

Response to the call for evidence of the Communities and Local Government Select Committee on overview and scrutiny in local government

March 2017

Contact: Ed Hammond (Director, Local Accountability)
020 3866 5109 / ed.hammond@cfps.org.uk

About CfPS

1. The Centre for Public Scrutiny (CfPS) is the leading national body promoting and supporting excellence in governance and scrutiny. We believe that embedding the principles of transparency, accountability and involvement into an organisation's culture and processes leads to better decisions and improved outcomes. As a charity, our work has a strong track record of influencing policy and practice nationally and locally. CfPS works throughout the UK, providing specialist training and consultancy to individuals and organisations looking to improve their governance and scrutiny skills, culture systems and processes.
2. CfPS receives grant funding from the Local Government Association to provide support to councils on corporate governance, local accountability, and overview and scrutiny. Our role is not to promote the overview and scrutiny function, but to provide advice and guidance to local authorities, to councillors and to council officers, about it and how it fits within councils' broader governance systems.
3. CfPS is not a representative or member organisation. As such, our evidence reflects our own professional judgment based on the national and local support we provide.

Important note on use of language

4. Throughout this submission we have used the word "scrutiny" and "scrutiny function" to refer to a range of council committees, panels and functions which involve non-executive members. In general, we use the term to refer to those committees established, under the Local Government Act 2000, as "overview and scrutiny committees". Different councils have different names for these models.
5. Some separate out the concepts of "overview" and "scrutiny" – overview being policy development and horizon scanning, scrutiny being about review and evaluation of decisions already implemented, and the management of performance.
6. Some councils call scrutiny committees different things – select committees, policy development committees, or a number of other names. The use of different terminology can prove confusing, as different councils can consider that some things

are, or are not, “scrutiny” based on local circumstances. This is probably a good thing – it reflects the fact that scrutiny has a different role in different places, which reflects local need rather than arbitrary national standards – but it does make nationwide work on the subject difficult sometimes.

Sources of evidence

7. We have used evidence from a range of sources to contribute to this submission:
 - Annual surveys on the operation of overview and scrutiny in local government, carried out by CfPS between 2003 and 2017. Response rates for these surveys are variable, so we have not relied on them alone in reaching our conclusions;
 - Other research and material we produce for a practitioner audience;
 - Outcomes from the support and assistance that CfPS provides to councils on a regular basis. On average, CfPS provides support to just over 100 councils every year, from answering queries over the phone to long-term and sustained support involving the commitment of significant time and resources;
 - General conversations with scrutiny councillors, the officers who support them and others in the local government sector;
 - Conversations with other researchers operating at a national level (discussions which provide a useful context to understand the environment within which scrutiny is expected to operate).

8. We have not cited a range of examples and individual case studies to support individual arguments, as our conclusions are based on our reflections based on a combination of the types of evidence cited above. We are aware that the LGA has produced some up-to-date case studies as part of its submission to the Select Committee, and that a significant number of individual scrutiny practitioners are also planning to respond. A large number of examples of notable and high-impact scrutiny work can be found in our “Successful scrutiny” series of publications.

Introduction and key points

9. We are delighted that the Committee has chosen to conduct an inquiry into overview and scrutiny in local government. Seventeen years on from the passage of the Local Government Act which introduced the Cabinet/scrutiny split, and thirteen years on from the last comprehensive independent research on the subject, the time is right to reflect on scrutiny's role, the expectations made of it and the impact it has. Our submission is divided into two sections.
10. The first section focuses on three key points relating to the Committee's terms of references – issues of culture, values, attitudes and behaviours which we believe are crucial to scrutiny's success. These points are summarised below.
11. The second section looks in more detail at some more technical aspects of the function.
12. **Point 1: Getting buy-in, from across the organisation, to scrutiny's role is not guaranteed. It is however crucial to scrutiny's success. Without vocal buy-in and commitment from the top of a local authority, scrutiny will not succeed.**
13. The extent of the executive commitment to O&S varies significantly from council to council. All Leaders, Cabinets and chief officers (with a few exceptions) talk the talk on scrutiny, but far fewer walk the walk.
14. This is due to many perceptions, which may or may not be correct:
 - they may have engaged and scrutiny has not proved its worth in terms of the quality of its work;
 - scrutiny is seen as inflexible and unresponsive;
 - scrutiny is quite politicised in some councils, and having an open attitude to it is to give away political capital;
 - committees can tend to focus on issues that are not the most important to the leadership, council or residents.
15. Many in leadership feel that scrutiny should "just work" – there is an insufficient understanding of the effort and commitment that leaders have to make to the function to ensure it is effective.
16. This attitude is dominant in the sector that where scrutiny does not work, it is because scrutiny is somehow intrinsically flawed as a concept. These attitudes lead to a tendency to reduce the amount of resource made available to scrutiny to carry out its work.
17. Part of the solution to this challenge is about everyone having a shared understanding of what scrutiny is "for" – what its role is within the authority (and across the area, and in the community). We also consider that making changes to the way that councils select the chairs of scrutiny committees might help, and suggest that councils pilot secret ballots for committee chairships which are held by councillors in political proportion to the composition of the authority, similar to the approach taken in the Commons since the adoption of the Wright Reforms.
18. We will discuss scrutiny's role in more detail in paragraphs 37 - 69. We discuss resourcing in paragraphs 97 - 112.

