

## Wiltshire Council

### Overview and Scrutiny Management Committee

20 March 2018

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#### Communities and Local Government (CLG) Committee Review of Overview and Scrutiny in Local Government

##### Purpose

1. To present the report of session 2017-19 of the Communities and Local Government (CLG) Committee review of overview and scrutiny (OS) in local government (Appendix 1).
2. To present the Government Response to the CLG Committee's recommendations (Appendix 2).
3. In addition, to present key points following Wiltshire Council's attendance at the Centre for Public Scrutiny's (CfPS) Annual Conference 2017.
4. To invite Committee's views on any actions necessary to address the above where appropriate.

##### Background

5. In January 2017 CLG launched an [enquiry](#) looking at whether OS arrangements in England are working effectively and whether local communities are able to contribute to and monitor the work of their councils. The review was established prior to the General Election 2017 and was reinstated in September 2017.
6. The enquiry came almost two decades after the original OS legislation was introduced and followed failures in a number of high profile cases, including child sexual exploitation in Rotherham, poor care and high mortality rates at Mid Staffordshire NHS Foundation Trust and governance failings in Tower Hamlets.
7. Wiltshire Council's response to the enquiry's call for written evidence was approved by Committee in March 2017 and submitted for the CLG Committee's consideration (Appendix 2). In summary, it set out how OS works in Wiltshire and what factors are most influential in making it effective. The CLG enquiry also received oral evidence from local authorities, the Centre for Public Scrutiny (CfPS), the Local Government Association and the Minister for Local Government, Rt Hon Marcus Jones MP.
8. On 5 March 2018 the Government published its response to the CLG Committee's report. Table 1 below sets out the CLG Committee's recommendations, the Government responses, and comments regarding OS in Wiltshire.

9. In addition, on 6 December 2017 the Chairman of Management Committee, Vice-Chairman of Health Select Committee and the Scrutiny Lead (officer) represented Wiltshire at CfPS's Annual Conference in London. This year's event was titled 'The Governance of Complexity' and the key themes and potential learning points for Wiltshire that emerged from the event are reflected in Table 2.

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Table 1 CLG Committee Recommendation	Government response (where appropriate)	Comments and actions
<b>The Role of Scrutiny</b>		
<p><b>Recommendation 1:</b> “[We believe that there are many instances across the country where scrutiny committees are operating effectively and acting as a voice for their communities, however there remains room for improvement for too many and we believe that updated guidance from the Department is long overdue.]</p> <p>...We therefore recommend that the guidance issued to councils by DCLG on overview and scrutiny committees is revised and reissued to take account of scrutiny’s evolving role. (Paragraph 12)”</p>	<p>The Government acknowledges that the current guidance was issued in 2006 and is happy to ensure it is updated. New guidance will be published later this year.</p>	<p>The 2015 LGA Peer Challenge found that Wiltshire Council has an effective OS function, with the following highlighted as key strengths:</p> <ul style="list-style-type: none"> <li>• OS well-aligned with the council’s business plan</li> <li>• A clear understanding amongst councillors and officers of OS’s roles and responsibilities</li> <li>• A positive OS-Executive working relationship</li> <li>• Effective OS work with partners.</li> </ul> <p>The Committee will be kept informed of progress with the Government’s review of OS guidance.</p>
<p><b>Recommendation 2:</b> “We call on the Local Government Association to consider how it can best provide a mechanism for the sharing of innovation and best practice across the scrutiny sector to enable committees to learn from one another.</p> <p>We recognise that how scrutiny committees operate is a matter of local discretion, but urge local authorities to take note of the findings of this report and consider their approach. (Paragraph 13)”</p>	<p>N/a</p>	<p>Wiltshire’s Scrutiny officers and OS councillors regularly attend national and regional networks to share experiences and approaches with other local authorities.</p> <p>The OS Learning and Development programme (to be discussed at the next meeting) will be a further opportunity to consider these.</p> <p>A further improvement might be for OS activities to always consider the outcomes of similar reviews undertaken at other local authorities.</p>
<b>Party politics and organisational culture</b>		

