



Uttlesford District Council

Overview and Scrutiny Review

Report and Findings

March 2018

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# Executive Summary

## Introduction

1. The Centre for Public Scrutiny (CfPS) was commissioned by Uttlesford District Council (UDC) to consider the effectiveness and impact of their current approach to overview and scrutiny.
2. Thank you to the elected members and officers who took part in interviews, for their time, insights and honesty. Also to Paula Evans and Richard Auty for their support in arranging interviews and collecting evidence.

## Scope and methodology

3. The scope of the report was to 'assess the current approach to scrutiny and make recommendations aimed at improving its impact and effectiveness in Uttlesford DC.

We explored the value and impact of scrutiny in terms of:

- Effectively holding the executive to account
  - Contributing to policy-making
  - Acting as a voice for the public
  - Adding value to whole council decision making
4. Specific areas to be included were:
    - How well the role of scrutiny is understood within the council and amongst members and officers and the perception of its value?
    - How focused and well managed the work programmes are in relation to corporate priorities and issue of immediate concern?
    - How effectively scrutiny constructively challenges executive decisions?
    - How members are trained and supported to undertake scrutiny and how this contributes to their broader development?
  5. Evidence gathering included:
    - Desk research of key council documents, agendas, minutes, work programme, etc.
    - Observations of a scrutiny meeting
    - Interviews with both executive and scrutiny key members and officers who support scrutiny or who have corporate responsibility

## Summary of findings - Highlights

### **Strengths:**

Based on the evidence gathered our feedback is:

- Scrutiny is generally well organised and is welcomed in the council.
- Relationships between scrutiny members and officers is good and there is a general willingness to support scrutiny.
- Scrutiny and executive members in general have a good relationship and scrutiny aims to be objective. It is not seen as threatening or negative.
- Members appreciate the role of scrutiny and want it to become better.
- In the main cabinet decisions are transparent and accessible for call-in or scrutiny.
- Scrutiny members take their role seriously and are willing to develop and improve.

### **Areas for improvement:**

Based on the evidence gathered our feedback is:

- Overview and scrutiny is underachieving. It lacks purpose and authority.
- It is widely valued, but not consistently understood and there are wide differences of opinion about its purpose, potential and function.
- It does not provide sufficient impact and value in shaping and improving decision-making and performance in the council.
- Scrutiny too focused on monitoring and therefore missing opportunities to provide strategic input.
- There are signs that scrutiny is not integral to or valued as part of the decision and policy making process.
- Cabinet is not sufficiently visibly accountable to scrutiny. Scrutiny is not effectively holding it to account. Cabinet members are often observers or not present at scrutiny meetings.
- There is too little structured scrutiny and too much consultative activity - information giving or clarification-seeking in scrutiny meetings

## Context

6. The importance of good governance and the value of accountability and openness in local government is well documented, and scrutiny is a key contributor. In the context of austerity across all public services, challenges in relation to demand and the need for clear accountability, scrutiny's role is even more significant. The recent Communities and Local Government Select Committee review into local government scrutiny ([report here](#)) confirmed that the culture of an organisation is vital to ensuring independent and effective challenge.
7. UDC has seen some political changes after the last election and changes to Scrutiny positions. It has continued in the convention to appoint an opposition member as the chair of the scrutiny committee.

## Scrutiny in Uttlesford – analysis

8. For scrutiny to be effective it should develop the confidence, authority and capability to be an effective counter-balance to the executive. In UDC, we observed different opinions about this. Some see scrutiny as an option, e.g.: 'it's up to them if they want to scrutinise decisions'. Others see it as potentially disruptive, unhelpful or unnecessarily challenging. Others see it as absolutely essential, supporting and testing the council in a democratic and visible way. Overall however Scrutiny does not seem to hold a position of authority as a robust critical friend. It needs to be reinforced and supported to become more effective.
9. Scrutiny is not always scheduled into the programme of change or important decision-making pathways. It can therefore surprise the scrutiny committee or mean that effective scrutiny is absent.