19. **Point 2: Local government is changing, and scrutiny is having to change with it. For many this reflects a challenge over resources; in fact this challenge is more likely to relate to the need to prioritise more effectively.**
20. The Committee will be aware of the significant changes that local government has undergone in the last few years. The large-scale adoption of different vehicles for delivering services (for example, through commissioning, the establishment of confederations or other formal joint working mechanisms, and the set-up of Teckal companies and other trading bodies) have been a part of this. The pressing, and continuing, financial challenge, is another component.
21. The way that scrutiny works has to change with it. Where scrutiny is given the time, space and resources to understand these developments, and the opportunity to influence them, it can make a real impact – as we showed in our 2015 publication “The change game”.
22. Part of this change involves a more rigorous approach to work programming and prioritisation. This is something with which some scrutiny practitioners have struggled – it is difficult to avoid the sense that a narrower focus will lead to issues “falling between the gaps”.
23. While scrutiny in many councils often seems to focus either on “pre-decision” or “post-decision” scrutiny, we think that a better approach might be to think about scrutiny as having a general, informal oversight over council business – intervening “by exception” where its involvement can specifically make a difference.
24. We will discuss change and transformation in local government, and scrutiny’s part in this, in paragraphs 63 – 69. We talk in more general terms about impact both below and in paragraphs 80 – 94.
25. **Point 3: Scrutiny has had a clear and demonstrable impact in many areas and on many issues, but evaluating impact more consistently on a national basis has proven difficult.**
26. One of the most significant challenges that scrutiny faces is the need to demonstrate that the work it carries out has a defined impact on the lives of local people.
27. There are a large number of examples of scrutiny work where the councils involved, and we, can be fairly confident that the positive impact that followed would not have happened but for scrutiny’s involvement. Often, councillors are able to identify solutions, because of their different perspective as local, elected representatives – that council officers might not. Scrutiny councillors come with a unique credibility and legitimacy to carry out their work, which derives from their status as elected politicians.
28. Scrutiny’s opportunity to look at issues “system-wide” also highlights cross-cutting issues which officers and executive-side councillors – who might work in silos, or who might be focused more on operational issues – may have missed.
29. We have highlighted large numbers of these kinds of pieces of scrutiny work in our annual “Successful scrutiny” publication. However, it is difficult to extrapolate from these examples of good work what makes scrutiny successful, and how this success can be proved and replicated. We will discuss scrutiny’s impact in paragraphs 80 to 94.

- 30. The central theme of our submission is that Government can do some things to help – we would welcome an expansion of scrutiny’s powers – but ultimately making overview and scrutiny work (including making available the right resources) is a matter for local councils. Government has provided the framework – councils now have to make it work. National, sector-led support for this work needs to continue, and be bolstered.**

Suggested recommendations

For councils themselves

- Support for councils to pilot and put in place:
 - Different arrangements for the nomination and appointment of chairs to reflect the council’s political proportionality (paragraphs 130 to 134);
 - Different approaches to the independent assessment and agreement of the resources available for scrutiny’s work (paragraphs 97 to 112);
- Support for governance and scrutiny peer reviews (complementing the LGA’s existing “corporate peer challenge” offer) to allow scrutiny’s effectiveness to be assessed and further improved (paragraph 88);
- Support for a more integrated approach to councillor training and development (paragraphs 141 to 145).

