

TRAFFORD COUNCIL

Report to: Scrutiny Committee
Date: 14 March 2018
Report for: Approval
Report of: Scrutiny Committee Task & Finish Group: Review of the Council's Scrutiny Function

Report Title

Scrutiny Committee Task & Finish Group Review of the Council's Scrutiny Function.

Purpose

Following the publication of the Communities and Local Government Committee's First Report of Session 2017-19 on the Effectiveness of Local Authority Overview and Scrutiny Committees, Trafford's Scrutiny Committee committed to conducting a local review of the Authority's Scrutiny arrangements. A Task and Finish group was formed to review the published report and its recommendations, with a view to applying this to improve Scrutiny within the Council. Whilst the DCLG report explicitly stated that it was focused only upon Overview and Scrutiny; Trafford's Scrutiny Committee feel that many of the recommendations within this report are equally relevant to the Trafford Health Scrutiny Committee.

Recommendations

That the recommendations set out below be endorsed by the Scrutiny Committee for referral to the Executive:

Recommendation 1 – That the Member Development Steering Group create a Scrutiny Member Induction, Training and Engagement Programme, and that Scrutiny Members are encouraged to take advantage of this.

Recommendation 2 – That the role of Statutory Scrutiny Officer be highlighted in the Council's Constitution along with the other main designated Council Officers (the Head of Paid Service, Monitoring Officer and the Statutory Chief Finance Officer).

Recommendation 3 – That the annual Scrutiny report includes a review of the Council's Scrutiny process, assessing how it has performed over the year and identifying any areas of weakness that require improvement and the work carried out by the Statutory Scrutiny Officer to rectify them.

Recommendation 4 – That a regular Scrutiny report replaces the verbal update on the full Council agenda, confirming the work of Scrutiny over the period, including any formal recommendations made by Scrutiny to the Executive (where applicable) and the Executive's formal response(s) to these

recommendations.

Recommendation 5 – That the Scrutiny Chairs and Vice Chairs work with Democratic Services to create a more clearly defined programme for Scrutiny's expected activities over a municipal year.

Recommendation 6 – That the Executive acknowledges that Scrutiny has an automatic 'need to know' status, and supports its request that it be provided with the appropriate information in a timely fashion when this is requested.

Recommendation 7 – That the Council support Scrutiny's request that all items considered at Scrutiny Committee meetings be presented in the form of a written report and that the report contains performance data to show current performance and trends, unless stated otherwise.

Recommendation 8 – That Trafford's representatives on the GMCA Scrutiny Committees provide periodic updates to Trafford's Scrutiny Committee on any relevant information.

Recommendation 9 – That the Scrutiny Chairs meet with the Leader at the beginning of the municipal year to discuss any emerging issues / topics that the Committees may want to consider.

Recommendation 10 – That an annual review of the resources required to support Scrutiny be conducted by the Statutory Scrutiny Officer, and included as part of the annual report to Council.

Recommendation 11 – That a budget be made available to Scrutiny for the hiring of external experts when necessary.

Recommendation 12 – That Trafford commits to webcasting its Scrutiny meetings to increase Scrutiny's visibility to Trafford residents and boost public engagement.

Recommendation 13 – That Trafford's dedicated Scrutiny Twitter profile be better utilised, providing followers of the account with information regarding Scrutiny Committee meetings and reviews.

Contact person for access to background papers and further information:

Name: Chris Gaffey

Extension: 2019

Background Papers: None

1. Background

Following the publication of the Communities and Local Government Committee's First Report of Session 2017-19 on the Effectiveness of Local Authority Overview and Scrutiny Committees, Trafford's Scrutiny Committee resolved to conduct a local review of the Authority's Scrutiny arrangements. A Task and Finish group was formed to review the published report, with a view to improve Scrutiny within the Council in line with the Select Committee's recommendations.

The DCLG report is currently with the Government and a formal response to the report's recommendations is expected in due course. Scrutiny is aware that the Government may not accept all the recommendations in the report and any which are accepted would mainly constitute a change to the guidance provided to Local Authorities (which the Council is not legally obliged to adopt). However, it is felt that the recommendations in the current DCLG report raise legitimate questions on how Trafford can improve its Scrutiny at a local level.

The full report and its recommendations can be found in Trafford's Scrutiny Committee [meeting agenda](#) for 10 January 2018 (agenda item 8).

2. Review Approach

Following the consideration of the DCLG report at the Scrutiny Committee meeting on 10 January 2018, a Task and Finish group was formed to review the published report and its recommendations. Members held a number of meetings to discuss the issues raised in the DCLG report which culminated in this report and its recommendations.