During the review two examples where scrutiny is not involved until the end were disclosed. In both cases this was a problem; one surprised the council and delayed the implementation of a decision the other resulted in light-touch scrutiny, simply because the committee was not fully informed or had insufficient time to consider. Scrutiny have the tools and the time to do its job.

After open and effective scrutiny, the Council can be assured that it has been visibly and openly tested. And the public can be satisfied that the decisions which affect them are robustly checked and challenged.

There requires a level of maturity and trust to establish and imbed scrutiny as a partner in the process of decision-making and policy development.

10. The scrutiny function, in terms of structure, is well-established and well-supported by a dedicated team of officers with a strong mix of experience and skills. Members and officers are engaged and are positive about the potential for scrutiny to make a difference.
11. Staffing support for scrutiny is reduced since a member of staff moved to a new job outside the council. This could provide an opportunity to consider the structure and management of scrutiny.

12. There are known processes for work programming planning, agenda setting and managing the meetings. Meetings are well-run in terms of logistics, layout, attendance. Meetings tend to be led by the Chair, who will often be the main questioner. There seems no pre-planned or constructed scrutiny.
13. Meetings are polite and good natured. There is a tendency to spend an unnecessary amount of time on basic procedure or minutes. The meeting pace is slow. There is little evidence of members acting as a team with clear lines of inquiry. This is leaving space for un-co-ordinated individual questions, some of which result in a small measure of scrutiny happening but not usually by design.
14. There appears to be a practice at UDC that officers attend scrutiny rather than Cabinet members. However, generally it is expected that the Leader and cabinet members are scrutinised, with officer support for advice and technical information. There is no real clarity at UDC on when the Leader or Cabinet member should attend. The Leader attends sometimes as an observer. Officers should not be expected to attend and to receive criticism or challenge, which is intended as part of holding to account – that is the role of elected executive politicians. It could be argued that there is a democratic deficit here.
15. It is the prerogative of scrutiny to examine and challenge the Cabinet forward plan in what is widely termed 'pre-scrutiny'. There is almost no pre-scrutiny at UDC. This is a further weakness and missed opportunity to add real value.
16. Scrutiny informs and advises the Cabinet on its activities, ideas and plans based on an oral report of the previous committee meeting. As this report may not always, and completely, be the majority view of the committee, there may be some concern over the presentation of this information. Alternative approaches could include an officer prepared report, presented by the chair or a separate scrutiny/cabinet liaison meeting.
17. The scrutiny programme is publicly accessible along with minutes and associated reports via the Council's website. The programme itself could benefit from a review. It is largely a static programme of familiar items about which the committee receives reports, asks questions and sometimes monitors performance. To add more value it would need to be more strategic and integral to the council's decision making and policy forming process. The focus on operational issues has also led scrutiny taking on a monitoring rather than scrutiny role. Briefings are common place and many items are on a regular loop of appearing frequently on scrutiny agendas.
18. There has been a shift away from its core focus of holding the executive to account and as a result the organisation appearing open to challenge. This position has happened over time, rather than by design, and has become normal and established. For many it is not seen as problematic. It does however prevent democratic accountability and transparency to work as effectively as it could.
19. There is a lack of understanding or visibility of the council's corporate plan. Members are very passionate about the district and their communities but lack a sense of what the purpose and priorities are for the organisation. This has led to a weaker focus on outcomes and the shared sense of value in scrutiny's work.

20. Whilst the role of scrutiny can be articulated it does not translate into practice. Scrutiny is currently focused on holding officers to account and not the executive. Cabinet members rarely attend scrutiny and when they do most of the questions are directed at officers. Cabinet seem content with how scrutiny is currently functioning and there is not sense of the 'critical friend'/ 'grit in the oyster' that you would hope to see.
21. Scrutiny is currently mainly internal in its focus looking at council processes and reviewing decisions. There is little evidence of scrutiny acting as the voice of the public (apart from using specific ward issues to highlight concerns).
22. The foundations are in place for Uttlesford for raise its game in terms of impact. To do this there are a number of factors which need to be addressed:

