the Minister, who argued that the scrutiny arrangements were sufficient:

I consider that the scrutiny arrangements in that sense are stronger than they are for local authorities ... Certainly the powers that were being transferred to Mayors were generally powers that hitherto had been held by Secretaries of State and, therefore, on a virtually daily basis when this House was sitting there was a method, potentially, of scrutinising the decisions that were being made, and their outcomes ... That said, and I have mentioned this a number of times, I do not think there is any room, in this sense, for complacency. I would say that, in the same way as we are now talking about the scrutiny arrangements from the Local Government Act 2000 having bedded in ... the question is: should there now be more changes to update things because time moves on? There will legitimately be the question, as time moves on: how have those scrutiny arrangements worked? Do we need to change anything going forward to make sure that we are responding to circumstances that arise?<sup>107</sup>

104. We welcome the approach to scrutiny by new mayoral combined authorities such as the West Midlands and Greater Manchester, but we are concerned that such positive intentions are being undermined by under-resourcing. This is not a criticism of the combined authorities - which have been established to be capital rich but revenue poor - as they do not have the funding for higher operating costs. However, we would welcome a stronger role for scrutiny in combined authorities, reflecting the Minister's point that the Mayors now have powers hitherto held by Secretaries of State. ***We are concerned that effective scrutiny of the Metro Mayors will be hindered by under-resourcing, and call on the Government to commit more funding for this purpose. When agreeing further devolution deals and creating executive mayors, the Government must make clear that scrutiny is a fundamental part of any deal and that it must be adequately resourced and supported.***

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106 Q85

107 Qq131-132

## Conclusions and recommendations

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### The role of scrutiny

1. *We therefore recommend that the guidance issued to councils by DCLG on overview and scrutiny committees is revised and reissued to take account of scrutiny's evolving role. (Paragraph 12)*
2. *We call on the Local Government Association to consider how it can best provide a mechanism for the sharing of innovation and best practice across the scrutiny sector to enable committees to learn from one another. We recognise that how scrutiny committees operate is a matter of local discretion, but urge local authorities to take note of the findings of this report and consider their approach. (Paragraph 13)*

### Party politics and organisational culture

3. However, all responsible council leaderships should recognise the potential added value that scrutiny can bring, and heed the lessons of high profile failures of scrutiny such as those in Mid Staffordshire and Rotherham. (Paragraph 19)
4. *To reflect scrutiny's independent voice and role as a voice for the community, we believe that scrutiny committees should report to Full Council rather than the executive and call on the Government to make this clear in revised and reissued guidance. When scrutiny committees publish formal recommendations and conclusions, these should be considered by a meeting of the Full Council, with the executive response reported to a subsequent Full Council within two months. (Paragraph 23)*
5. We believe that executive members should attend meetings of scrutiny committees 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 with the committee, risks unnecessary politicisation of meetings and can reduce the effectiveness of scrutiny by diminishing the role of scrutiny members. *We therefore recommend that DCLG strengthens the guidance to councils to promote political impartiality and preserve the distinction between scrutiny and the executive. (Paragraph 25)*
6. 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. (Paragraph 27)
7. We believe that there are many effective and impartial scrutiny chairs working across the country, but we are concerned that how chairs are appointed has the potential to contribute to lessening the independence of scrutiny committees and weakening the legitimacy of the scrutiny process. Even if impropriety does not occur, we believe that an insufficient distance between executive and scrutiny can create a perception of impropriety. (Paragraph 30)
8. We believe that there is great merit in exploring ways of enhancing the independence and legitimacy of scrutiny chairs such as a secret ballot of non-executive councillors. However, we are wary of proposing that it be imposed upon authorities by government.