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<p><b>Recommendation 3:</b> “[If neither councillors or officers explicitly recognise the importance of the scrutiny function, then it cannot be effective. Part of the challenge lies in identifying what effective scrutiny actually looks like, as discussed earlier in this report, as councils are more likely to allocate diminishing resources to functions where there can be a quantifiable impact.] ...However, all responsible council leaderships should recognise the potential added value that scrutiny can bring, and heed the lessons of high profile failures of scrutiny such as those in Mid Staffordshire and Rotherham. (Paragraph 19)</p>	<p>N/a</p>	<p>Wiltshire Council has established a culture in which, by convention, Executive members and directors engage with OS and are held to account for their decisions.</p> <p>The OS function scrutinises 59% of Cabinet decisions and has 88% of the council’s eligible councillors engaged in its work (2017 figures).</p> <p>The Executive also approaches OS proactively seeking input on proposals and the OS work programme significantly reflects the Cabinet forward work programme and the council’s Business Plan.</p>
<p><b>Recommendation 4:</b> “To reflect scrutiny’s independent voice and role as a voice for the community, we believe that scrutiny committees should report to Full Council rather than the executive and call on the Government to make this clear in revised and reissued guidance. When scrutiny committees publish formal recommendations and conclusions, these should be considered by a meeting of the Full Council, with the executive response reported to a subsequent Full Council within two months. (Paragraph 23)”</p>	<p>“The Government notes the evidence supplied to the Committee. Updated guidance will recommend that scrutiny committees report to the Full Council.”</p>	<p>Currently the minutes of OS committee meetings (which to some extent record the outcomes of OS activities) and Cabinet are received by Full Council. OS also brings a report highlighting the year’s key OS activities to Full Council every May.</p> <p>The proposed change could represent a significant shift and its wording within the new Guidance (and council’s constitutions) will be important.</p> <p>It is assumed the intention is for Full Council to note OS’s recommendations and the Executive’s responses, in order to raise the profile and councillor awareness of OS’s work and impact. Through this, Council would naturally be able to take a greater role (should it</p>

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		<p>want to) in influencing OS activity and the Executive's responses to it.</p> <p>Full Council taking too large a role could potentially be cumbersome compared with the current system.</p>
<p><b>Recommendation 5:</b> "We believe that executive members should attend meetings of scrutiny committees only when invited to do so as witnesses and to answer questions from the committee. Any greater involvement by the executive, especially sitting at the committee table with the committee, risks unnecessary politicisation of meetings and can reduce the effectiveness of scrutiny by diminishing the role of scrutiny members. We therefore recommend that DCLG strengthens the guidance to councils to promote political impartiality and preserve the distinction between scrutiny and the executive. (Paragraph 25)"</p>	<p>"The Government accepts the need to limit the executive's involvement in the scrutiny meetings. Updated guidance will make clear that members of the executive should not participate in scrutiny other than as witnesses."</p>	<p>Wiltshire Council has a culture in which, by convention, Executive members engage with OS and are held to account for their decisions. OS also invites the Executive to be closely involved in forming its work programme.</p> <p>However, the Executive never sit as members on OS committees or other OS groups and their role remains as witness.</p>
<p><b>Recommendation 6:</b> "It is vital that the role of scrutiny chair is respected and viewed by all as being a key part of the decision-making process, rather than as a form of political patronage. (Paragraph 27)"</p> <p><b>Recommendation 7:</b> "We believe that there are many effective and impartial scrutiny chairs working across the country, but we are concerned that how chairs are appointed has the potential to contribute to lessening the</p>	<p>"The Government fully accepts that the chair of a scrutiny committee can have a great impact on its effectiveness. As the then Minister told the Select Committee at the oral evidence session on 6 November 2017, a chair needs to have the requisite skills, knowledge and acumen to take on the functions and achieve the outcomes that the scrutiny committee needs to achieve."</p>	<p>Members of Wiltshire Council's four OS committees are appointed by Full Council. The four OS committees then <b>elect</b> their chairmen and vice-chairmen.</p> <p>By convention, the chairman of the OS Management Committee (which manages the single OS forward work programme) <b>does not</b> belong to the majority political group, as a demonstration of the position's independence from the Executive; its vice-chairman <b>does,</b></p>