### Summary of recommendations

23. The following recommendations are made:
  - Create a common understanding and purpose for scrutiny (Mission)
  - Leader and Cabinet members all directly accountability and visible
  - Relationship with cabinet -Structured meetings to discuss scrutiny
  - Corporate team to have greater oversight to ensure scrutiny plays its full role
  - Scrutiny planning forum to set strategic objectives for the plan
  - Consideration of public input and access
  - Scrutiny built-in as integral part of decision-making and policy forming process
  - Annual report and performance review on scrutiny effectiveness and impact
  - Further skills development – members, chair (key skills/advanced chairing skills)
  - Structure of meetings – set objectives, create lines of enquiry etc
  - Briefings for scrutiny – Ensure that scrutiny members have necessary information and facts to prevent scrutiny meetings becoming information exchanges

### Recommendations – detail

24. Getting a shared view of scrutiny's role and purpose is vital. The lack of understanding was cited as a key issue getting in the way of good scrutiny in a recent CfPS/ [APSE Report](#) . Undertaking this as a joint exercise would provide a route for Cabinet to demonstrate its commitment to being challenged. It could also form part of the work programming process.
25. Scrutiny's job is to the hold the executive to account, this means Cabinet members should be front and centre. Reports should therefore be in their name and they attend meetings as required. Whilst the current committee structure does not lend itself well to this (Cabinet members could be at all of them, all of the time) this is not an acceptable excuse. Officers can be present but for technical support only. Cabinet should view scrutiny as a critical friend who offer additional insight and sometimes challenge that may strengthen decisions and improve performance.
26. To ensure that scrutiny is baked-in to all council decisions relevant directors could strengthen the advisor/guardian role, to ensure that scrutiny has the tools, access and support it needs to be effective.

27. Scrutiny members need a clearer sense of what is required of them as committee members and the work involved which allows good scrutiny to happen. Practically the chair and vice-chair must aim to build a team approach to evidence gathering and questioning. Support from officers will help. There needs to be more detailed pre-briefing of the members on major and important items.
28. Refresh the work planning programme process that allows scrutiny councillors to focus in the most important issues for the council and residents. A high-quality work programme is critical to success. It may help in this process if a forum was established between scrutiny and cabinet to decide on priority areas for scrutiny and to also shape a task and finish schedule.

A good work programme is about impact and outcomes. Work programming is about highlighting and proceeding with those matters where scrutiny can make most difference to the lives of local people.

This relies on two things – firstly, having the information at hand to be able to make informed choices. Secondly, it is important that scrutiny understands what “impact” looks like, so it can plan for it. In summary:

- Scrutiny needs to be more flexible and responsive;
- Scrutiny must focus relentlessly on adding value – on making a direct difference to the lives of local people – by bringing a different and unique perspective to bear on local decisions, with scrutiny doing a specific job that doesn’t duplicate the work of others;
- Scrutiny’s role needs to be well articulated and, critically, understood by scrutiny members, senior officers and Cabinet members;
- While increased resourcing will always help, the reality is that the prospects of this for most councils are remote. As such focus should lie on prioritisation.

Be creative in the approach to scrutiny and experiment to engage more widely and hear different voices

There are a wide range of models, systems and approaches to managing committee meetings, and to carrying out task and finish groups, which UDC can trial and adapt to its own circumstances.

Scrutiny could consider co-option both of expert professionals (who may also be local people) and local people who while not professionals, may still have expertise in specific issues. This could be done along with thinking more generally about scrutiny’s ability to draw in and involve local people more.



## **Conclusion**

29. There are solid foundation stones in place for Uttlesford to make changes which will deliver purposeful scrutiny that is valued and makes a difference.
  
30. The recommendations in this report require commitment from scrutiny members, senior officers and the council's leadership. Scrutiny councillors, and the officers who support them, cannot make scrutiny effective, and enhance its impact, on their own. Part of the change will require a whole council approach to accept and meet this challenge.

**Evidence gathered**

On-site – meetings and interviews

Scrutiny members  
Democratic Services staff  
Senior Corporate officers  
Heads of service interviews  
Leader and Cabinet leads

O&S Committee observation

Desk research

Corporate planning documents  
Website review  
Minutes and report review  
Scrutiny work programme

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