*We therefore recommend that DCLG works with the LGA and CfPS to identify willing councils to take part in a pilot scheme where the impact of elected chairs on scrutiny's effectiveness can be monitored and its merits considered.* (Paragraph 35)

### Accessing information

9. Scrutiny committees that are seeking information should never need to be 'determined' to view information held by its own authority, and there is no justification for a committee having to resort to using Freedom of Information powers to access the information that it needs, especially from its own organisation. There are too many examples of councils being uncooperative and obstructive. (Paragraph 37)
10. 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. (Paragraph 41)
11. We do not believe that there should be any restrictions on scrutiny members' access to information based on commercial sensitivity issues. Limiting rights of access to items already under consideration for scrutiny limits committees' ability to identify issues that might warrant further investigation in future, and reinforces scrutiny's subservience to the executive. *Current legislation effectively requires scrutiny councillors to establish that they have a 'need to know' in order to access confidential or exempt information, with many councils interpreting this as not automatically including scrutiny committees. We believe that scrutiny committees should be seen as having an automatic need to know, and that the Government should make this clear through revised guidance.* (Paragraph 42)
12. *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 local scrutiny.* (Paragraph 45)
13. We commend such examples of committees engaging with service users when forming their understanding of a given subject, and encourage scrutiny committees across the country to consider how the information they receive from officers can be complemented and contrasted by the views and experiences of service users. (Paragraph 47)

### Resources

14. We acknowledge that scrutiny resources have diminished in light of wider local authority reductions. However, it is imperative that scrutiny committees have access to independent and impartial policy advice that is as free from executive influence as possible. We are concerned that in too many councils, supporting the executive is the over-riding priority, with little regard for the scrutiny function. This is despite the fact that at a time of limited resources, scrutiny's role is more important than ever. (Paragraph 61)

15. *We therefore call on the Government to place a strong priority in revised and reissued guidance to local authorities that scrutiny committees must be supported by officers that can operate with independence and provide impartial advice to scrutiny councillors. There should be a greater parity of esteem between scrutiny and the executive, and committees should have the same access to the expertise and time of senior officers and the chief executive as their cabinet counterparts. Councils should be required to publish a summary of resources allocated to scrutiny, using expenditure on executive support as a comparator. We also call on councils to consider carefully their resourcing of scrutiny committees and to satisfy themselves that they are sufficiently supported by people with the right skills and experience. (Paragraph 62)*
16. *We recommend that the Government extend the requirement of a Statutory Scrutiny Officer to all councils and specify that the post-holder should have a seniority and profile of equivalence to the council's corporate management team. To give greater prominence to the role, Statutory Scrutiny Officers should also be required to make regular reports to Full Council on the state of scrutiny, explicitly identifying any areas of weakness that require improvement and the work carried out by the Statutory Scrutiny Officer to rectify them. (Paragraph 65)*

### Member training and skills

17. *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. In the absence of DCLG monitoring, we are not satisfied that the training provided by the LGA and its partners always meets the needs of scrutiny councillors, and call on the Department to put monitoring systems in place and consider whether the support to committees needs to be reviewed and refreshed. We invite the Department to write to us in a year's time detailing its assessment of the value for money of its investment in the LGA and on the wider effectiveness of local authority scrutiny committees. (Paragraph 76)*

### The role of the public

18. *The Government should promote the role of the public in scrutiny in revised and reissued guidance to authorities, and encourage council leaderships to allocate sufficient resources to enable it to happen. Councils should also take note of the issues discussed elsewhere in this report regarding raising the profile and prominence of the scrutiny process, and in so doing encourage more members of the public to participate in local scrutiny. Consideration also need to be given to the role of digital engagement, and we believe that local authorities should commit time and resources to effective digital engagement strategies. The LGA should also consider how it can best share examples of best practise of digital engagement to the wider sector. (Paragraph 82)*

### Scrutinising public services provided by external bodies

19. *Scrutiny committees must be able to monitor and scrutinise the services provided to residents. This includes services provided by public bodies and those provided by*

*commercial organisations. Committees should be able to access information and require attendance at meetings from service providers and we call on DCLG to take steps to ensure this happens. We support the CfPS proposal that committees must be able to 'follow the council pound' and have the power to oversee all taxpayer-funded services. (Paragraph 90)*

