

UNIVERSITY OF
BIRMINGHAM

U Northampton Borough
Council
Overview and Scrutiny:
Training **B**

John Cade, Institute of Local Government Studies
j.cade@bham.ac.uk



UNIVERSITY OF
BIRMINGHAM

Hooking Up



15 years since the formal Introduction of Scrutiny (L.G. Act 2000), many Councils still struggle to find the place of Scrutiny in their Governance arrangements

What is Scrutiny?

- No template
- Hit hard by cutbacks
- Different culture of different Councils
- But, good and bad practice
- Need to find niche

The 4 Principles of Effective Scrutiny

- Provides 'critical friend' challenge to executive policy-makers and decision-makers
- Enables the voice and concerns for the public and its communities to be heard
- Is carried out by 'independent minded governors' who lead and own the scrutiny process
- Drives improvement in public services

The National, Regional and Local Context of Overview and Scrutiny

Once upon a time, in a galaxy not so far away, in the last decade of the last century, the Government came up with an idea.....



UNIVERSITY OF
BIRMINGHAM

To change (the words used were “modernise”) the way that local government had historically taken its decisions by abolishing the Committee system and replacing it by a Cabinet/Scrutiny model

Their single-minded objective:

To put decision making in the hands of a few Councillors, no more than 10, irrespective of the size of the Authority, in the belief that this would improve quality, transparency and accountability.

But what about all those Councillors who are not one of the chosen few?

What is their role?



Yes: continue to represent their Ward and residents' local interests

But: how contribute to the governance of the Council?

And so the notion of Overview and Scrutiny was developed by Civil Servants, who openly admitted that they had limited understanding of the way local government worked

Little that Scrutiny cannot look at

Local Government Act 2000:

- Make reports or recommendations on the discharge of any functions which are the responsibility of the Executive
- Review or scrutinise any decisions of the Executive
- Make reports or recommendations on matters which affect the Authority's area or the inhabitants of that area

But gave to Scrutiny:

- Practically no “powers”
- A scantily recognised role in a Council’s governance arrangements
- No guidance in terms of structures

So: could have one of two possible responses

- Great: too much Central Government interference already, lack of clarity is to our advantage
- Unfair: expectations are being raised and we are being left rather exposed



Secretary of State for Communities and Local Government

- In first camp
- “I think it is reasonable that Councils shouldn’t use their new found freedom to saddle up the horses, arm their citizens and invade France. Apart from that, the world will be your oyster....”

(LGA Conference 27/07/2010)

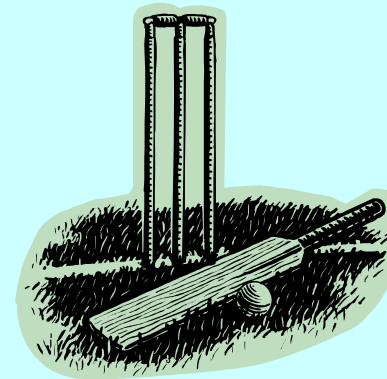
The World's your Oyster
But
How do you find the Pearl?



Localism Act

Public/Local Scrutiny: good

Local Authority Scrutiny:
lukewarm



UNIVERSITY OF
BIRMINGHAM

“Because information is power, we are bringing real transparency to Government..... who spends your money, what they spend it on, what the results are, where the waste is, what they spend on themselves and their salaries – we’re putting it in your hands. It’s your money – so you should know how it is being spent.”

Prime Minister,

Birmingham 6th October 2010

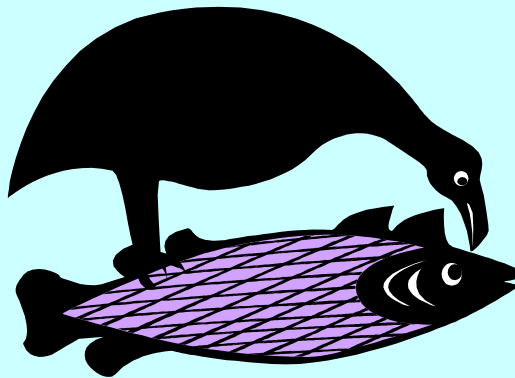
UNIVERSITY OF
BIRMINGHAM

Act requires all Authorities to operate their governance arrangements in one of three forms:

- Executive arrangement (either Leader, Cabinet and Scrutiny or Executive Mayor, Cabinet and Scrutiny)
- A Committee System
- Another prescribed arrangement as approved by Secretary of State

Dichotomy introduced

- If Authority settles on Executive arrangements **MUST** include provision for at least one Scrutiny Committee and retain designated Scrutiny Officer
- If Authority opts for Committee arrangements **MAY** have a Scrutiny Committee



Retention of Health, Community Safety and Flood Risk Management scrutiny responsibilities for all Councils



UNIVERSITY OF
BIRMINGHAM

So, back to Oyster and Pearl

Need to focus on the unique, niche position of Local Authority Scrutiny in joining up the various scrutiny expectations.



