Wiltshire Council response to the CLG inquiry into OS in local government

Wiltshire Council overview

Wiltshire Council is the 8th largest county and 3rd largest planning authority in England. Wiltshire has 500,000 residents and with 99,490 people over 65 has the third largest older population of any county in Britain. It is geographically large and sees a diverse range of issues across its communities, e.g.:

- On IMD (Indices of Multiple Deprivation) with 1 being the most deprived and 32,483 being the least, Wiltshire averages 22,229
- It is the largest MOD rebasing county, with 21% of the British army based here
- The road network includes 2,967 miles of roads (17th largest nationally)
- It has 236 schools, 31 small rural schools and is the seventh lowest funded for education
- Average house prices are 11 times local incomes.

The unitary authority of Wiltshire Council was created in 2009 and has 98 elected members. It currently has a majority Conservative Administration of 61 members, with Liberal Democrats being the largest Opposition group with 22 members. It operates a Cabinet governance model, with a Leader elected by Full Council and 9 other executive members. The cabinet is supported by a further 11 'portfolio holders' who operate as junior cabinet members without formal decision making powers.

Since 2012 Wiltshire Council's overview and scrutiny committee structure has comprised:

- OS Management Committee, which manages the OS work programme and scrutinises corporate cross-cutting matters
- Children's Select Committee
- Environment Select Committee
- Health Select Committee

The OS committees are supplemented by task groups, rapid scrutiny exercises and OS councillor representation on project boards.

In 2015 the council invited the LGA to undertake a peer review of our OS arrangements; the first such review in the country. The review's outcomes were extremely positive, with the following highlighted as key strengths:

- OS well-aligned with the council's business plan
- A clear understanding amongst councillors and officers of OS's roles and responsibilities
- A positive OS-Executive working relationship
- Effective OS work with partners

The council has continued to address some of the development areas identified by the peer review through:

- Improved promotion of OS's activity and outcomes, internally and publicly

- An annual review of the budget scrutiny process to identify further improvements
- Refreshing OS guidance documents outlining agreed methods of OS.

To give an indication of Wiltshire's OS output, it produces around 12 'deep-dive' task group reports per year, submits 100 recommendations to decision makers (with 30% referred to partners), scrutinises 59% of Cabinet decisions and has 88% of the council's eligible councillors engaged in its work.

Wiltshire Council response to the CLG enquiry's terms of reference

1. **Whether scrutiny committees in local authorities in England are effective in holding decision-makers to account**

   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. The effectiveness of this process is reliant on the statutory powers at OS's disposal to a degree, but 'softer', local factors such as the behaviour of individuals and the learning culture of the organisation are much more influential. This includes factors such as,
   - Political will to engage in a meaningful and timely way
   - Trust between executive and non-executive, administration and opposition
   - OS member skills and knowledge
   - Officer resource to support the process
   - Organisational awareness of OS and its value
   - Public awareness of OS as a means of holding decision makers to account and influencing policies and decisions

   It is also worth noting that at present the biggest influences on local government come from central government, i.e. creation of Local Enterprise Partnerships (LEPs), reducing grant funding, changes to health care governance, devolution, NNDR reform, benefits reform, etc. This has a significant impact on the nature of local scrutiny, with OS members attempting to hold local decision makers to account for their ability to manage a rapidly and significantly shifting picture.

2. **The extent to which scrutiny committees operate with political impartiality and independence from executives**

   At Wiltshire Council the accepted objective is an independent and yet collaborative relationship between the Executive and OS, with the emphasis on regular informal and formal dialogue between the leading members to ensure OS has the opportunity to influence key policies and decisions. The Executive also approaches OS proactively seeking input on proposals and the OS work programme quite significantly reflects the council's Business Plan and hence the Cabinet work programme (in 2015/16, 59% of Cabinet agenda items had received some form of prior OS input). However, OS retains the ability to review issues or services not subject to planned executive decision or policy change.

There is a culture of discussing significant OS reviews with the Executive prior to these being formally established. This acknowledges the benefit of having both Executive and non-executive support for major OS activities, helping ensure that the OS work programme adds maximum value. There is also an acceptance that OS can use its resources most effectively by focusing on the agreed priorities of the council (as set out in its Business Plan).