20. *In light of our concerns regarding public oversight of LEPs, we call on the Government to make clear how these organisations are to have democratic, and publicly visible, oversight. We recommend that upper tier councils, and combined authorities where appropriate, should be able to monitor the performance and effectiveness of LEPs through their scrutiny committees. In line with other public bodies, scrutiny committees should be able to require LEPs to provide information and attend committee meetings as required. (Paragraph 96)*

### **Scrutiny in combined authorities**

21. *We are concerned that effective scrutiny of the Metro Mayors will be hindered by under-resourcing, and call on the Government to commit more funding for this purpose. When agreeing further devolution deals and creating executive mayors, the Government must make clear that scrutiny is a fundamental part of any deal and that it must be adequately resourced and supported. (Paragraph 104)*

## Annex: summary of discussions at an informal workshop with councillors and officers

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As part of the inquiry, the Committee hosted a workshop in October 2017 attended by over 45 council officers and councillors from across the country. Split into four groups, attendees discussed their experiences of overview and scrutiny, with each group considering three questions. The following provides an edited summary of the discussions held and is not intended to be verbatim minutes. Comments are not attributed to individuals or organisations, but seek to reflect the variety of statements made and opinions expressed. This summary and its content does not necessarily reflect the views of the Committee, or all of the attendees present at the workshop.

### *Q1) Do local authority scrutiny committees operate with political independence and in a non-partisan way*

#### **Officers:**

- Scrutiny is only non-partisan on the surface: most of the discussion and debate takes place in group meetings, which officers and the public cannot see
- Scrutiny chairs often don't want to challenge their Leaders, so do more external scrutiny or pick 'safe' topics that are less controversial
- The ways that committee chairs are appointed means that chairs more likely to 'keep quiet', use the role as a way to prepare for a Cabinet position, or see it as a consolation prize for not being in the Cabinet
- Personalities of chairs and the ability to work well with executive colleagues is key
- Officers in combined roles struggle to adequately support scrutiny: the roles of scrutiny officer and committee clerk are fundamentally different with different skill sets needed
- Clerking a committee changes how officers are treated, with the value placed on their expertise and guidance lessened so they are treated as little more than admin assistants
- Task and finish groups are less partisan and work effectively cross-party. However, witness sessions are usually held in private with only the reporting of findings being in public. External scrutiny is also less partisan, and so can achieve much more while enthusing councillors
- Third party organisations can sometimes be reluctant to be scrutinised by lay persons. It takes significant time to build positive relationships
- There should be debate at Full Council for topic selection for scrutiny committees
- Committees need more power to force changes on executives

- There is too much executive control over what is scrutinised
- In some local authorities, cabinet members and the Leader attend health scrutiny meetings when the NHS is being scrutinised and sometimes lead the questioning of witnesses
- Appointment of members to scrutiny committees is in the hand of controlling political groups, so there will never be full independence

#### **Councillors:**

- Focussing on the impact we want, like improved health and wellbeing, gets rid of the party-political aspect because we've agreed on what we want to achieve
- The better the quality of the opposition, the better the contribution it makes. Currently, we have a very weak opposition and I don't think they understand the difference between scrutiny and opposition
- One problem is engagement of one's own backbenchers to participate in scrutiny. It's often the poor relation, and shouldn't be
- Is aiming for political independence realistic and necessary? If you have people from both sides on committee, as long as they challenge effectively, that's all that matters
- I want to know about value for money, so I ask awkward questions. Politics comes into it when members score points to get votes. It suits my nature to be challenging and ask probing questions. But you need knowledge of subject to do this. A lot of colleagues don't have this
- The role of the Leader is key: they have to believe in good governance. Scrutiny's success depends on the attitude of the Leader, who needs to recognise that good scrutiny reflects on the reputation of council. Too many Leaders seek to block scrutiny
- Scrutiny is improved in authorities where scrutiny reports go to Full Council and not the executive
- Officers have to be supportive of scrutiny. It's not just about the Leader
- Some chairs can be fiercely independent regardless of which party has control. An effective chair of a scrutiny committee need to be apolitical and work collaboratively across party lines. A lot depends on the group of individuals on the committee
- A lack of political independence is often more pronounced in small shire district councils where there is often too much domination by strong leaders and executives
- There is a problem with committees lacking teeth - the executive will often not listen regardless of what scrutiny committees say