The Committee asks that Council considers this report and agrees to adopt its recommendations.

3. Membership of the Scrutiny Task and Finish Group

The review was carried out by

Councillors: M. Young, Carter, Cordingley, and Harding.

4. Current Scrutiny Arrangements in Trafford

Trafford currently operates two Scrutiny Committees: the Scrutiny Committee, and the Health Scrutiny Committee. Both hold approximately five to six Committee meetings each municipal year, as well as forming Task and Finish Groups outside of the usual Committee meetings to focus on specific topics as agreed by the Committee(s).

The Centre for Public Scrutiny (CfPS) defines the four principles of good scrutiny as:

- 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.

Members feel that the Committees adhere to these principles to some extent, but that the Scrutiny function is not fulfilling its duties as well as it could. The comments and recommendations set out in section 5 of the report aim to remedy some of these issues, and put a process in place to ensure the Council continually improves its Scrutiny arrangements.

5. Proposed Improvements

5.1 Member Training and Engagement

Member engagement is of the utmost importance for effective Scrutiny, and to ensure Scrutiny Members have all the necessary skills and support, the Committee feel that a dedicated training programme / schedule for Scrutiny Members would be beneficial. Training is currently offered on an ad-hoc basis, but the Committee feel that a dedicated, annual programme would provide Scrutiny Members with the required skills and confidence to conduct effective Scrutiny, benefiting the Committee, the Council, and its residents as a whole.

Paragraph 76 of the DCLG report states:

“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.”

It is clear that the DCLG feels that training is important; however the report also raises concerns around the training offered, stating also in paragraph 76:

“... 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.”

With the above in mind, the Scrutiny Committee still feels that its Members would benefit from a dedicated training programme. However, the Committee will keep a close eye on developments to the training courses on offer following the Government’s response to the DCLG report’s recommendations.

Recommendation 1 – That the Member Development Steering Group create a Scrutiny Member Induction, Training and Engagement Programme, and that Scrutiny Members are encouraged to take advantage of this.

5.2 Parity of Esteem

The DCLG report raises the notion that the Scrutiny function should have ‘parity of esteem’ with the Executive, and should be considered as important a function as the Executive itself. Page 3 of the report reads:

“... 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.”

Although Scrutiny feels that it does have independence from the Executive, it is felt that the ‘parity of esteem’ itself needs to be improved in Trafford. This would allow Scrutiny to have a more prominent and effective position within the Council, ensuring that Scrutiny can adequately act as the Executive’s ‘critical friend’ and provide even more valuable input to the decision making process.

One suggestion made in the DCLG report is that the Statutory Scrutiny Officer should have the adequate seniority and profile to raise Scrutiny issues at a corporate level. Section 65 of the report reads:

“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.”

In Trafford’s Constitution, the Head of Governance is listed as the Statutory Scrutiny Officer; however, it is not listed with the other main designated Council Officers. The Committee feels that amending this would reflect the Statutory Scrutiny Officer’s seniority and importance.

Scrutiny currently provides an annual report to full Council advising of the Committees’ work over the year. Going forward, the Committee recommends that this report includes a review of the Scrutiny process, assessing how it has performed over the year and identifying any areas of weakness that require improvement and the work carried out by the Statutory Scrutiny Officer to rectify them.

Recommendation 2 – That the role of Statutory Scrutiny Officer be highlighted in the Council’s Constitution along with the other main designated Council Officers (the Head of Paid Service, Monitoring Officer and the Statutory Chief Finance Officer).

Recommendation 3 – That the annual Scrutiny report includes a review of the Council’s Scrutiny process, assessing how it has performed over the year and identifying any areas of weakness that require improvement and the work carried out by the Statutory Scrutiny Officer to rectify them.

The Committee feels that Scrutiny’s current profile and visibility within the Council could be further improved. Aside from the annual reports Members only receive a short verbal update at full Council meetings on a bimonthly basis. The Committee feels that all Members should be more apprised of the work of Scrutiny and propose that a short written report be presented at full Council meetings.

Paragraph 23 of the DCLG report states:

“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 Committee agree with this point that Scrutiny should report directly to full Council in order to reflect their independent role. As mentioned earlier in the report the Committee currently provides regular updates to full council but the Committee feels that the work of Scrutiny requires a more prominent position within full Council meetings.