For Government and other national bodies

- Support for further research to attempt to see if models can be developed to meaningfully evaluate scrutiny’s impact, locally and nationally (paragraph 89);
- Removal of the legislation dealing with statutory education co-optees (paragraphs 136 to 140);
- Work with the HE sector to highlight the opportunities for academics to act as technical advisers to scrutiny (paragraphs 136 to 140);
- Simplification of the legislation on overview and scrutiny to give scrutiny powers to follow the “council pound” (paragraphs 146 to 162);
- An increased national focus on accountability at local level – in particular the operation of scrutiny as a “system-wide” function – to recognise the pressures it is under and to put in place the support systems necessary for it to develop and thrive (paragraphs 44 to 50 and 68).

A brief background

31. Scrutiny was introduced into local government further to the Local Government Act 2000 (some councils having piloted it beforehand, and some having operated scrutiny-like systems as part of their governance arrangements over the 1990s).
32. With a few exceptions, all councils were compelled to adopt scrutiny as part of their governance arrangements. The nature of the imposition of this new form of governance made things difficult for scrutiny from the start. We will go on to talk about the importance of organisational culture in this context later in our submission. But as research carried out in the first few years of the last decade found, scrutiny in some councils struggled to find its niche. The Sandford & Snape research of 2004 highlighted this challenge. At the same time, scrutiny in many councils – especially where a commitment was made to resource it well – was highly effective and productive.
33. A trend of gradual increases in scrutiny's powers (accompanied by a range of ever-more-complex legal provisions around those powers' operation) continued throughout the 2000s. However, the general sense that scrutiny was "ineffective" continued – despite the fact that nationally, the second half of the decade saw scrutiny councillors and the officers supporting them growing in confidence in their role and capabilities. First impressions, set in the earlier half of the decade, were difficult to dislodge. John Denham, when Secretary of State for Communities and Local Government in 2009, described scrutiny as "the lion that has failed to roar", and this pejorative judgment (and others like it) have continued to dog the scrutiny function during the 2010s.
34. The change in Government in 2010 brought with it a significant change in tone. The Localism Act 2011 consolidated scrutiny legislation (although without simplifying it, for which we had argued) but no new powers came. While Government was not hostile to overview and scrutiny as an important part of the local democratic landscape, our perception has been that it was indifferent towards it, and did not understand how it functioned in practice at local level. A lack of national attention has been one of the factors that has led to the gradual and sustained diminution of the amount of resources available to support scrutiny in local authorities, to the extent that the last time detailed research on resourcing was carried out (2015) the dedicated officer resource for scrutiny, per council, dropped below 1 FTE for the first time since the early years of the last decade.
35. The Localism Act was helpful in functionally expanding scrutiny's powers to encompass anything "affecting the authority's area or the area's inhabitants", but scrutiny's powers do not fit that role – still reflecting the piecemeal changes made during the 2000s.
36. Since 2010/11, scrutiny has not been high on the agenda of Government, or councils grappling with significant financial challenges. In some authorities, scrutiny struggled to shift its focus from the pre-2010 world of local government to the post-2010 one. We will comment on this in more depth later in our submission. The bulk of our submission deals with the more recent past – the situation in which scrutiny has found itself since the onset of the modern round of austerity in local government.

Part 1: Culture, values and attitudes

Getting buy-in to scrutiny's role

What scrutiny is for

37. When CfPS was established in 2003 one of the first things we did as an organisation was to set out some basic “principles of good scrutiny”. We – and councils around the country – have used these principles as an anchor to understand how scrutiny should work.
38. The principles are that good scrutiny:
 - Provides a constructive “critical friend” challenge;
 - Amplifies the voices and concerns of the public;
 - Is led by independent people who take responsibility for their role;
 - Drives improvement in public services.
39. The question “what is scrutiny for” is a deceptively simple one; in fact, answering it involves unpicking a number of common assumptions about the function and its focus.
40. We often carry out evaluations and reviews of scrutiny with councils; we frequently speak to groups of members about scrutiny, and we always ask this question, or something like it. Answers tend to be quite similar – councillors in particular will often say that scrutiny exists to act as a “check and balance” or to “hold the executive to account”, but when challenged to explore those roles further, they can often find it difficult to do so. Our most recent scrutiny survey saw close to a third of officers and councillors responding saying that the role of the function is unclear or not well understood – our wider work suggests that this figure is an underestimate.
41. We have explored this issue of role for some time – most recently in the context of the changes in the health and social care landscape, and in the context of the establishment of overview and scrutiny arrangements for combined authorities. The complexity of the landscape in both of these areas requires particular clarity on scrutiny’s role. While the areas of focus we highlight below derive primarily from our work in health we consider that has application to scrutiny across the board.
42. Part of understanding the role of scrutiny is about understanding its unique ability to make a difference. In health (but, as we have said above, in other sectors too), scrutiny:
 - takes an independent, system-wide approach to understanding population needs and assessing collaborative actions to meet needs (the “system-wide” approach of scrutiny is something on which we comment on paragraph xx)
 - takes place in public and assures public confidence
 - builds on councillors’ community leadership role
 - builds on arrangements to ‘hold the executive to account’ and to ‘review matters that affect the area’
43. Scrutiny provides a unique forum for:

- straightforward, powerful questions in a complex system
- testing assumptions – what is known/not known by commissioners, providers and communities
- comprehensive local knowledge and insight
- linking up whole system leadership around actions to achieve common goals
- patient-centred, public voice but respecting professional judgement
- embedding action to prevent poor health and maintain people’s independence
- stakeholder and ‘appreciative’ approaches
- applying learning from previous scrutiny activity nationally and locally

Scrutiny’s unique “system-wide” perspective, and scrutiny’s relationship with “external” partners

44. One key opportunity for scrutiny to express a focus in its work is by highlighting its potential to look “system-wide” at issues that cut across the responsibilities of a number of different council departments, other organisations, partners and public service providers.
45. By system-wide, we mean the entire landscape of service delivery at local level – how public bodies work together, and with the voluntary sector and private sector – to make local people’s lives better.
46. While councils have a co-ordinating role for some of this system-wide work, in some areas their input can be peripheral (for example, in some major infrastructure spending). Scrutiny’s power to look at any issue which “affects the area or the area’s inhabitants” gives it a unique legitimacy to examine those cross-cutting issues in a way that no other individual or organisation could. This is undoubtedly a unique role that could be made more of, but scrutiny’s resources (see paragraphs 97 – 113) and the way its powers are framed are holding this back.
47. An adjunct to this “system-wide” perspective is the necessity for scrutiny to engage with organisations other than the council. This too is driven heavily by culture – both the approach that scrutiny takes to engaging with those organisations, and the response that scrutiny receives on making that approach.
48. In this sub-heading for this section we have placed the word “external” in inverted commas – this reflects the fact that it is increasingly difficult to discern the boundary between “internal” council activities and activities involving other partners and agencies. In truth, almost everything that councils do involves working with external bodies, whether that might be a traditional contractor, the NHS, a commissioned provider or some other organisation with which the council has a formal, or informal relationship. Identifying the demarcations in responsibility between councils and these outside bodies can be challenging. Scrutiny’s inconsistent powers in relation to a number of these partners have resulted in some challenges to engagement – as councils continue to transform, these challenges will only increase. We comment on this in more detail in paragraphs 148 – 162, and our recommendation on simplifying scrutiny’s powers in legislation owes much to this conclusion.
49. As might be expected, scrutiny’s relationships with partners is highly variable. Undoubtedly, challenges arise where public bodies consider their accountabilities to lie elsewhere than towards local government. For example, despite the impact that policies enacted by the DWP have at local level, scrutiny functions seeking to engage

with them to speak about the local impacts of (for example) welfare reform have found this very difficult.

50. Even where scrutiny has a formal legal role, relationships can sometimes be difficult. At the moment, many councils are experiencing challenges as they attempt to understand and engage in the development of Sustainability and Transformation Plans (STPs) in the NHS, with scrutiny councillors not having been as central to the process as they should have been.

Scrutiny members leading the role

51. Scrutiny councillors come with a unique credibility and legitimacy to carry out their work, which derives from their status as elected politicians. As politicians, they have a specific connection to the local communities they represent, and should bring that connection to bear as they carry out that work.
52. We are not encouraging members to be parochial. You may receive evidence from some that scrutiny is, indeed, parochial – that it engages too much on operational matters and does not deal properly with strategy. But in trying to compel members to look at “high level” issues, we should be careful that we are not subjecting them to organisational groupthink, or getting them to think and act like council officers.
53. There is instead a link between the local and the strategic. Too infrequently are attempts made – either by members or officers – to develop members to understand how the two link up. However, members’ insight from their local experiences can help to understand the local impact of strategic decisions more keenly. They can challenge officers’ assumptions about that impact based on their knowledge of their residents.
54. This different perspective is what gives scrutiny much of its value.
55. “Member-led” also means that members in many councils will need to prepare to be more self-servicing in future – carrying out more of their own research and taking responsibility for more of the day to day business of the function, as their support officers become more stretched. We will explore this in more detail in the section on resourcing, beginning at paragraph 97.