- Joint scrutiny often works well, sometimes with different chairs. Working groups also increase political independence
- Decisions on who will chair a committee is often whipped vote, and there is considerable remuneration which binds chairs' approach
- The executive has control over scrutiny funding and budgets which is a big problem

*Q2) Do officers and members working on scrutiny have sufficient resources, expertise and knowledge to deliver effective scrutiny?*

**Officers:**

- Limited access to expertise is a bigger issue than resources: committees struggle to access expert advisors and find it hard to build relationships
- Scrutiny support is often combined with wider a corporate policy role, meaning officers often spend relatively little of their time actually working on scrutiny
- There is a tension in trying to scrutinise people with whom you might later seek to work with or for
- The reduced resources allocated to scrutiny has led to a corresponding reduction in scrutiny committees: local authorities cannot have committees that mirror each portfolio like in Parliament, leading to committees with extremely large remits
- Districts need to work better with upper tier authorities: on their own, districts are limited in what they can influence
- Scrutiny has fewer resources, but increasingly wide remits: it's not possible to do everything justice
- Health scrutiny has a huge workload so committees often struggle to do much more than the statutory requirements
- Scrutiny has become much leaner, but this is not necessarily a bad thing: it is more focussed now so that it achieves more impact and demands greater attention
- Accessing outside experts is easier in London as they are always relatively nearby
- Questioning skills for members are key, and remain the biggest training need
- Getting input from external experts such as academics is possible at the start of an inquiry, but sustaining this engagement throughout an inquiry is difficult
- There should be a separate budget for scrutiny, commissioning research and recommending options
- In authorities that are reducing staff numbers for budgetary reasons, more resources for scrutiny is often unrealistic



- In many councils, there are enough resources, but they aren't allocated appropriately: there needs to be a top-down reallocation of resources, with more priority given to the scrutiny team
- There is often a lot of resistance to scrutiny at the senior officer level. Many actively seek to keep scrutiny to a minimum, as they don't want to be challenged in what they're doing
- Information requested from senior officers is often sanitised or of limited usefulness. Officers need to realise they work for all councillors, not just the executive

#### **Councillors:**

- I'm not impressed by the quality of members. They need more training—it's only then they have the knowledge to ask probing questions
- We have people on our Committee with no expertise
- The way round the resource problem is to get members to do more work themselves.
- It is incumbent on members who chair committees and task and finish groups to take on knowledge and expertise and motivate other members to do so too
- The clerks don't prepare papers, someone from the relevant department (e.g. health and social care) does it
- We have found that scrutiny officers have taken on the role of being nothing more than glorified diary clerks. We need to motivate them to become more involved in the background and research. If you rely on reports from individual departments, they are too optimistic
- The key is understanding which questions to ask
- It's about the officers understanding the key role of scrutiny and not seeing it as a nuisance
- Commercial confidentiality is a big issue which impedes scrutiny committees
- Investment in member development is insufficient, but also hampered by large turnover of committee members
- Individual committees often have too wide a remit to cover individual issues sufficiently
- There is a growing trend to merge scrutiny function with corporate policy team. This negatively impacts on scrutiny because of conflicts of interest among officers
- Too many scrutiny committees remain talking shops. There should be more emphasis on measuring how effective scrutiny is in influencing policy and decisions
- Scrutiny staff must be completely separated from the executive

- There has been a trend towards fewer members on scrutiny committees in recent years. This has negatively affected good scrutiny
- To give scrutiny more agency scrutiny reviews should be regularly produced which go to the full council for consideration
- More focus of scrutiny committees should be placed on upstream policy formation

*Q3) If you could make a single change, what would you change about the way scrutiny in your authority operates?*

