

Inquiry into Local and London Government

The Committee on Standards in Public Life has published an Issues and Questions paper which asks for views and evidence for its inquiry into openness and accountability in Local and London Government. The consultation period finishes on the **25th February 2009**. The paper is available [here](#).

How should effective scrutiny be judged, and to what extent do current measures lead to scrutiny?

The 4 principles of effective scrutiny set out by the Centre for Public Scrutiny provide a sound basis for effective scrutiny to be judged at the top level:

1. provides 'critical friend' challenge to executive policy-makers and decision-makers
2. enables the voice and concerns of the public and its communities
3. is carried out by 'independent minded governors' who lead and own the scrutiny process
4. drives improvement in public services

However, effective scrutiny is not always measurable. The power of influence is one way in which overview and scrutiny can and does make a difference, although measuring the effectiveness of this is problematic. There have been scenarios where an issue that overview and scrutiny identifies through its work, and the potential solutions they put forward, do not always receive the credit that they deserve. There are numerous occasions where reviews formulate recommendations only for services to state that a particular process or strategy is already in place or is planned despite members hearing evidence to the contrary during their investigations. It must be emphasised that what is most important is that the desired outcome is achieved, not where the credit lies.

Effective overview and scrutiny work should 'add value' and should not duplicate work that partners, such as district councils, have previously undertaken. Members should be using information that is available from internal processes such as consultation results and internal audit reports to inform its work planning. In its most simplistic form overview and scrutiny should ensure effective and efficient use of the resources available.

Do overview and scrutiny committees have adequate powers and resources to hold the executive to account, and if not, what additional powers and resources are required?

In Buckinghamshire the executive are held to account effectively by using the existing powers available to overview and scrutiny.

It must be noted that overview and scrutiny can only be effective if the executive is receptive to any recommendations that emerge from scrutiny work. However if the executive are non-receptive to reports and recommendations then this will impact on how motivated frontline councillors are with the scrutiny process and the level to which the executive can be held to account.

The numerous pieces of local government legislation and additional responsibilities that come with these will impact upon the level of work expected to be undertaken by overview and scrutiny in the near future. Due to these factors it is unlikely that sufficient resources will follow from central government for additional powers and responsibilities to allow local authorities to use them to their full effect.

At an authority where we are below the floor, finances are extremely tight and the impact of this is that service reductions and efficiency savings have to be made. The impact on the scrutiny team at Buckinghamshire is that one fewer FTE officer will be employed from the start of the new financial year. This will reduce the amount of work that can be undertaken and the reduction in resources may lead to a reduction in the level at which the executive is currently held to account.

It is important to remember that member's time is one of the key resources for overview and scrutiny. Legislating for additional powers and responsibilities is welcome, but members only have a finite amount of time which they can dedicate to overview and scrutiny related work. So even if more resources are dedicated to overview and scrutiny in terms of finance and officer time, there are only a fixed number of members who can undertake the work. If there is a greater spread of responsibility for overview and scrutiny members to engage with, then the likelihood is that the executive will not be held to account as often as in the past. On the positive side the new powers and possibilities for overview and scrutiny work may lead to committee agendas becoming more focused and new/different ways of working being used to hold the executive to account.

The general lack of finance across local government may force the politicians to re-examine the structure of overview and scrutiny structure. The increasing need to make service reductions and efficiency savings in every service, including member allowances and expenses, may have a negative impact on the number of overview and scrutiny committees within a local authority.

The additional powers proposed in the 2007 Local Government & Public Involvement in Health Act (LGPIH) further strengthen the role of overview and scrutiny, especially in terms of:

- Being able to require information from partners such as the Environment Agency, Joint Waste Authorities and Fire and Rescue Authorities.

Adversely the provision for overview and scrutiny committees to hold specified external partners to account for their performance against LAA targets could potentially reduce the level to which the executive is held to account. This provision is welcomed, although liaising and organising visits with partners could be time consuming, as will the time spent away from the office for both officers and members. Additionally external scrutiny may shift the focus of members from holding the executive to account to challenging the performance of external partners.

Additional responsibilities set by central government for overview and scrutiny needs to be supported by adequate funding if they are to be undertaken in an effective way. If this does not occur then the level at which overview and scrutiny can hold the executive to account may be diminished.

How effectively have local authorities embedded a culture of scrutiny into their decision-making processes?

At Buckinghamshire County Council the scrutiny process is embedded into the decision making process of the council as a whole.

There are numerous examples from recent months that highlight how the Cabinet have regard for the work and recommendations of frontline councillors involved in overview and scrutiny.

A recent example of scrutiny having an impact on the final decision made by Council is the Shared Support Services aspect of the Pathfinder project. To ensure democratic accountability the business case and its associated documents were presented to the performance and resources committee to scrutinise in closed session. Members of the committee, as a result of the meeting, made recommendation to Cabinet which were accepted in their entirety. One of the recommendations from the report was also added to those presented to Full Council to ensure that the final business case was as robust as the council could make it.

The proposed budget for the authority is also scrutinised prior to it being taken as part of the decision making process prior to it being agreed at Full Council. The 2 day examination in public ensures that any concerns that Members may have are aired in the public domain. All Cabinet Member are challenged in regards to the current performance, risk and finance information, as well as what has been proposed for the forthcoming financial year. The findings of this review are presented at Full Council, along with the proposed budget to inform the final decision being taken.

Additionally all decisions made by Cabinet are subject to call-in. Therefore any decision that Cabinet Members make needs to follow the correct procedures and consult the relevant parties as otherwise the implementation of their decision may be delayed.

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