Securing buy-in to scrutiny’s role

56. In some councils it has proven very difficult to secure executive-side commitment to overview and scrutiny. In our most recent scrutiny survey, 21% of respondents thought that their council’s organisational culture with respect to scrutiny was “broadly negative” – 4% thought it was “highly negative”.
57. This is not scrutiny councillors’ fault. It is not officers’ fault either, or the fault of the executive. It is a collective failure, an inability to develop a collective sense of what scrutiny’s function is in each council – and it may and should be different, from authority to authority.
58. Some of this comes down to the attitude of the executive. Where a council’s executive is unwilling to engage in a discuss about scrutiny’s focus – to make a commitment to finding and supporting its niche in the organisation’s governance arrangements – scrutiny’s effectiveness will be adversely affected.
59. This engagement and support involves more than being able to talk positively about scrutiny (although there are many Leaders and chief executives who have been

- unable to do even that, and the fact that scrutiny generally fails in those authorities is used by such people as a justification of their opinion, rather than being directly caused by their attitude). It also involves making practical commitments to openness and to accountability which – while they may make life less convenient for the executive – improves the quality and effectiveness of decision-making.
60. It is surprising what a dramatic difference a positive and accepting culture is in a council. A council that welcomes questions and challenge is one that is ready and willing to learn. A council that places councillors at the centre of that process, in a public forum, is one that is confident, mature and reflective. It is also one that is more likely to see scrutiny as a partner in developing that positive approach to culture change.
 61. Such councils recognise that there may be short term political disadvantages to this approach, but that in the longer term the benefits are greater – from the point of view both of culture, and the quality of decision-making. Scrutiny can therefore be a partner in improving corporate culture.
 62. For council leaderships, this cultural commitment will often derive from a clear sense of scrutiny's function and role, which is shared with scrutiny members. Therefore, where scrutiny members have not sat down and discussed with each other what scrutiny is for, the impact of their work is likely to be lessened. Likewise, where scrutiny members' have a different expectation of what scrutiny involves to the expectations of senior officers and Cabinet members, the opportunity for tension and disagreement is significantly increased.
 63. In our research "The change game", we speculated on the role that scrutiny might play in tackling issues of major change and transformation. Given the extremely broad scope and complexity of many such "transformation" projects, we thought it would make sense for scrutiny to choose a focus for its work. This is a principle which we now think goes beyond transformation, and has implications for how scrutiny conducts its work more generally.
 64. For the majority of councils, this would involve a substantial shift in mindset – away from scrutiny as a place for general policy discussion and information sharing and towards a more forensic, directed function. A number of authorities have already started having these more fundamental conversations, but in others, a lack of resource and capacity makes such horizon-scanning difficult. Scrutiny needs to have the space to take stock, to re-evaluate its purpose and to be hard-headed about its focus and impact in a supportive environment (something to which we return when we talk about organisational culture).
 65. We think that although the principle of the need for focus is one that has nationwide application, what that focus should actually be and how it expresses itself on the ground needs to be an issue for local authorities to decide.
 66. The idea that scrutiny should focus in this way is a challenging one. Members to whom we have spoken about this approach have talked of their worry that things would fall between the gaps if they tried to work this way. They have also been dubious about their ability to keep to this more regimented approach, and worried that a scrutiny function demarcated in this way would be unreasonably fettering itself, reducing its value and utility to local people.
 67. In an ideal world, scrutiny would be able to range about, looking at issues that interested it, and would have the resource and support to do so. This in fact reflects

how scrutiny worked in many councils during the 2000s – and scrutiny was not the worse for it at the time. Now, however, the challenge of resourcing demands a very different approach, for two reasons:

- Increasingly, scrutiny will need to demonstrate its own return on investment – the impact that it has at local level. Accountability for the sake of accountability is important, but in an environment where councils are having to make increasingly difficult judgments about how they spend their resources, scrutiny has to prove its worth;
 - Connected to this, scrutiny has to work within an increasingly constrained resource envelope. Taking a broadbrush view across council services is increasingly unfeasible. The approach we have outlined potentially allows scrutiny to operate within that envelope in a way that still makes sure that it is doing valuable work that makes an impact.
68. Other changes, mainly since 2010, give further credence to the need for scrutiny's work to be more focus. The demise of the Audit Commission, and the more recent growth in the scope and scale of inspections of councils by Ofsted and the Care Quality Commission, suggest that scrutiny should present itself as an integral part of the local performance management systems of councils – giving assurance to the authority and to regulators about the effectiveness of local service delivery.
69. These issues and opportunities pose their own questions about scrutiny's resourcing – and about organisations' cultural understanding about the need to give scrutiny the support to operate properly. It also raises questions of how scrutiny's impact can be demonstrated. We will address these issues in paragraphs xx to xx.