**Officers:**

- The whole process should be more independent of departmental officers: chairs are reluctant to challenge or disagree with senior officers
- Having opposition chairs would get much better engagement and input from other members
- More members need to actually read their committee papers—however some officers make the papers intentionally long to dissuade members from doing so
- There is a capacity issue for ‘double-hatted’ councillors, and those who work in outside employment
- With meetings being held in the evenings, discussions can go on quite late: with many of the best councillors having demanding day jobs, it’s unrealistic to expect high performance
- Scrutiny committees should share expected questions with witnesses before meetings to ensure all information is available in advance: it shouldn’t be a closed-book exam as some officers can deflect questions by promising to look into an issue and write back later
- Scrutiny in general needs a higher profile, including the role of statutory scrutiny officer: people across the council should know who it is with their status being far closer to that of the monitoring officer
- Scrutiny has become too broad and complex over the years: it is not achievable to do everything asked of it. There needs to be a clear remit for scrutiny with up to date guidance from Government
- Scrutiny will only succeed if the Leader and Chief Executive think it is important—strong scrutiny chairs and strong scrutiny managers are required when they do not
- Ensuring legislation is enforced regarding undue interference from the Leader and cabinet
- Resident-led commissions help to improve scrutiny. Broadening the scrutiny process out to involve the public and prominent campaign groups, inviting them onto task groups, or to serve as chairs of commissions

- There should be an independent secretariat for scrutiny committees with separate ring-fenced budget, independent of the council, to create greater organisational autonomy
- Councils should be able to compel witnesses to attend from publicly funded bodies, such as housing associations
- Legislation relating to scrutiny powers should be simplified, putting them all into one place
- Removing conflicts of interests where scrutiny committees are supported by officers responsible for the policies that are being scrutinised

### **Councillors:**

- Better selection of candidates to be councillors, as well as improving their calibre through training
- We need full time councillors: the part time nature of the role means variable quality
- It should be constitutionally established that scrutiny is on a level with cabinet
- Greater public involvement: if you want to be effective, what really changes a Leader's mind is people and residents, and if you don't get them to meetings, you won't make changes
- Statutory Scrutiny Officers are too low down the food chain to influence people. This statutory post has to be a similar level and have access to the corporate management level
- We've also got to make use of modern technology. It's about getting the message out through facebook and twitter
- One of the changes is taking meetings out in the community
- Political groups need to treat each other with fairness and respect
- Completely disconnect all aspects of scrutiny (formation, governance, resources) from the executive
- Increase connection with residents and public through co-opted members. More witnesses and public evidence sessions
- Clearer feedback loops to quantify scrutiny influence
- Council leadership should be assessed on how they take into account work of scrutiny committees, for example through annual report on scrutiny considered by full Council or annual evidence sessions with cabinet members
- Allocate chairs on the basis of political proportionality
- All scrutiny work should be considered by Full Council, rather than the cabinet

# Formal Minutes

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**Monday 11 December 2017**

Members present:

Mr Clive Betts, in the Chair

Mike Amesbury	Fiona Onasanya
Bob Blackman	Mark Prisk
Helen Hayes	Mary Robinson
Kevin Hollinrake	Liz Twist
Andrew Lewer	

Draft Report (*Effectiveness of local authority overview and scrutiny committees*) proposed by the Chair, brought up and read.

*Ordered*, That the Draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 104 read and agreed to.

Summary agreed to.

Annex agreed to.

*Resolved*, That the Report be the First Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned until Monday 18 December at 2.15 p.m.]

## Witnesses

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The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

### Monday 16 October 2017

*Question number*

**Professor Colin Copus**, Director of the Local Governance Research Unit, De Montfort University; **Jacqui McKinlay**, Chief Executive, Centre for Public Scrutiny (CfPS); **Councillor Marianne Overton**, Leader of the Independent Group, Local Government Association

[Q1–43](#)

### Monday 30 October 2017

**Councillor Mary Evans**, Chair of Scrutiny Committee, Suffolk County Council; **Councillor Sean Fitzsimons**, Chair of Scrutiny and Overview Committee, Croydon Council; **Councillor John Cotton**, Lead Scrutiny Member, Birmingham City Council