Recommendation 4 – That a regular Scrutiny report replaces the verbal update on the full Council agenda, confirming the work of Scrutiny over the period, including any formal recommendations made by Scrutiny to the Executive (where applicable) and the Executive’s formal response(s) to these recommendations.

5.3 Scrutiny Programme and Schedule

Scrutiny’s current processes and arrangements are relatively fluid, with work programmes discussed and agreed at the beginning of the municipal year and topics added throughout the year as the Committees see fit. Scrutiny feel that a more formal process and schedule is required, including processes for adding items to the work programme, the introduction of overview reports, and building in a formal reporting process to the wider Council as mentioned in section 5.2 of the report.

Consideration will be given to creating a pro-forma to allow Scrutiny Members to submit requests for items to be added to the work programme, with specific criteria in place to determine whether the request(s) would be accepted. This would give the work programme a larger input from the Committee Membership, increase Member engagement, and be a more democratic system for creating the work programme. However, the Chairman and Vice Chairman of the Committee would continue to have the final say on the work programme. It has also been suggested that the Committee include a standing annual item at the first meeting of each municipal year, reviewing the Council’s annual objectives, as well as its performance during the previous year.

The Group also recommends that an annual Scrutiny review be conducted to ensure that the Scrutiny processes remain relevant and up to date, thereby allowing the Committee to assess its requirements on a regular basis. It is suggested that this be included as part of the Annual Scrutiny Report to Council, and should include performance information in relation to Scrutiny.

Recommendation 5 – That the Scrutiny Chairs and Vice Chairs work with Democratic Services to create a more clearly defined programme for Scrutiny’s expected activities over a municipal year.

5.4 Reporting to the Scrutiny Committee / Access to Information

Effective Scrutiny requires access to good quality and complete information. Scrutiny acknowledges that for the most part they receive good quality, informative and accurate reports, and thank the Executive and Council Officers for their hard work in producing these. However, it is felt that some improvements could be made surrounding reports to the Committee and access to certain information.

As stated in section 37 of the DCLG report:

“Scrutiny committees that are seeking information should never need to be ‘determined’ to view information held by its own authority.”

And section 41 of the DCLG report reads:

“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.”

Scrutiny Members feel that, on a small number of occasions, they have been unable to access the information they require for the reason that the information is commercially sensitive. But on the whole, they receive good quality, timely information.

Section 42 of the DCLG report states:

“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.”

And the above links into section 90 of the DCLG report, which reads:

“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.”

With the changing landscape of Local Government, and the increased working with private and partner organisations, the Local Authority’s Scrutiny function needs to be considered in this context.

Following a Task and Finish Group review into the Joint Venture Contract between Trafford Council and Amey conducted during the 2016/17 municipal year, Scrutiny made recommendations on how to improve transparency and communication with Members on the contract's performance. It was agreed that a report on the contract's performance would be presented to the Executive on a quarterly basis, which Scrutiny Members would have access to. Scrutiny is disappointed that since the Executive's formal response agreeing to this on 26 June 2017, this report has still not materialised. This is one of a small number of examples where Scrutiny Members feel they have not received the information requested.

Recommendation 6 – That the Executive acknowledges that Scrutiny has an automatic 'need to know' status, and supports its request that it be provided with the appropriate information in a timely fashion when this is requested.

Scrutiny also feels that, on occasion, the quality of the reports brought to Committee meetings has not been adequate. This has been particularly true of the Health Scrutiny Committee, which regularly receives presentations as opposed to written reports. This often turns Committee meetings into 'learning sessions' for Members, with the presentations not including the required quantitative information and data for adequate and robust Scrutiny.

Since the start of the current municipal year, updates to the Health Scrutiny Committee have been provided in the following formats:

Meeting	Reports	Presentations	Verbal update
27 June 2017	1	4	
12 September 2017	2	4	
31 October 2017	4	1	
12 December 2017	2	8	
23 January 2018	3	3	1
Total	12	20	1

As the table above demonstrates, almost 64% of the updates to the Health Scrutiny Committee were not in a report format. Although it is acknowledged that on some occasions a presentation might be suitable, it does not usually allow for the appropriate level of scrutiny and consideration by Members in advance. Presentations usually result in 'information exchanges' or 'learning sessions', but this is not the purpose of scrutiny. The Group feels that substantive reports should be provided as default, including all the relevant data to allow Members to perform adequate Scrutiny.

The recent CQC inspection on Delayed Transfers of Care suggested that Health Scrutiny Committee needs to be provided with better quality data so that it can fulfil its challenge function more effectively.