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<p>independence of scrutiny committees and weakening the legitimacy of the scrutiny process. Even if impropriety does not occur, we believe that an insufficient distance between executive and scrutiny can create a perception of impropriety. (Paragraph 30)”</p> <p><b>Recommendation 8:</b> “We believe that there is great merit in exploring ways of enhancing the independence and legitimacy of scrutiny chairs such as a secret ballot of non-executive councillors. However, we are wary of proposing that it be imposed upon authorities by government. We therefore recommend that DCLG works with the LGA and CfPS to identify willing councils to take part in a pilot scheme where the impact of elected chairs on scrutiny’s effectiveness can be monitored and its merits considered. (Paragraph 35)”</p>	<p>The Government also accepts that, in some instances, the election, rather than the appointment, of a chair might help ensure that the right individual is ultimately selected, but feels that this is a decision for every council to make for itself - we note that the Select Committee is “wary of proposing that [election] is imposed upon authorities by Government”.</p> <p>A local authority is already free to elect a chair if it wishes, and the updated guidance will recommend that every council bears this in mind when deciding on a method for selecting a chair.</p> <p>The Government is happy to explore with the sector how best to establish the impact of elected chairs on scrutiny committees’ effectiveness, but is not yet convinced that running pilot schemes is the best way to achieve this. The Government will therefore discuss this recommendation with the sector, including the Local Government Association and Centre for Public Scrutiny, and write to the Select Committee on this matter when we publish updated guidance.”</p>	<p>providing an important link with the Administration.</p> <p>The three other OS committees have a mixture of Administration and Opposition group chairmen, with their vice-chairmen by convention coming from the group not occupied by the chairman. This is to ensure political spread in the leading OS positions. Accepting a political spread may also emphasise ability and enthusiasm over political affiliation.</p> <p>OS task groups and rapid scrutiny exercises elect their own chairmen at the first meeting, with a mixture of Administration and Opposition group members holding such positions.</p>
<p><b>Accessing information</b></p>		

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<p><b>Recommendation 9:</b> “Scrutiny committees that are seeking information should never need to be ‘determined’ to view information held by its own authority, and there is no justification for a committee having to resort to using Freedom of Information powers to access the information that it needs, especially from its own organisation. There are too many examples of councils being uncooperative and obstructive. (Paragraph 37)</p> <p><b>Recommendation 10:</b> Councils should be reminded that there should always be an assumption of transparency wherever possible, and that councillors scrutinising services need access to all financial and performance information held by the authority. (Paragraph 41)</p> <p><b>Recommendation 11:</b> “We do not believe that there should be any restrictions on scrutiny members’ access to information based on commercial sensitivity issues. Limiting rights of access to items already under consideration for scrutiny limits committees’ ability to identify issues that might warrant further investigation in future, and reinforces scrutiny’s subservience to the executive. Current legislation effectively requires scrutiny councillors to establish that they have a ‘need to know’ in order to access confidential or exempt information, with many councils interpreting this as not automatically including scrutiny committees. We believe that scrutiny committees should be seen as having</p>	<p>[Response directed at Recommendation 19 but also relevant here]</p> <p>“Updated guidance will remind councils of the requirements set out in regulations that allow scrutiny members to access exempt or confidential documents in certain circumstances. As mentioned in response to the Select Committee’s recommendation on guidance, the Department will also have discussions with the sector to get a better understanding of the issues some scrutiny committees appear to have in accessing information and whether there are any steps the Government could take to alleviate this.</p> <p>“Scrutiny committees already have powers to access documents and updated guidance will stress that councils should judge each request to access sensitive documents on its merits and not refuse as a matter of course. We will also have discussions with the sector to get a better understanding of the issues some scrutiny committees appear to have in accessing information and whether there are any steps the Government could take to alleviate this.”</p>	<p>At Wiltshire Council the Executive fairly regularly share unpublished or confidential information with OS groups with an interest or role in the relevant area. Sometimes this is provided ‘proactively’ and sometimes on request when OS has identified information that would benefit existing work or is needed to assess a potential new activity.</p> <p>Current practice regarding OS access to Part 2 reports to Cabinet is to share them with the OS chair and vice-chair and relevant select committee chair, assuming they have not already been shared with the OS committee or a task group.</p> <p>Wiltshire Council’s Constitution also accords certain special access rights to OS councillors (Part 5), as follows:</p> <p>41. Where a matter under consideration at a private meeting of Cabinet is within the remit of the OS Committee the chair of that Committee may attend that private meeting with the consent of the person presiding, and speak.</p> <p>49. Subject to paragraph 51 (below) any member of an OS Committee is entitled to any document in the possession or control of the Leader containing material relating to:</p> <ul style="list-style-type: none"> <li>• any business transacted at a public or private meeting of the Cabinet; or</li> <li>• any decision taken by an individual member of</li> </ul>