More effective prioritisation

70. From meaningful discussion and agreement about scrutiny's role will naturally come a clearer sense about how its work should be prioritised. Most councils seek to plan their work through the use of a work programme. Work programmes vary significantly from council to council. Some councillors give themselves significant latitude to select topics that interest them, without thinking too much about the potential impact of that work. In our most recent scrutiny survey, 18% of respondents stated that their work programmes were "chaotic and unclear"; this picture of a subset of authorities struggling to manage their work programmes reflects findings from previous surveys.
71. Some councils take a more forensic approach, using a set of criteria to decide what issues should be placed on scrutiny's agenda. These criteria will be defined by two things – a sense of scrutiny's role (which, as we have noted, may in some councils be indistinct), and a need to demonstrate the impact of whatever work is carried out (a point with which we will deal in the next section – paragraphs 80 - 94). Likely impact will, in particular, be a driving force behind good scrutiny work.
72. A poor sense of the need to prioritise, and the actual meaning of the word "prioritisation", is both a symptom and cause of ineffective scrutiny. Meaningful prioritisation is evidence-based – it is informed by a good understanding of how a given issue presents itself at local level.
73. Members can and should apply their own analysis and critical thinking – informed by their role as elected representatives – to this. We would not suggest that work programming should be a mechanistic process. However, it does require self-criticism

and a sense of challenge of the scrutiny function by the scrutiny function. Too often, work programming does not incorporate these behaviours and attitudes.

74. We understand how difficult making these judgments can be – deciding what is, and what is not, sufficient important or serious for scrutiny to look into. But if members have a good enough understanding of where local issues lie, the risks of things “falling between the cracks” is lessened, and scrutiny can have more confidence that it is focusing on the right issues, in the right way, at the right time – maximising the use of its limited resources.
75. We comment in more detail on members’ access to and use of information (to support the work programming role, and more generally) in paragraph xx to xx.

The difference between “pre-decision” and “post-decision” scrutiny

76. Work programming and prioritisation involves making a judgment about whether scrutiny should seek to influence a decision before it is made, or whether it should offer post-hoc scrutiny of the implementation of decisions and subsequent performance.
77. The term “pre-decision” in particular deserves explanation, because it can be used to describe two very different things:
1. Scrutiny of a Cabinet decision shortly before it is due to be made. Such scrutiny focuses on the Forward Plan of Cabinet key decisions, and will usually occur two or three weeks before the relevant Cabinet meeting takes place. A number of councils carry out this kind of scrutiny. On balance we do not consider that it is especially effective. By the time scrutiny comes to the topic, Cabinet will have politically committed to the decision, and officers will have put the structures and funding in place to deliver it. It will usually be too late to have any substantive influence. Such scrutiny could end up duplicating similar member discussions happening at Group meetings – although it could complement this more overtly political dimension of decision-making;
 2. Scrutiny of an issue that will be the subject of a Cabinet decision in a number of months time, but which is still under development. This kind of scrutiny might happen six, nine or twelve months before a decision is due to be made. At this point, the opportunity to influence the decision will be greater, but the political risk for the executive in opening up contentious issues in this way may be unattractive.
78. This reflects back on scrutiny’s role – if scrutiny’s role focuses on the contributions it might make to policy development, it is natural that the second form of pre-decision scrutiny will how it carries out this role on a functional level.
79. Councils will usually need to do both pre- and post-decision scrutiny in some way, reflecting the fact that decisions and policies are made on a cyclical basis.