This is also true of the Budget Scrutiny process, which usually involves the Committee receiving a presentation on the day of the sessions. This does not give Members the required time to prepare and usually results in Scrutiny being unable to ask the in depth questions that good, robust scrutiny requires.

Recommendation 7 – That the Council support Scrutiny's request that all items considered at Committee meetings be presented in the form of a written report

and that the report contains performance data to show current performance and trends, unless stated otherwise.

Another aspect considered by the Group is Scrutiny within the wider Greater Manchester Combined Authority (GMCA) context. Trafford has 4 representatives (and 1 substitute) over the 3 Scrutiny Committees operated by the GMCA. The Group feels that Trafford's Scrutiny Members would benefit from more knowledge about what is happening in a regional context, and request that Trafford's representatives provide an update on relevant information from each of the GMCA Scrutiny Committees.

Recommendation 8 – That Trafford's representatives on the GMCA Scrutiny Committees provide periodic updates to Trafford's Scrutiny Committee on any relevant information.

5.5 Scrutiny's Role in Decision Making

The Committee feels that Scrutiny's current role in the decision making process is not prominent enough, with many decisions being initially made without Scrutiny's input. Recent examples of this would be the Council's planned integration with the Trafford Clinical Commissioning Group, the UA92 Proposals, and the work of the Investment Management Board, where Scrutiny has had little or no input prior to the initial decisions being made. Scrutiny appreciates that they will have the opportunity to provide their input following the announcement of these changes, however it is felt that the Committee's input should be sought at an earlier stage of the process.

Recommendation 9 – That the Scrutiny Chairs meet with the Leader at the beginning of the municipal year to discuss any emerging issues / topics that the Committees may want to consider.

5.6 Resources (Including the use of External Experts)

The Select Committee referred to the lack of resources for the Scrutiny function in many Councils. Trafford's Scrutiny Committees are currently supported by two Scrutiny Officers who dedicate circa 0.5FTE each of their capacity to support the two separate Committees. Scrutiny feels that additional resources may be required to improve Scrutiny's effectiveness, but acknowledge that this would only be necessary with increased Member engagement and an increased workload.

It is suggested that as part of the annual Scrutiny review mentioned in section 5.2 of the report, resources will be considered based on the work generated by Scrutiny Members during the previous year. If the view is taken that additional resources are required, it would be raised as part of this review.

Recommendation 10 – That an annual review of the resources required to support Scrutiny be conducted by the Statutory Scrutiny Officer, and included as part of the annual report to Council.

Another resource which is often overlooked is the use of external experts. Scrutiny feels that the Committees do not utilise any external experts, and feels that this should be done more regularly where appropriate to help assist Scrutiny with its work.

Section 44 of the DCLG report reads:

“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 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.”

Followed by section 45:

“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.”

The Group feels that seeking alternative perspectives where appropriate would allow for more balanced and effective Scrutiny. The use of external experts would require additional resources, and the Committee feels that a dedicated budget for this should be made available. As mentioned in section 5.2 of this report, the DCLG report refers to parity of esteem, and Scrutiny should have access to the required resources to perform its duties effectively.

Recommendation 11 – That a budget be made available to Scrutiny for the use of external experts when necessary.

5.7 Public Engagement

Scrutiny acknowledges that engagement with the public is currently very low, with the vast majority of Committee meetings having no members of the public in attendance. It is not always easy for members of the public to travel to the Town Hall, so providing an option for the public to view meetings online would improve transparency and boost public engagement.

Trafford Council already has a dedicated Trafford Scrutiny Twitter profile, however this has been underutilised. Members feel that some relatively simple changes could improve public engagement with Scrutiny.

Paragraph 82 of the DCLG report reads:

“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 needs 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.”

Recommendation 12 – That Trafford commits to webcasting its Scrutiny meetings to increase Scrutiny’s visibility to Trafford residents and boost public engagement.

Recommendation 13 – That Trafford’s dedicated Scrutiny Twitter profile be better utilised, providing followers of the account with information regarding Scrutiny Committee meetings and reviews.

6. Summary

Members acknowledge that Local Authority Scrutiny arrangements are determined by each Council individually. However, Members feel that Government guidance is in place to assist shape these arrangements and any central recommendations as part of the guidance should be adopted where possible.

The Task and Finish Group Members feel that Scrutiny in Trafford is currently performing to an adequate standard. However, adopting the recommendations set out in the report would allow for better and more robust Scrutiny, as well as providing a platform to allow the Council to continually improve its Scrutiny arrangements.