[Q44–82](#)

**Jennette Arnold OBE AM**, Chair, London Assembly; **Ed Williams**, Executive Director, Secretariat, London Assembly; **Susan Ford**, Scrutiny Manager, Greater Manchester Combined Authority; **Councillor Peter Hughes**, Chair, Overview and Scrutiny Committee, West Midlands Combined Authority

[Q83–107](#)

### Monday 6 November 2017

**Marcus Jones MP**, Minister for Local Government, Department for Communities and Local Government

[Q108–152](#)

## Published written evidence

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The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

OSG numbers are generated by the evidence processing system and so may not be complete.

- 1 B4RDS (Broadband for Rural Devon & Somerset) ([OSG0006](#))
- 2 Birmingham City Council ([OSG0002](#))
- 3 Chester Community Voice UK ([OSG0022](#))
- 4 Councillor Tony Dawson ([OSG0019](#))
- 5 Dr Laurence Ferry ([OSG0017](#))
- 6 Dr Linda Miller ([OSG0018](#))
- 7 F&G BUILDERS LTD ([OSG0005](#))
- 8 Gwen Swinburn ([OSG0015](#))
- 9 Heston Residents' Association ([OSG0008](#))
- 10 Local Government and Social Care Ombudsman ([OSG0007](#))
- 11 MNRAG ([OSG0020](#))
- 12 Mr Bryan Rylands ([OSG0003](#))
- 13 Mr Mark Baynes ([OSG0009](#))
- 14 Mr Stephen Butters ([OSG0001](#))
- 15 Ms Christine Boyd ([OSG0013](#))
- 16 Ms Jacqueline Thompson ([OSG0012](#))
- 17 Nicolette Boater ([OSG0016](#))
- 18 North Lincolnshire Council ([OSG0021](#))
- 19 Research for Action ([OSG0014](#))
- 20 Susan Hedley ([OSG0004](#))

The following written evidence was received in the last Parliament by the previous Committee for this inquiry and can be viewed on the [inquiry publications page](#) of the Committee's website.

- 1 A Journalist ([OSG0004](#))
- 2 ADSO ([OSG0123](#))
- 3 An Officer from a London Borough ([OSG0091](#))
- 4 Anonymous ([OSG0006](#))
- 5 Anonymous ([OSG0065](#))
- 6 Anonymous ([OSG0103](#))
- 7 Bedford Borough Conservative Group ([OSG0069](#))
- 8 Birmingham City Council ([OSG0087](#))
- 9 Bournemouth Borough Council ([OSG0071](#))
- 10 Bracknell Forest Council ([OSG0010](#))
- 11 Bristol City Council ([OSG0082](#))
- 12 Broadland District Council ([OSG0014](#))
- 13 Cardiff Business School ([OSG0056](#))
- 14 Central Bedfordshire Council ([OSG0019](#))
- 15 Centre for Public Scrutiny Ltd ([OSG0098](#))
- 16 Charnwood Borough Council ([OSG0080](#))
- 17 Chesterfield Borough Council ([OSG0052](#))
- 18 Citizens Advice ([OSG0076](#))
- 19 Cllr Jenny Roach ([OSG0104](#))
- 20 Committee on Standards in Public Life ([OSG0027](#))
- 21 Cornwall Council ([OSG0051](#))
- 22 Councillor Ann Munn ([OSG0109](#))
- 23 Councillor Charles Wright ([OSG0088](#))
- 24 Councillor Chris Kennedy ([OSG0106](#))
- 25 Councillor James Dawson ([OSG0016](#))
- 26 Councillor James Dawson ([OSG0118](#))
- 27 County and Unitary Councils' Officer Overview and Scrutiny Network ([OSG0114](#))
- 28 Debt Resistance UK ([OSG0094](#))
- 29 Department for Communities and Local Government ([OSG0122](#))
- 30 Devon County Council ([OSG0008](#))
- 31 Dr Laurence Ferry ([OSG0023](#))
- 32 Dr Linda Miller ([OSG0095](#))
- 33 Dudley MBC ([OSG0058](#))
- 34 Durham County Council ([OSG0079](#))
- 35 Ealing Council ([OSG0041](#))
- 36 East Devon Alliance ([OSG0040](#))