The need to demonstrate impact

80. Scrutiny functions are finding it increasingly important to demonstrate the impact of their work. There is an increasing sense (demonstrated through worsening responses to questions on this topic in our annual scrutiny survey) that scrutiny practitioners has very little impact; 11% now think this, as opposed to only 2.5% in 2015). It is no longer enough (if it ever was) to say that the justification in carrying out scrutiny lies purely in the act of scrutiny itself – although as we suggested in paragraphs 56 - 69

- (on organisational culture) it could be that scrutiny's impact on culture – something which is very difficult to measure – could be one of its greatest impacts.
81. We carried out an annual survey of overview and scrutiny in local government between 2003 and 2015. We used this to consistently attempt to develop measures to demonstrate scrutiny's impact.
 82. Initially we attempted to look at the percentage of recommendations made to councils' Cabinets which were accepted and then implemented. This is moderately useful as a measure, but does not take account of the relative complexity and challenge of specific recommendations. We attempted to refine this measure, by placing it alongside two other metrics – survey respondents' own subjective perceptions of the value of scrutiny, and their perceptions of the value that the council's executive placed on scrutiny.
 83. These figures gave us a more nuanced understanding of value, impact and where it came from, but in truth it was still far from telling us the full story.
 84. Despite these challenges, we have been able to consistently point to examples – from across the country – of scrutiny committees commissioning and delivering excellent, transformative work. In 2008 we began an annual process to recognise excellent scrutiny – the “Good Scrutiny Awards”. Over the course of the subsequent seven years (we awarded the last set of awards in 2015) we were able to bring to national attention work which genuinely changed lives and made profound changes to local communities – bringing about change that would not have happened but for scrutiny's involvement. We are aware of far more examples of excellent, high quality work delivering positive changes – and trust that those who have carried it out recently will submit their evidence to you separately.
 85. It is easy to dismiss such work as anecdotal – that it is of little evidential value because we do not know how widespread such examples are. Do we celebrate these pieces of work because they are outliers? We have no way of proving or disproving this challenge. But our own subjective experience with councils up and down the country suggests that good practice remains widespread – despite the challenge that tightening resources place on scrutiny's work.
 86. This problem of proof of impact is a problem which, we know, Parliamentary Select Committees have also grappled. In recent years two major pieces of academic research – by the UCL Constitution Unit and the Institute for Government – have sought to address these issues by studying Select Committees and their work.
 87. We have already pointed the way to opportunities for scrutiny to be more forensic about reflecting, locally, on the impact that their work will bring about. We carried out major research in 2012/13 on the use of “social return on investment” methodologies to review and evaluate the impact of scrutiny in the specific context of tackling health inequalities – further research in 2016 sought to expand this to a wider range of council services. We think that councils could make more use of these kinds of methodologies.
 88. We also know that scrutiny functions are willing to review and evaluate their own performance in a more general sense – to think about how they work. The LGA offers a scrutiny peer review process, and we at CfPS are in the process of finalising a scrutiny “self- evaluation framework” to help councils to review themselves their own effectiveness. We would be keen to see more councils carrying out this kind of evaluation and review, with the support of their peers.

89. Despite this sector-led work, on balance, we think that there may be some value in more research being carried out – mirroring that carried out in relation to Select Committees – to dig into issues of scrutiny’s impact and influence nationwide. However, such research would be a daunting prospect for a number of reasons:
- The number of authorities in England alone;
 - The fact that scrutiny – its role, purpose and function – will be different in every one;
 - The fact that so much of scrutiny’s success is down to organisational culture, there being a collective responsibility to make scrutiny work;
 - The general difficulty of proving causation between scrutiny activity and impact on the ground.
90. Despite this it is worth bearing in mind that the last major piece of independent research on overview and scrutiny was carried out in 2004. We hope that the Committee agree that such research is necessary, and that together with other partners we can think of a way to fund it and carry it out.

Impact and work at committee

91. Work carried out in scrutiny committees themselves can be the most high profile work that scrutiny does – these are after all public meetings, often looking at contentious and controversial issues. High profiles examples of poorly-run committee meetings have been cited in some councils as examples that scrutiny isn’t working effectively.
92. Well-run committees are often as much about the planning for that meeting than what happens in the room itself. Even with the most able councillors, a poorly planned meeting will deliver poor results (and has implications for our comments on resourcing at paragraph 97).
93. Some councils convene meetings which can frequently be formless and directionless, and which struggle to reach a conclusion. Committees can be overburdened with multiple items, many of them lengthy officer reports “to note”. All of this can lead to members being disengaged.
94. Where committee meetings work poorly, it tends to reflect poor planning and a lack of member leadership – and the use of scrutiny by officers as a tick-box exercise rather than as a forum for genuine discussion. We have sensed a upswing in the extent to which scrutiny committees are used by officers as a “clearing house” for information that they think members ought to see, so that they can claim that non-executive members have been engaged and involved in a particular issue. This is often done with the best of intentions, but with a lack of specialist, dedicated officer support for scrutiny, there are fewer people working in local government to guard and counsel against this approach.