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<p>an automatic need to know, and that the Government should make this clear through revised guidance. (Paragraph 42)”</p>		<p>the Cabinet; or</p> <ul style="list-style-type: none"> <li>• any executive decisions that have been made by an officer in accordance with Part 3 of this Constitution.</li> </ul> <p>Where a member of an OS Committee requests a document which falls within the above the Leader must provide it as soon as reasonably practicable and no later than 10 clear working days after the Leader receives the request.</p> <p>50. Subject to paragraph 51, the chair of the Overview and Scrutiny Committee will be entitled to foresight of papers in relation to private decisions of the Cabinet before the decision is made.</p> <p>51. A member of the Overview and Scrutiny Committee will not be entitled to:</p> <ul style="list-style-type: none"> <li>• any document that is in draft form;</li> <li>• any document or part of it that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise or any review contained in any programme of work of the Overview and Scrutiny Committees; or</li> <li>• the advice of a political adviser.</li> </ul> <p>Where the Leader determines that a member of the Overview and Scrutiny Committee is not entitled to a copy of a document, or part of any such document, for the reasons set out above</p>

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		<p>the Leader must provide the Overview and Scrutiny Committee with a written statement setting out their reasons for that decision.</p>
<p><b>Recommendation 12:</b> “We note that few committees make regular use of external experts and call on councils to seek to engage local academics, and encourage universities to play a greater role in local scrutiny. (Paragraph 45)”</p>		<p>Wiltshire Council’s OS Task Group Protocol states that external advisers’ role can include:</p> <ul style="list-style-type: none"> <li>• Helping the panel to identify appropriate officers and witnesses</li> <li>• Assisting the panel in developing lines of enquiry</li> <li>• Commenting on the evidence presented</li> <li>• Contributing to member training</li> <li>• Providing advice regarding the final report</li> </ul> <p>The council retains some budget for using advisors. However, they are infrequently used, and task group engagement with a variety of stakeholders, interest groups and witnesses, and the use of co-opted members, is more common. ‘Experts’ are most beneficial when investigating specialised or technical subjects.</p> <p>The most recent example was a representative of the NSPCC advising a task group looking at the council’s safeguarding arrangements.</p> <p>There can be a practical challenge to sourcing appropriate advisers (and agreeing their role etc) within the often tight timescales of many OS reviews.</p>
<p><b>Recommendation 13:</b> “We commend such examples of committees engaging with service</p>	<p>N/a</p>	<p>Operating within a large unitary authority, Wiltshire OS tends to operate at a strategic level</p>

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<p>users when forming their understanding of a given subject, and encourage scrutiny committees across the country to consider how the information they receive from officers can be complemented and contrasted by the views and experiences of service users. (Paragraph 47)”</p>		<p>and this may reduce the emphasis on direct engagement with service users.</p> <p>OS engaging with enough service users to form a balanced picture can be resource-intensive, so using evidence from existing engagement and consultation processes can sometimes be more effective.</p> <p>However, OS groups do engage with service users when appropriate to the topic, a very recent example being the online survey of planning applicants commissioned by the Planning Committee System Task Group, which received almost 200 responses. OS also regular engages with service providers, e.g. schools involved in the current Special School Structure Review.</p>
<b>Resources and skills</b>		
<p><b>Recommendation 14:</b> “We acknowledge that scrutiny resources have diminished in light of wider local authority reductions. However, it is imperative that scrutiny committees have access to independent and impartial policy advice that is as free from executive influence as possible. We are concerned that in too many councils, supporting the executive is the over-riding priority, with little regard for the scrutiny function. This is despite the fact that at a time of limited resources, scrutiny’s role is more important than ever. (Paragraph 61)”</p>		<p>Wiltshire Council retains a team of 3.5 FTE dedicated scrutiny officers, which compares well with many local authorities.</p> <p>Senior officers engage regularly with OS, attending committee and task group meetings, as well as informal briefings and work planning meetings, without the need to be formally summoned. They also regularly provide reports and information specifically for OS on request.</p>

