

## Wiltshire Council

### Overview and Scrutiny Management Committee

28 March 2017

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## Wiltshire Council Response to CLG Enquiry into Overview and Scrutiny in Local Government

### Purpose

1. To present for information the council's response to the Communities and Local Government's (CLG) call for evidence under its enquiry into overview and scrutiny in local government.

### Background

2. On 24 January 2017 CLG launched an [enquiry](#) looking at whether overview and scrutiny arrangements in England are working effectively and whether local communities are able to contribute to and monitor the work of their councils. The enquiry's terms of reference cover twelve themes, which are set out in the Wiltshire Council response attached at **Appendix A**.
3. The enquiry comes almost two decades after the original OS legislation was introduced and follows 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.
4. Clive Betts MP, Chair of the Communities and Local Government Committee, has said:

“Local authorities have a considerable degree of discretion when it comes to overview and scrutiny. We will examine these arrangements and consider what changes may be needed to ensure decision-makers in councils and local services are better held to account.”

5. The Centre for Public Scrutiny, which will submit its own response, has given strong support to the enquiry (full blogpost [here](#)), with its Chief Executive, Jacqui McKinlay commenting:

“The CLG inquiry into local government overview and scrutiny (O&S) is certainly overdue. A model which was first introduced nearly two decades ago has so far avoided much scrutiny itself, with most broadly accepting that it was preferable to the committee system it replaced.

“The local government and public services landscape is radically different today compared to 17 years ago. Changes that both challenge and reinforce

the need for overview and scrutiny: the level of complexity now involved in the commissioning and running of council services; the range of delivery vehicles, and the symbiotic relationships between public services...

“In this context, we have seen tragic consequences when accountability is blurred, the most vulnerable are not protected and overview and scrutiny (amongst others) have not been up to the task of holding to account.

“Are [Scrutiny’s successes] shouted about? No of course not, scrutiny is like the rest of the sector in that improving lives is our goal and trying to making a positive difference is a continuous task. We have the honour of meeting hard working, determined, resilient scrutiny councillors who are going above and beyond every day. Even in the most difficult circumstances, every council has examples of scrutiny success.

“...We need to get better at measuring impact, become less of a paper reviewing machine, get more creative at how scrutiny is carried out (less time in stuffy committee rooms), training to increase councillor confidence and capability. Above all we need ruthless prioritisation to make sure scrutiny focuses only on those issues where it can make an impact...

“...Developments in local government, and events both nationally and internationally, mean that O&S is something that needs to be protected but which must also up its game to continue to be relevant.”

6. As a major unitary local authority, respected nationally for its commitment to overview and scrutiny, it is appropriate for Wiltshire Council to submit an individual response to this national enquiry. Due to the submission deadline of 10 March 2017 a draft response could not be brought before Committee for approval. The council’s response was therefore formed in consultation with the Chairman and Vice-chairman of the Management Committee, the Cabinet Member for Hubs, Heritage and Arts, Governance and Support Services and the relevant Corporate and Associate Directors.

## **Key considerations**

7. The full Wiltshire Council response to the enquiry’s call for evidence is attached at **Appendix A**. In summary, it sets out how OS works in Wiltshire and what factors are most influential in making it effective. It does not call for 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 its 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.

## **Next steps**

8. The council's response has now been submitted to CLG and is likely to be published as part of the enquiry's evidence. Any further correspondence with CLG, such as requests for further information or attendance at a select committee meeting, will be reported to Committee as appropriate. Progress with the enquiry and its eventual findings (for which no date has been published) will also be reported. Following the elections, Management Committee may want to consider the implications of its findings for OS in Wiltshire and this is covered under the Review of OS 2013-17 report elsewhere on the agenda.

## **Proposal**

9. To endorse the Wiltshire Council response to CLG's call for evidence under its enquiry into overview and scrutiny in local government.

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## **Appendices**

Appendix A            Wiltshire Council response to the CLG enquiry into overview and scrutiny in local government.

## **Background documents**

[Inquiry: Overview and scrutiny in local government](#)