- 37 East Riding of Yorkshire Council ([OSG0061](#))
- 38 Epping Forest District Council ([OSG0012](#))
- 39 Erewash Labour Group ([OSG0013](#))
- 40 Exeter City Council ([OSG0011](#))
- 41 Federation of Enfield residents & Allied Associations ([OSG0097](#))
- 42 Gloucestershire County Council ([OSG0050](#))
- 43 Green group on Norwich City Council ([OSG0057](#))
- 44 Hereford and South Herefordshire Green Party ([OSG0119](#))
- 45 Herefordshire Council ([OSG0101](#))
- 46 INLOGOV ([OSG0053](#))
- 47 Institute of Local Government Studies, University of Birmingham ([OSG0115](#))
- 48 It's Our County ([OSG0124](#))
- 49 Julian Joinson ([OSG0112](#))
- 50 Ken Lyle ([OSG0032](#))
- 51 Leeds City Council ([OSG0043](#))
- 52 Leicestershire County Council ([OSG0036](#))
- 53 Lewisham Overview and Scrutiny Business Panel ([OSG0078](#))
- 54 Liberal Democrats on Wokingham Borough Council ([OSG0125](#))
- 55 Local Governance Research Unit, De Montfort University ([OSG0022](#))
- 56 Local Government Association ([OSG0081](#))
- 57 London Assembly ([OSG0117](#))
- 58 London Borough of Enfield ([OSG0075](#))
- 59 London Borough of Hackney ([OSG0110](#))
- 60 London Borough of Merton ([OSG0037](#))
- 61 London Borough of Tower Hamlets ([OSG0105](#))
- 62 Marc Hudson ([OSG0116](#))
- 63 Medway Council ([OSG0021](#))
- 64 Mr G M Rigler ([OSG0002](#))
- 65 Mr Gerry O'Leary ([OSG0092](#))
- 66 Mr John Galvin ([OSG0102](#))
- 67 Mr Martyn Lewis ([OSG0003](#))
- 68 Mr Peter Cain ([OSG0007](#))
- 69 Mrs Tracy Reader ([OSG0009](#))
- 70 Ms Christine Boyd ([OSG0086](#))
- 71 Ms Jacqueline Annette Thompson ([OSG0074](#))
- 72 Newcastle City Council ([OSG0015](#))
- 73 NHS Providers ([OSG0064](#))
- 74 Nicolette Boater ([OSG0107](#))



- 75 North East Combined Authority ([OSG0084](#))
- 76 North East Councils Scrutiny Officers Network ([OSG0083](#))
- 77 North Tyneside Council - Scrutiny Chairs/Deputy Chairs ([OSG0028](#))
- 78 North Yorkshire County Council ([OSG0018](#))
- 79 Nottingham City Council ([OSG0024](#))
- 80 Officer from a Fire & Rescue Authority ([OSG0121](#))
- 81 Pendle Borough Council ([OSG0020](#))
- 82 Rachel Collinson ([OSG0066](#))
- 83 Ryedale District Council ([OSG0030](#))
- 84 Scrutiny Committee of East Devon District Council ([OSG0035](#))
- 85 Sheffield City Council ([OSG0073](#))
- 86 Sheffield for Democracy ([OSG0025](#))
- 87 South Gloucestershire Council ([OSG0113](#))
- 88 Southampton City Council ([OSG0029](#))
- 89 St Albans City and District Council ([OSG0099](#))
- 90 Stevenage Borough Council ([OSG0060](#))
- 91 Stockton on Tees Borough Council ([OSG0077](#))
- 92 Suffolk County Council ([OSG0054](#))
- 93 Sunderland City Council ([OSG0067](#))
- 94 Susan Hedley ([OSG0038](#))
- 95 The Society of Local Authority Chief Executives and Senior Managers (Solace) ([OSG0068](#))
- 96 Trafford Council ([OSG0048](#))
- 97 Villages Focus Group ([OSG0063](#))
- 98 Walsall Council ([OSG0085](#))
- 99 West Sussex County Council ([OSG0026](#))
- 100 Westminster City Council ([OSG0039](#))
- 101 Wiltshire Council ([OSG0034](#))
- 102 Woking Borough Council Overview & Scrutiny Committee ([OSG0100](#))
- 103 Woodhouse Parish Council ([OSG0111](#))
- 104 Worcestershire County Council ([OSG0033](#))
- 105 Wyre Council ([OSG0047](#))
- 106 Wyre Council Labour Group Of Councillors ([OSG0042](#))