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<p><b>Recommendation 15:</b> “We therefore call on the Government to place a strong priority in revised and reissued guidance to local authorities that scrutiny committees must be supported by officers that can operate with independence and provide impartial advice to scrutiny councillors. There should be a greater parity of esteem between scrutiny and the executive, and committees should have the same access to the expertise and time of senior officers and the chief executive as their cabinet counterparts.</p> <p>Councils should be required to publish a summary of resources allocated to scrutiny, using expenditure on executive support as a comparator.</p> <p>We also call on councils to consider carefully their resourcing of scrutiny committees and to satisfy themselves that they are sufficiently supported by people with the right skills and experience. (Paragraph 62)”</p>	<p>Updated guidance will make clear that support officers should be able to operate independently and provide impartial advice. It will also stress the need for councils to recognise and value the scrutiny function and the ways in which it can increase a council's effectiveness. However, the Government believes that each council should decide for itself how to resource scrutiny committees, including how much access to senior officers is appropriate to enable them to function effectively.</p> <p>The Government does not accept this recommendation [15]</p> <p>Many councils do not have dedicated scrutiny support staff – officers work on issues and engage with committees as part of the flow of business - so this would make quantifying the support that scrutiny committees receive very difficult. In the Government's view, the quality of the support is the more important issue.</p> <p>The Government firmly believes that each individual authority is best-placed to decide for itself how to support scrutiny most effectively.”</p>	<p>As a councillor-led function, currently the 'lead member' (OS chairman) reports on OS's status to Full Council, rather than the 'lead officer' (the Statutory Scrutiny Officer).</p>

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<p><b>Recommendation 16:</b> “We recommend that the Government extend the requirement of a Statutory Scrutiny Officer to all councils and specify that the post-holder should have a seniority and profile of equivalence to the council’s corporate management team. To give greater prominence to the role, Statutory Scrutiny Officers should also be required to make regular reports to Full Council on the state of scrutiny, explicitly identifying any areas of weakness that require improvement and the work carried out by the Statutory Scrutiny Officer to rectify them. (Paragraph 65)”</p>	<p>“The Government does not accept this recommendation.</p> <p>As the then Minister outlined during the oral evidence he gave to the Select Committee, decisions about the allocation of resources for the scrutiny function are best made at a local level. Each council is best-placed to know which arrangements will suit its own individual circumstances. It is not a case of one size fits all.</p> <p>The key requirement for effective scrutiny is that the culture of the council is right. Where councils recognise the benefits effective scrutiny can bring, and put in place suitable arrangements, it is working well. Local authorities with a strong culture of scrutiny may invite regular reports to full council on the state of scrutiny in the council and this idea will be reflected in the updated guidance.”</p>	<p>Wiltshire Council does have a Statutory Scrutiny Officer and the post is currently held by the Head of Service of the relevant team (Democracy).</p> <p>As stated above, as a councillor-led function, it is the ‘lead member’ (OS chairman) who generally reports to Full Council on OS’s status rather than the ‘lead’ officer (the Statutory Scrutiny Officer).</p>
<b>Member training and skills</b>		
<p><b>Recommendation 17:</b> “It is incumbent upon councils to ensure that scrutiny members have enough prior subject knowledge to prevent meetings becoming information exchanges at the expense of thorough scrutiny. Listening and questioning skills are essential, as well as the capacity to constructively critique the executive rather than following party lines. In the absence</p>	<p>The Government does not accept this recommendation. Local authorities are independent bodies and it is for them to ensure that their scrutiny arrangements are effective.</p> <p>The Government firmly believes that every council should be able to access the</p>	<p>At Wiltshire Council a four-year OS councillor learning and development programme is being developed with the council’s Learning and Development Team and will be presented for approval at the next meeting. The programme’s scheduled events will be in addition to OS councillor attendance at ad hoc external training and conferences.</p>