There is a convention of OS task groups discussing their preliminary findings and recommendations with the relevant Executive member and other stakeholders as appropriate prior to being finalised and published. This is to ensure accuracy and that the full context has been considered, rather than to skew final reports in favour of the Executive perspective.

A robust budget scrutiny process has been developed over the past few years and is seen as exemplifying the maturity of the relationship between the Executive and OS. This process includes Task Group- and Committee-level scrutiny of the Executive's draft budget and then the opportunity for opposition groups to bring proposed budget amendments before OS at a dedicated meeting; an opportunity regularly taken up by the largest Opposition group. The findings and views of OS are then reported to Full Council when the budget is debated.

Political impartiality is also protected by conventions regarding the appointments of OS chairmen and vice-chairman (see 4 below), the political balance of the committees and all executive members being ineligible for OS activity.

3. **Whether scrutiny officers are independent of and separate from those being scrutinised**

   Wiltshire Council retains a small team of dedicated scrutiny officers, which leads on supporting OS activities (as well as some Police and Crime Panel activity), and this dedicated resource is valued highly by OS members. The team is managed by the Head of Democracy and Performance (and Designated Scrutiny Officer) and sits within the council's Corporate Office. This team also includes Democratic Services, Policy, Performance and Risk, the Programme Office (a corporate project management resource) and the Systems Thinking business transformation team. This location in the structure places OS at the corporate centre of the council and its policy development and decision making processes. The team is headed by an Associate Director who reports to one of the council's two Corporate Directors (we have no chief executive).

   On a small number of occasions, to increase OS capacity, officers from outside of the Scrutiny team have provided lead support for OS activities relevant to their service area. Service directors regularly attend as "witnesses" to provide evidence in support of OS reviews.

4. **How chairs and members are selected**

Members of Wiltshire Council's four OS committees are appointed by Full Council. An overarching OS management committee and three select committees then appoint their chairmen and vice-chairmen. The chairmen and vice-chairmen of the three select committees (Children's, Environment and Health) also sit on the Management Committee, along with the chairman of Financial Planning Task Group.

By convention, the chairman of the OS Management Committee (which manages the single OS forward work programme) **does not** belong to the majority political group, as a demonstration of the position's independence from the Executive; its vice-chairman **does**, providing an important link with the Administration. 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.

OS task groups and rapid scrutiny exercises appoint their own chairmen at the first meeting, with a mixture of Administration and Opposition group members holding such positions. Some effort is given to achieving a balance of Administration of Opposition group members on any one activity in order to avoid any perception of political bias, but it is primarily based on expressions of interest following an invitation to all eligible councillors.

5. **Whether powers to summon witnesses are adequate**

Wiltshire Council has established a culture in which Executive members and directors regularly attend relevant OS committees, sometimes invited due to a specific agenda item, but often as a standing invitation. Disagreements regarding the attendance of council witnesses, member or officer, are very rare.

Health Select Committee regularly invites witnesses from health partners, such as the CCG, acute hospitals and other healthcare providers. Through good planning and the establishment of good working relationships issues with attendance have been rare and the wielding of existing legislative powers to compel has not been necessary.

The attendance of witnesses other than members, officers and close partners/providers is relatively rare at OS committee meetings. However, this is not due to having insufficient powers to "summon" them. Non-council witnesses are more commonly invited to OS task group meetings to provide specialist knowledge or a broader perspective, but this is through polite invitation rather than "summoning"!

6. **The potential for local authority scrutiny to act as a voice for local service users**

All OS committee agendas have a Public Participation section where any member of the public may submit questions or make a statement (having given sufficient notice). In reality, at most OS meetings, this opportunity is not taken up. OS committee meetings tend to attract the greatest public attendance when addressing a specific issue of significant local concern, for example, hydrocarbon extraction i.e. "fracking".

OS task groups and rapid scrutiny exercises quite often seek out the views of local service users on relevant topics. Given resources, this is usually via relevant stakeholder groups or using data from existing council consultations, rather than through dedicated public engagement undertaken by the Scrutiny team.

