

SUBMISSION BY DURHAM COUNTY COUNCIL TO THE COMMITTEE ON STANDARDS IN PUBLIC LIFE

What are the key elements of an effective accountability framework for local government, and how well do current arrangements work in practice?

1. The existing accountability framework, which includes Overview and Scrutiny, Audit and Standards Committees, together with external inspection arrangements (e.g. the Comprehensive Area Assessment process), appears to work well. The increased emphasis on partnership working, including Local and Multi-Area Agreements does, however, bring an additional dimension. We are re-aligning our overview and scrutiny committees to the Local Area Agreement and Thematic Partnerships to reflect these new ways of working.
2. The Local Government and Public Involvement in Health Act 2007 and the Local Government Democracy, Economic Development and Construction Bill 2008 will provide additional powers for Overview and Scrutiny to hold partners to account and to require responses from Cabinet on scrutiny reports and recommendations. The Government's Community Empowerment agenda is also enshrined in the 2007 Act and the 2008 Bill in terms of encouraging and allowing a greater say by the public in holding local authorities and our partners to account.
3. There are some issues which still need to be addressed around regional or sub-regional scrutiny. Currently there are no statutory powers for non-health regional or sub-regional scrutiny (e.g. of Multi-Area Agreements).

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

1. Effective scrutiny is about making a difference and leading to improvements in services. It is not always easy to measure. Whilst the acceptance by Cabinet of scrutiny recommendations is one mechanism employed by some authorities to indicate effectiveness, it does not always provide a clear indication in terms of positive outcomes for the people who live in our local communities. What is important is that, in the identification and selection of scrutiny projects, consideration is given to what is sought to be achieved in terms of outcomes. This should be done at the scoping stage for projects; recommendations should be "SMART" (**S**pecific, **M**easurable, **A**chievable, **R**ealistic, **T**ime-framed) and there should be systematic reviews of recommendations to track implementation.
2. The number of scrutiny call-ins is another mechanism sometimes employed to measure the effectiveness of the overview and scrutiny function in local authorities. Views on how effective this is differ between authorities. We have always held the view in Durham County Council that a call-in could reflect a lack of communication between the executive and non-executive function and we have had few call-ins since implementation of the Local Government Act 2000. This reflects the pro-active approach and involvement of scrutiny to policy development within this authority. We are, however, about to revise our call-in rules, which should also make call-ins easier
3. An emerging role for overview and scrutiny in recent years has been the contribution it can make to policy development within Councils. In Durham

County Council, responsibility for Overview and Scrutiny will soon reside within the Assistant Chief Executive function and be more closely aligned to policy, partnership working and community engagement.

4. There is firm evidence of effective scrutiny in this authority. In 2008, overview and scrutiny recommendations arising from a number of investigations in this Council resulted in Cabinet making available funding of £1.1m for implementation of suggestions for improvement across a number of diverse areas, including footways, domestic abuse, and looked after children.
5. We would argue that the four principles of scrutiny, developed by the Centre for Public Scrutiny also provide an opportunity to test the effectiveness of overview and scrutiny.
6. There are external measures of the effectiveness of overview and scrutiny. The previous inspection regime for local authorities (the Comprehensive Performance Assessment) included some key lines of inquiry linked to overview and scrutiny. The recently published Comprehensive Area Assessment framework also highlights the role which overview and scrutiny can play in informing the CAA process via the findings of scrutiny reviews and also in investigating specific outcomes of CAA inspections.

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?

1. The new powers now being implemented arising from the Police and Justice Act 2006, Local Government and Public Involvement in Health Act 2007 and those proposed in the Local Democracy, Economic Development and Construction Bill 2008 will enhance the effectiveness of overview and scrutiny. However, it is important that, if new duties are imposed upon local authorities, they must be resourced appropriately to undertake this new work.
2. There are two key factors which impact on effective overview and scrutiny - . resources and capacity (of members).
3. In terms of resources, we have a dedicated scrutiny support team within Durham County Council which is beneficial to the process and recognises the value placed upon the function in this authority. The function also has a discretionary budget to assist in overview and scrutiny work.
4. Member capacity is also extremely important and particularly so in terms of the increased emphasis on the role of members within their local communities. The introduction of Local Area Action Partnerships across the County will introduce new and challenging roles for councillors which they will have to manage alongside their other responsibilities.

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

1. In our view, the culture of scrutiny is embedded into the decision making process in Durham County Council. There are a number of factors which can influence the role and operation of scrutiny within local authorities, primarily the organisational culture of the local authority – this include a number of

factors, including the attitudes of Leader, Executive, Chief Executive and Chief Officers and the political make-up of the Council.

2. However, overview and scrutiny should not be above scrutiny itself. It needs to show that it adds value to the organisation and can drive up performance. In achieving this, how overview and scrutiny is perceived, the way in which it operates, and the quality and usefulness of the reports and recommendations it produces, are all important.

Are additional measures necessary to hold senior officers to account; if so, what form should such measures take?

1. Our existing constitutional arrangements allow overview and scrutiny to call for persons and papers, but in practice this is not necessary in Durham County Council and it is argued that to have to rely upon such measures of last resort to obtain the attendance of officers and production of information for overview and scrutiny could be seen as a failure.
2. The new powers envisaged in the Community Empowerment White Paper (2008) and in the Local Democracy, Economic Development and Construction Bill 2008 will also present greater opportunities for overview and scrutiny to hold to account senior officers within local authorities. There is a widely held view amongst local authorities in our region that democratically elected members (i.e. cabinet portfolio holders) also share responsibility and should also attend alongside officers when requested.

Does the fact that senior officers are required to support both the executive and scrutiny give rise to a conflict of interest, and if so, how should this conflict be addressed?

1. We have no evidence of conflicts of interest with senior officers who support both the executive and scrutiny. The natural focus for many senior officers is to the Cabinet and Executive, but generally our experience is that senior officers are co-operative and especially more so when the benefits of working and co-operating with scrutiny are evident.
2. Indeed, recent Light Touch Reviews undertaken by overview and scrutiny within this authority have provided opportunities for middle and senior managers to work closely with non-executive members. We see this as important in terms of development for managers, as we believe that one of the unintended consequences of the Local Government Act 2000 may have been to diminish the day to day contact between officers at these levels and councillors and experience of working with politicians is important for officers hoping to progress to senior positions.