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<p>of DCLG monitoring, we are not satisfied that the training provided by the LGA and its partners always meets the needs of scrutiny councillors, and call on the Department to put monitoring systems in place and consider whether the support to committees needs to be reviewed and refreshed. We invite the Department to write to us in a year's time detailing its assessment of the value for money of its investment in the LGA and on the wider effectiveness of local authority scrutiny committees. (Paragraph 76)"</p>	<p>training it needs to carry out its functions effectively, and recognises that Government itself has a role to play in making this happen. That is why we provide funding to the Local Government Association for sector-led improvement work. It should be noted that this funding is to support local authorities on a wide range of improvement work. It is not purely to assist with overview and scrutiny.</p> <p>The funding is determined annually and for 2017/18 is £21 million. The package of work that is funded from the grant is set out in a jointly agreed Memorandum of Understanding between the Department and the Local Government Association, which is refreshed annually to ensure that it remains relevant to the sector's needs.</p> <p>The Government is, of course, very keen to ensure that this funding provides value for money and that local authorities feel that the training on offer serves their needs. To this end, the Department has quarterly performance monitoring and review meetings with the Local Government Association, which are chaired by the Director-General for Local Government and Public Services.</p>	<p>The programme will include a focus on Questions and Listening skills.</p> <p>The information briefings provided before many OS committee meetings have attempted to address gaps in councillors' subject knowledge on key work areas and have proved popular.</p>

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	<p>The Government notes that not all the councillors who provided evidence to the Select Committee felt that the scrutiny training provided was as effective as they would have liked, and that the Local Government Association wrote to the Committee on 20 December 2017 to provide more information on the feedback it received on its support work.</p> <p>The Government will ensure that the 2018/19 Memorandum of Understanding with the Local Government Association clearly sets out our expectation that they remain responsive to feedback they receive to ensure all training, including scrutiny training, remains relevant and effective.</p>	
<b>The role of the public</b>		
<p><b>Recommendation 18:</b> The Government should promote the role of the public in scrutiny in revised and reissued guidance to authorities, and encourage council leaderships to allocate sufficient resources to enable it to happen. Councils should also take note of the issues discussed elsewhere in this report regarding raising the profile and prominence of the scrutiny process, and in so doing encourage more members of the public to participate in local scrutiny. Consideration also need to be given to the role of digital engagement, and we believe</p>	<p>The Government fully believes that local authorities should take account of the views of the public and service users in order to shape and improve their services. Scrutiny is a vital part of this, and scrutiny committees should actively encourage public participation. Updated guidance will make this clear.</p>	<p>Please see the comments under Recommendation 13 above re OS engagement with service users.</p> <p>Wiltshire OS also uses digital methods where appropriate e.g. online surveys of service users. The question of local authority digital engagement strategies goes beyond OS.</p> <p>In recent years actions have sought to raise the profile and prominence of Wiltshire's scrutiny</p>