**UNIVERSITY OF
BIRMINGHAM**

Local Government Group “Taking the Lead: Self-Regulation and Improvement in Local Government”

- In lieu of CPA/CAA
- Sees Scrutiny as being a key contribution to driving improvement and better accountability to local people
- “Use Scrutiny to challenge and improve Council services and those of their Partners”

Revamped Regional Agenda

- Abolition of Regional Assemblies
- Development of Local Enterprise Partnerships
- Sharing of Services
- A new Combined Authority?

The Pivotal Place of Overview and Scrutiny in Northampton's Governance Arrangements

Northampton Borough Council



UNIVERSITY OF
BIRMINGHAM

The Cabinet



UNIVERSITY OF
BIRMINGHAM

Regulatory Committees



UNIVERSITY OF
BIRMINGHAM

Ward Committees



UNIVERSITY OF
BIRMINGHAM

Scrutiny



UNIVERSITY OF
BIRMINGHAM

The Complete Works



UNIVERSITY OF
BIRMINGHAM

What Overview and Scrutiny can do

Help shape policy:

- policy reviews
- policy development with Partners

Hold to account:

- respond to decisions as they are made eg call-ins
- respond to matters of community or local concern eg Councillor calls for action
- Respond to performance indicators/budget proposals

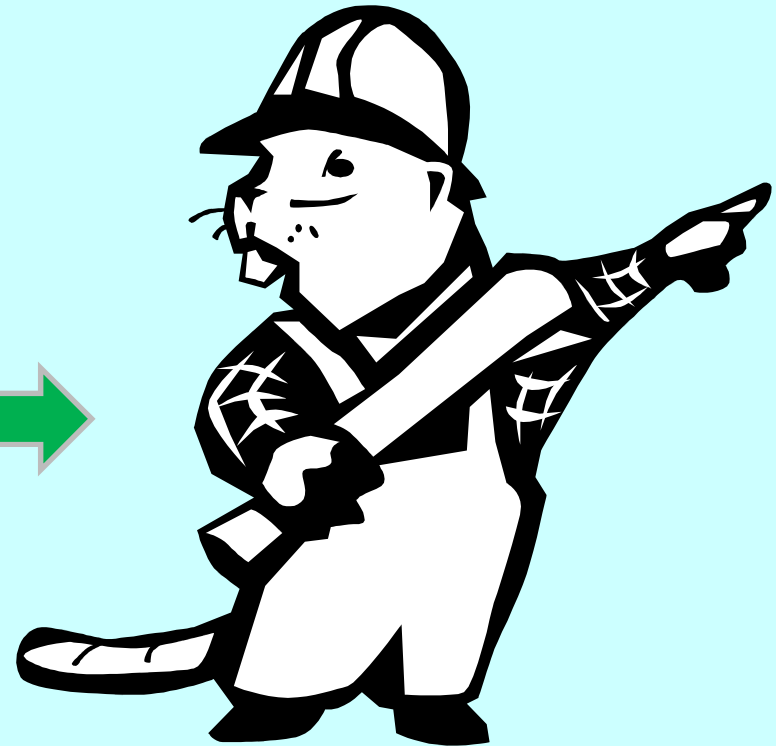
Help shape Policy Development

- Pro-active as well as re-active
- Experience has shown that the earlier Scrutiny can be involved, the greater the prospect of making an effective and timely contribution
- Once decisions taken, trenches invariably dug
- Importance of Forward Plan

Hold to Account

- Call – in: can hold up a decision but not change it without Cabinet's agreement
- Respond to patterns of local concern
- Regulations 15 and 16!

Relationship with Executive



UNIVERSITY OF
BIRMINGHAM

Relationship with Partners

- Often overlooked dimension
- Partners often do not understand role of Scrutiny
- Two-way street
- Key to having real impact across local communities

Making a Success of Scrutiny

The Scrutiny Work Programme

Effective work programming is the bedrock of an effective Scrutiny function.

- Done well, it can help lay the foundation for targeted, incisive and timely work on issues of local importance where Scrutiny can add real value.
- Done badly, Scrutiny can end up wasting time and resources on issues where the impact of any work is likely to be minimal.

So: How do you select the right topics for review?

- So thinking back to “The World’s your Oyster, but how do you find the Pearl?”; how do you select the most appropriate topics?



