

## **An introductory guide to Scrutiny (adapted from the Centre for Public Scrutiny guide).**

### **What can scrutiny do?**

Councils like South and Vale who have a leader and cabinet (“executive arrangements”) must have at least one overview and scrutiny committee. Scrutiny committees have powers to require Cabinet members, committee chairs and senior council officers to come and give evidence to them, to require information from the council. In this context, scrutiny committees have rights similar to the information rights that individual councillors possess (which can be found in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012), and the right to require a response to any recommendations that they may put to the council’s Cabinet. These powers can be found in the Local Government Act 2000. Scrutiny committees also have powers relating to NHS bodies in England, Community Safety Partnerships in England and Wales and a different range of other partner organisations in England and Wales. More information about all of these powers can be found in the CfPS publication “Pulling it together”

While scrutiny committees can make recommendations, they cannot compel anyone to do anything. Their principal power is that of influence – they can advise and recommend.

### **What are the building blocks for good scrutiny?**

Effective work programming Councils usually have an annual work programme either for the whole scrutiny function, or separate programmes for each committee. Better work programmes tend to have clear criteria for the inclusion of items on agendas, and subjects for further investigation.

### **Positive attitude of the Cabinet and council officers**

To work well, scrutiny needs to be encouraged and signed up to by the authority’s executive. If Cabinet take a negative view of scrutiny and its role, and act defensively when scrutiny seeks to make suggestions, scrutiny’s effectiveness will be reduced. As such, scrutiny’s success rests as much on the attitude of the executive as it does on the skills and expertise of scrutiny members themselves. Officers have a responsibility to provide advice to all members of the authority. The attitudes and behaviours of officers – their willingness to provide information promptly to councillors, to answer questions frankly and to provide assistance to scrutiny members as required – will define how successful scrutiny is able to be. In many councils officers in service departments now see scrutiny as an essential partner in improving services members can help professionals to better understand local people, and to make more robust judgments about where priorities should lie.

## **Positive attitude of scrutiny members**

Scrutiny members need to be committed to making the function work. This is about ensuring that scrutiny is able to carry out constructive work that focuses on the priorities of local people (and that feeds into the priorities of the council and its partners). Scrutiny councillors should not act in a party political manner. However, they can and should bring their political skills and unique understanding of the needs of local people to bear in their discussions – and they should also recognise that, by definition, scrutiny’s work will focus on issues that are of local political contention. The challenge lies in managing that contention in a positive way, rather than using it to further party political objectives.

## **Where can scrutiny be carried out?**

### **At committee**

Committee meetings are formal, public settings. They allow the councillors who sit on them to take oral evidence, and receive written reports, from the council and external bodies. Committee meetings usually involve one or more substantive written reports being tabled on issues selected by the committee and its chair on the basis of the work programme. One or more witnesses – usually council officers or other councillors, but often representatives of other organisations or members of the public – answer members’ questions and may give presentations. There should be some kind of outcome from the consideration of any item at a committee meeting. Sometimes the act of scrutiny itself is the outcome – the exercise of democratic debate in a public forum, which may lead productively to change in the way that the council’s administration does things. It is more common however to think of “value” and “outcomes” as deriving from the making of recommendations. This value derives from having the confidence to make clear, unambiguous and challenging recommendations.

### **In task and finish groups**

“Task and finish” groups are informal, usually small, and time-limited bodies comprised of councillors and, often, co-optees brought in from outside the council because of their specific skills and experiences. They are not mentioned in legislation, although most councils make provision for them in their constitution. The size of these groups varies but usually four to six councillors are involved; those involved tend to be selected by their parties’ whips, although some councils have more open processes. The length of a review and its scope will define how frequently a task group meets, but it is usual to have at least one meeting at the start for planning, and one (possibly two) at the end to settle the report’s findings and recommendations. There will usually be a number of evidence-gathering sessions, using some of the methodologies that we mention in the section below. At the end of the process the task group’s report is submitted to the committee that commissioned it, for them to formally adopt and pass on to Cabinet (and/or other partners).