Wiltshire Council operates a well-resourced Area Board system, with groups of local members forming community-based committees. These put a significant emphasis on public engagement and act as community forums. They, rather than OS, are often seen as the primary avenue through which local service users can raise concerns. The council has a formal protocol through which Area Boards can refer potential strategic issues up for broader consideration by OS. However, more informal routes such as members raising concerns at OS committee meetings or 'off line' with OS chairmen and Scrutiny officers are preferred. In summary, the OS process is seen as member-led, with local service users' interests pursued when taken up by their democratically elected representatives.

The council has recently updated its OS webpage to be more user-friendly and for several years as published quarterly and annual OS reports that present recent OS activity and outcomes in a public-friendly format. OS committee meetings have also recently started to be webcast, which will raise OS's public profile further.

7. **How topics for scrutiny are selected**

The council has a single OS forward work programme, managed by the OS Management Committee. The work programme is heavily influenced by the three thematic select committees (Children's, Health and Environment), with the Management Committee typically approving the topics recommended by the select committees for review assuming there is sufficient capacity and support.

As stated above, the OS work programme quite significantly reflects the council's Business Plan priorities and hence the Cabinet work programme. This aligns with an established culture of OS focusing on the agreed priorities of the Council to make most effective use of its member and officer resource. However, the OS work programme also features a significant number of topics not subject to imminent Cabinet decision (e.g. particularly with the

Health Select Committee, with its wider focus on the CCG and health partners). This is considered a reflection of OS's healthy independence from the Executive.

The council's constitution provides a number of avenues through which members can request OS review of a topic, including:

- Call-in of an executive decision, requiring 10 non-executive signatories
- An item on an OS committee agenda, requiring a request from
    - a committee member and approval by the Management Committee
    - 5 non-Executive members and approval by the Management Committee
    - the leader of the largest opposition group (up to 4 times per year)

However, these avenues are used relatively rarely and the most common reasons for adding a topic to the OS work programme are:

- OS committee resolution
- Request from an OS committee chairman
- OS input on a scheduled Cabinet decision
- Full Council meeting request (notice of motion referral)

8. **The support given to the scrutiny function by political leaders and senior officers, including the resources allocated (for example whether there is a designated officer team)**

As stated above, *"Wiltshire Council retains a small team of dedicated scrutiny officers, which leads on supporting OS activities, and this dedicated resource is valued highly by OS members. The team is managed by the Head of Democracy and Performance (and Designated Scrutiny Officer) and sits within the council's Corporate Office. This team also includes Democratic Services, Policy, Performance and Risk, the Programme Office (a corporate project management resource) and Systems Thinking transformation team. This location in the structure places OS at the corporate centre of the council and its policy development and decision making processes. The team is headed by an Associate Director who reports to one of the council's two Corporate Directors (we have no chief executive)."*

Executive members and senior officers are in regular dialogue with leading OS members, a process supported by the dedicated Scrutiny team. This includes ad hoc meetings to discuss key pieces of work, plus an annual programme of scheduled OS/Executive meetings to discuss work priorities. Executive members also consistently attend relevant OS committee and task group meetings as witnesses. Quarterly meetings are held between the Leader and the Chairman of the OS Management Committee to discuss the OS function and work programme overall. Finally, Executive members consistently attend and contribute to events forming part of the council's OS member learning and development programme.

9. **What use is made of specialist external advisers**

Under Wiltshire Council's OS Task Group Protocol, external advisers' role can include:
- Helping the panel to identify appropriate officers and witnesses
- Assisting the panel in developing lines of enquiry
- Commenting on the evidence presented
- Contributing to member training
- Providing advice regarding the final report

Wiltshire Council retains a small budget for using advisors, but this is infrequently used, and task group engagement with a variety of stakeholders, interest groups and witnesses (rather than advisors), and the use of co-opted members, is more common. This is perhaps due to the difficulty in sourcing external advisors who are considered to be apolitical and not aligned to a particular viewpoint.

The most recent example of using an external advisor was a representative of the NSPCC providing policy advice to an OS task group looking at the council's safeguarding arrangements. The specialist professional advice provided was considered to have been invaluable and enhanced the final product.