Public interest: concerns of local people should influence the issues chosen

Ability to change: priority should be given to issues that the Cttee can realistically influence

Performance: priority should be given to areas in which the Council and Partners are not performing well

Extent: priority should be given to issues that are relevant to all or a large part of the District

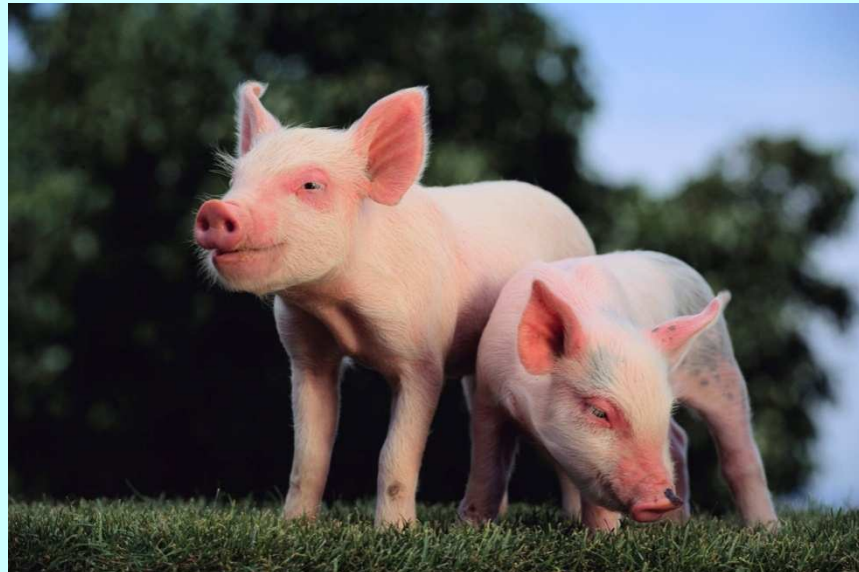
Replication: work programme must take account of what else is happening to avoid duplication or wasted effort

Four key issues

- What are the core questions the review is seeking to answer? (no more than 3)
- What is the purpose of the Review? (in one sentence)
- What will not be included?
- What is the timescale?

Do some criteria need to be given more weight than others?

- All animals are equal but some are more equal than others.
- Are poorly performing Services higher candidates for attention?



How far off piste do we go?

- Some flexibility and manoeuvrability inevitable and appropriate.
- Follow where the evidence takes you.
- But off piste analogy used because you can go over the edge or be caught in an avalanche.
- Usual casualty is the time scale.



Thinking Ahead

- As you take evidence you need to be thinking of how this might/might not fit in with the emerging broad conclusions.
- Make sure you finish reviews – don't let them drag on and on.
- Let Officers suggest draft recommendations but they must be owned by Committee Members.

Report Writing

- This is a special skill
- Reports need to be short and to the point.
- The reports may be better than the questioning that led up to them; but no embellishments
- No need to report on everything said – reports are not minutes
- SMART recommendations

Tracking

- No point having a well-evidenced and well received report with agreed recommendations if it then “collects dust on the shelf”.
- Essential to track implementation of recommendations.
- Hold Cabinet Member to account

In Sum: Four Key Strands

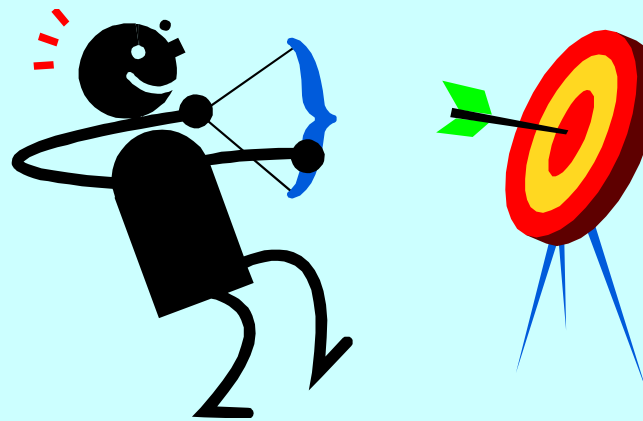
- Relationship, relationship, relationship
Good structures, procedures, protocols
important **BUT**.....
- Proactive rather than reactive
Hold to account **BUT** most effective
opportunity for adding value is early
involvement

- Clear Scoping

The World's your Oyster **BUT** the pearl isn't found by chance or automatically

- Quality rather than Quantity

Scatter gun might hit a target **BUT** much, much better to focus energy and capacity on particular and specified objectives



Issues/Questions



UNIVERSITY OF
BIRMINGHAM