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## TRAFFORD COUNCIL

**Report to:** Scrutiny Committee  
**Date:** 10 January 2018  
**Report for:** Information  
**Report of:** Chairman of the Scrutiny Committee

### Report Title

Scrutiny Committee Work Programme 2017/18

### Purpose

This report sets out the Scrutiny Committee work programme for the 2017/18 municipal year.

### Recommendations

That the work programme be noted.

### Contact person for access to background papers and further information:

Name: Chris Gaffey, Democratic & Scrutiny Officer.

Phone: x2019

## Scrutiny Committee Work Programme – 2017/18

Date of Meeting	Topic
5 July, 2017.	<ul style="list-style-type: none"> <li>• 2017/18 Scrutiny Committee Work Programme</li> <li>• Executive's Response to the Task &amp; Finish Group Review into the EHCP Process in Trafford</li> <li>• Executive's Response to the Task and Finish Group Review of the Joint Venture Contract between Trafford Council and Amey</li> <li>• ADP Report (2016/17 Quarter Four)</li> <li>• Discussion on the 2018/19 Budget Scrutiny Process</li> <li>• Fire Safety within Trafford</li> <li>• Crisis Management Capability</li> </ul>
19 September, 2017.	<ul style="list-style-type: none"> <li>• 2018/19 Budget Scrutiny Process – Presentation on Plans for the Consultation</li> <li>• Draft MTFP</li> <li>• Out of Borough Child Placements</li> <li>• High Rise Cladding Update</li> <li>• Capital Investment Strategy</li> </ul>
15 November, 2017.	<ul style="list-style-type: none"> <li>• 2018/19 Budget Presentation by the Leader of the Council</li> <li>• Management of New Green Waste Fee and System – Update on Implementation</li> <li>• ADP Report (2017/18 Quarter One)</li> <li>• 2016/17 Ombudsman Report</li> </ul>
10 January, 2018.	<ul style="list-style-type: none"> <li>• 2018/19 Budget Scrutiny Report</li> <li>• Sickness Absence Report</li> <li>• Pedestrian Crossings and Traffic Management</li> <li>• DCLG Committee: Publication Of Overview And Scrutiny In Local Government Report</li> <li>• Scrutiny Committee's Task &amp; Finish Group Review of the Council's CRM System</li> </ul>
14 March, 2018.	<ul style="list-style-type: none"> <li>• Executive Response to the 2018/19 Budget Scrutiny Report</li> <li>• Update on the Task and Finish Group Review of the Joint Venture Contract between Trafford Council and Amey</li> <li>• Physical Activity GP Referral Scheme Update</li> <li>• ADP Report (2017/18 Quarter Three)</li> <li>• Community Panels and Investments Under the New Trafford Housing Trust Arrangements</li> <li>• High Rise Cladding Update</li> </ul>

The relevant Officers will be made aware of the work programme to ensure the appropriate reports are prepared in time for these meetings.

Task & Finish Group

<b>Item</b>	<b>Information</b>
Review of the Council's CRM System	- The final report for this Task and Finish Group review is included as part of the agenda for today's meeting.
Scrutiny of the SLAs Offered to Schools	- As agreed at the Scrutiny Committee meeting on 15 November 2017, this review has been deferred and will be reconsidered as part of the 2018/19 work programme.

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