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<p>that local authorities should commit time and resources to effective digital engagement strategies. The LGA should also consider how it can best share examples of best practise of digital engagement to the wider sector. (Paragraph 82)</p>		<p>process, internally and externally. These include:</p> <ul style="list-style-type: none"> <li>• Annual OS reports published</li> <li>• Scrutiny Story of the Week circulated to all councillors</li> <li>• OS automatically informed of forthcoming items to Cabinet, encouraging input on a higher percentage of Executive decisions.</li> </ul> <p>Public participation at OS meetings tends to be greatest when an issue of local concern appears on an agenda. Area Boards are the key forum for public engagement on issues of local, community interest.</p>
<b>Scrutinising public services provided by external bodies</b>		
<p><b>Recommendation 19:</b> Scrutiny committees must be able to monitor and scrutinise the services provided to residents. This includes services provided by public bodies and those provided by commercial organisations. Committees should be able to access information and require attendance at meetings from service providers and we call on DCLG to take steps to ensure this happens. We support the CfPS proposal that committees must be able to ‘follow the council pound’ and have the power to oversee all taxpayer-funded services. (Paragraph 90)</p>	<p>Updated guidance will remind councils of the requirements set out in regulations that allow scrutiny members to access exempt or confidential documents in certain circumstances. As mentioned in response to the Select Committee’s recommendation on guidance, the Department will also have discussions with the sector to get a better understanding of the issues some scrutiny committees appear to have in accessing information and whether there are any steps the Government could take to alleviate this.</p>	<p>Wiltshire’s Health Select Committee is the biggest scrutineer of external organisations, e.g. the CCG, acute hospital trusts and other healthcare providers. Positive engagement has generally been achieved through a constructive, supportive approach.</p> <p>Non-Health examples of OS engaging with external organisations have included:</p> <ul style="list-style-type: none"> <li>• a major highways contractor</li> <li>• the armed forces</li> <li>• a major telecoms contractor (highspeed broadband project)</li> </ul> <p>The involvement of these external organisations is often initiated and supported by the relevant</p>

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	<p>In terms of service providers' attendance at meetings, when councils are tendering contracts with external bodies they should carefully consider including requirements to ensure they are as open and transparent as appropriate. Ultimately, however, it is up to each council to decide how best to hold to account those who run its services.</p> <p>In terms of service providers' attendance at meetings, when councils are tendering contracts with external bodies they should carefully consider including requirements to ensure they are as open and transparent as appropriate. Ultimately, however, it is up to each council to decide how best to hold to account those who run its services."</p>	<p>Executive members, with the organisations attending OS meetings as co-witnesses to provide additional information. However, the focus of the scrutiny and accountability has remained with the Executive member.</p> <p>Scrutiny of external organisations needs to be mindful of the council's broader relationship with the organisation concerned. The scrutiny undertaken has therefore involved close liaison with the Executive and a process of relationship-building with the partner to secure positive engagement.</p>
<p><b>Recommendation 20:</b> In light of our concerns regarding public oversight of LEPs, we call on the Government to make clear how these organisations are to have democratic, and publicly visible, oversight. We recommend that upper tier councils, and combined authorities where appropriate, should be able to monitor the performance and effectiveness of LEPs through their scrutiny committees. In line with other public bodies, scrutiny committees should be able to require LEPs to provide information and attend committee meetings as required. (Paragraph 96)</p>	<p>The Government agrees on the importance of clear and transparent oversight of Local Enterprise Partnerships (LEPs). The Industrial Strategy made clear the continuing important role of LEPs in delivering local economic growth. The MHCLG Non-Executive Director Review (published in October 2017), looked at a range of governance issues for LEPs. The Review made a series of recommendations that we have accepted in full and are now implementing. As part of this we have published guidance for</p>	<p>As noted in the CLG Committee's Report (paragraph 93), Wiltshire Council is one of the few local authorities nationally to have a OS task group actively engaging with the region's LEP, providing extra public accountability to LEP funding spent within the county. All LEP reports and expenditure are published to facilitate further scrutiny by members of the public.</p> <p>The LEP Task Group may wish to include the following in its work programme:</p>

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	<p>LEPs on a range of issues including publication of agenda and papers for LEP Board meetings. This will make the proceedings of LEPs more transparent for local people.</p> <p>The National Assurance Framework for LEPs states that democratic accountability for the decisions made by the LEP is provided through local authority leader membership of LEP Boards. In places where not all local authorities are represented directly on the LEP board it is important that their representatives have been given a mandate through arrangements which enable collective engagement with all local authority leaders. Many LEPs already go much further in allowing democratic scrutiny of their decision making.</p> <p>The MHCLG Non-Executive Director Review into LEP governance and transparency explored the extent to which scrutiny was embedded into LEP decision making. The review acknowledged that each LEP had their own arrangements to reflect: legal structure, the complexity and needs of the locality and local requirements to ensure value for money; engagement; and democratic accountability. The Review concluded</p>	<ul style="list-style-type: none"> <li>• the MHCLG Non-Executive Director Review into LEP Governance</li> <li>• the Government's Industrial Strategy White Paper</li> <li>• the forthcoming Ministerial Review of LEP Governance</li> </ul> <p>The Leaders of Wiltshire Council and Swindon Borough Council sit as a voting members on the Swindon and Wiltshire LEP Board.</p>