10. **The effectiveness and importance of local authority scrutiny of external organisations**

At Wiltshire Council, the 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 and a number of multi-agency events to agree roles and working relationships under the changed healthcare governance arrangements.

Non-Health examples of OS engaging with external organisations have included:
- a major highways contractor
- the armed forces (focusing on a major rebasing exercise in the county and the accompanying military-civilian integration project)
- a major telecoms contractor (as the deliverer of a highspeed broadband project)

The involvement of these external organisations is often initiated and always supported by the relevant 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.

In Wiltshire's experience, Scrutiny of external organisations needs to be mindful of, and is often dependent on, the council's broader relationship with the organisation concerned. The existing relationship between the council and

the partner/contractor, and the potential impact of scrutiny on this, has to be considered. The scrutiny undertaken has therefore necessarily involved close liaison with the Executive and a gradual process of relationship-building with the partner to secure positive engagement.

Wiltshire Council is one of the few local authorities nationally to have a OS task group actively engaging with the region's Local Enterprise Partnership, providing extra public accountability to the LEP funding spent within the county. All LEP reports and expenditure are published to facilitate further scrutiny by members of the public.

11. **The role of scrutiny in devolution deals and the scrutiny models used in combined authorities**

Wiltshire Council was a member of a Joint South West OS committee that scrutinised the performance of the local ambulance service, until this was disbanded in 2016. The participating local authorities agreed that it had become resource-intensive and did not enable effective scrutiny of service performance at a local authority level.

12. **Examples where scrutiny has worked well and not so well**

What has worked well…

- **Budget scrutiny:** As stated above, the council's budget scrutiny arrangements are considered robust and as adding value to the process. Dedicated committee and task group meetings, including one to consider opposition groups' proposed budget amendments, allows for evidence-based analysis of the proposals and enhance the subsequent debate at Full Council. The Financial Planning Task Group also undertaken regular monitoring of the revenue and capital budget reports to Cabinet.

- **Safeguarding Children & Young People Task Group:** A long and detailed OS review of arrangements for safeguarding children (following an Ofsted grading of 'Inadequate') that was requested by the Executive. Made 41 recommendations, the majority of which were taken on board, and was shortlisted for a national award.

- **Highspeed Broadband Project Board:** An OS member was appointed as a scrutiny representative on this Board, an approach also taken with a number of other projects. This can provide 'light touch', non-resource intensive OS input, with the representative bringing updates back to committee for further action as appropriate. A protocol has been drawn up defining this role to help ensure OS's independence is protected.

- **Task Groups and Rapid Scrutiny Exercises:** In general, small groups of OS members focusing on a specific topic, with the ability to gather and analyse evidence in a variety of ways, are felt to be more impactful than the more formal select committee meetings.

Not so well…

- OS has been effective in helping the Executive to develop or improve policy and service delivery once the area is in motion or relatively mature. However, there have been few examples of OS developing policy or driving service improvements 'from the ground up'.

- Wiltshire Council works hard to maximise OS member engagement, with 88% of eligible members taking part in some form of OS activity (2015/16). However, the actual input (e.g. questions asked at OS committee meetings, chairmanship of task groups) is concentrated within a much smaller population of OS members.

- OS has demonstrably focused its work on key **actions** within the council's business plan. However, it is more difficult to demonstrate its impact on the business plan's overarching thematic priorities.

Summary comments

Wiltshire Council welcomes this enquiry; local government has seen significant changes in since OS was introduced in 2000 and the time is right to review OS's methods and effectiveness.

Wiltshire Council is not seeking changes to the existing OS legislation, feeling that local choice is more effective than a prescriptive system implemented at a national level. Effective OS requires an organisational culture of openness and transparency in which OS is considered an integral part of governance. Effective OS recognises the position of the council's Executive (and Administration) and works with it rather than in "opposition" to it, without losing its independence to challenge and hold to account. It achieves more when this is done positively and constructively.

Please contact Henry Powell, Senior Scrutiny Officer, on any matters relating to this response. 01225 718052 / henry.powell@wiltshire.gov.uk