Table 1 CLG Committee Recommendation	Government response (where appropriate)	Comments and actions
	<p>that it was not appropriate to be prescriptive on the specific arrangements that all LEPs needed to adopt due to the variation in LEP operating models.</p> <p>The Government committed in the Industrial Strategy White Paper to reviewing the roles and responsibilities of LEPs and to bringing forward reforms to leadership, governance, accountability, financial reporting and geographical boundaries. Working with LEPs, the Government committed to set out a more clearly defined set of activities and objectives in early 2018. MHCLG will write to the Select Committee following the conclusion of this Ministerial review into LEPs to provide an update.</p>	
<p><b>Recommendation 21:</b> We are concerned that effective scrutiny of the Metro Mayors will be hindered by under-resourcing, and call on the Government to commit more funding for this purpose. When agreeing further devolution deals and creating executive mayors, the Government must make clear that scrutiny is a fundamental part of any deal and that it must be adequately resourced and supported. (Paragraph 104)</p>	<p>See Appendix 2, page 8.</p>	<p>N/a</p>

**Table 2 – Key discussion points from the CfPS Annual Conference 2017**

	<b>Key discussion point</b>	<b>Comment and actions</b>
1.	With the advent of joint authorities, pan-council arrangements (e.g. STPs), arms-length bodies and responsibilities devolved from central government OS must remain effective within an increasingly complex governance environment.	<p>Wiltshire OS needs to ensure its structures remain aligned with the work priorities it is scrutinising, e.g. the Business Plan.</p> <p>It will need to be aware when governance structures are formed or change and agree appropriate scrutiny arrangements with decision makers. Wiltshire can build on its strong record in engaging with partners or external organisations e.g. Wiltshire CCG, health and care providers, the armed forces and Swindon and Wiltshire LEP.</p>
2.	Effective scrutiny of local authorities' increasingly commercial approaches will require new councillor skills and knowledge-bases	<p>Wiltshire OS has contributed to the council's new Commercialism Policy and its Third Party Advertising Policy, with further scrutiny involvement agreed.</p> <p>Further OS work may be supported by specific councillor training on relevant areas e.g. investment practices, risk management etc.</p>
3.	OS needs to be independent from the Executive, regardless of participants' political group.	Addressed under the comments against CLG Recommendations 6,7 and 8 above.
4.	OS needs should help give the public a voice.	Addressed under the comments against CLG Recommendation 18 above.
5.	OS cannot be effective without effective meetings, which relies on councillors having good questioning and listening skills.	Effective questioning skills will be an important component of the OS learning and development programme.
6.	Diversity within Scrutiny is as important as anywhere else	The OS Task Group Protocol asks task groups to consider the equality and diversity issues within the topic addressed. However, diversity amongst OS participants and the witnesses it engages with may also need to be considered.

## **Proposal**

10. To note the report of session 2017-19 of the CLG Committee review of OS in local government (Appendix 1).
11. To note the Government Response to the CLG Committee's recommendations (Appendix 2).
12. That the Committee is kept informed of progress with the Government's review of guidance for OS in local government and any opportunities to influence this.
13. To consider any actions necessary to address the CLG Committee's findings and recommendations and learning points from the CfPS Annual Conference 2017 where these would further improve OS in Wiltshire.

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**Paul Kelly**  
**Head of Democracy (and Designated Scrutiny Officer)**

Report author: Henry Powell, Scrutiny Lead, 01225 718052,  
[henry.powell@wiltshire.gov.uk](mailto:henry.powell@wiltshire.gov.uk)

## **Appendices**

- Appendix 1 First report of session 2017-19 of the Communities and Local Government (CLG) Committee review of overview and scrutiny (OS) in local government
- Appendix 2 Government Response to the CLG Committee's report
- Appendix 3 Wiltshire Council's response to the call for evidence from the Communities and Local Government (CLG) Committee review of overview and scrutiny (OS) in local government (March 2017)