Part 2: Scrutiny's ways of working

95. This section explores some of the more technical, functional aspects of how scrutiny works. It makes the assumption that the Committee will have been made aware of the “standard” building blocks that underpin the scrutiny process – the transaction of business in committee, the commissioning and reporting of task and finish groups, the preparation and delivery of an annual work programme, and so on.
96. This section focuses on the following issues:
- Resourcing;
 - Scrutiny's access to and use of information;
 - The composition and chairing of committees (including co-option and members' skills);
 - The impact of party politics;
 - Involving the public;
 - Scrutiny's legal powers;
 - Committee structures;
 - Reflections on scrutiny in combined authorities.

Resourcing

97. The resourcing situation for scrutiny has been poor for some years.
98. This is mainly because scrutiny relies on the council's executive for its resourcing, and officers supporting the scrutiny function sit within the council's corporate hierarchy. When the council's executive can decide to cut scrutiny's resource on its own, there is the potential for scrutiny to become more compliant, less challenging, as a consequence.
99. It has therefore surprised us that we have seen little sign of this happened, at least overtly. That said, the present risk and uncertainty over the future resourcing position for the function is a cause for concern.
100. There are now significantly fewer “dedicated” scrutiny officers employed by English councils. In 2015 this dropped below one full time equivalent officer post providing policy support to scrutiny per council. In many councils, there might be only 0.2 or 0.3 FTE to carry out this role – or nothing at all. (We would describe a “dedicated” scrutiny officer as one whose sole duties involve providing policy advice to scrutiny councillors.)
101. Increasingly, the duties of scrutiny officers are being shared with those of democratic services officers (DSOs). Such officers will have responsibility for providing policy advice to councillors alongside duties relating to the proper management of council committees. Inevitably, in such jobs committee management ends up taking precedence – it is a statutory duty, and the administration of committee meetings in line with the Local Government Act 1972 will take precedence.
102. This is particularly the case where officers are also expected, as part of a flexible management approach, to clerk planning, licensing and other formal meetings as required.

103. The extent to which officers working under these conditions can become “stretched” is obvious.
104. In our experience, teams of twin-hatters can provide effective support to an overview and scrutiny function – but this is generally easier when those teams are managed by somebody with a scrutiny background, and/or a passion and commitment for the function and its value to the authority. Without this, the “less necessary” policy support to members can be crowded out. We would be very interested to see the extent to which it is reflected by evidence submitted to the Committee.
105. A similar problem exists where officers double-hat between scrutiny support functions, and corporate policy and performance functions. Here, the skillset between these two roles is more obviously aligned, but the opportunity for conflicts of interest are naturally more significant. Again, to draw a comparison to the situation operating in Parliament, it would be as if Clerks of Committees were also responsible for writing briefs and submissions to Ministers in the Department their Committee is scrutinising.
106. Ultimately, decisions on resourcing sit with individual councils. We have attempted to engage in a more targeted way with local authority leaders to persuade them of the benefits of good scrutiny. This is about building a local understanding of scrutiny’s value and worth. If councils wish to develop and maintain effective scrutiny functions into the future, they will need to put in place the resource to make that happen.
107. We believe that there is a “tipping point” on resourcing, beyond which effective scrutiny becomes impossible – this will be different for different councils. Where only a fraction of an officer post is devoted to scrutiny support, and/or where very junior officers with little management support and assistance are given these support duties, scrutiny will fail to have impact. This will have consequences of the type we raised above in paragraph 69, and 80 - 94.

Possible solutions on funding and resource

108. There are a range of possible solutions to the resourcing conundrum which seem to us to be feasible.
 - Establish an independent institution, separate from the council, which would take on the council’s democratic functions, possibly including elections. Such an institution might be funded through precept, giving it direct financial independence. This is an option we explored when, in 2014 and 2015, we developed the idea of “local Public Accounts Committees”, bodies which would have had the power to look at public spend across an entire locality. While this approach is technically feasible, we recognise that (depending on the funding mechanism) it would require legislation to make happen, and we are not sure that the political will exists to make this happen. We continue, however, to be prepared to argue for it.
 - Empower the scrutiny function (Chairs of committees acting together, for example) to present a submission to the executive on their funding as part of the budget planning process – possibly in October or November – as a formal scrutiny recommendation. This would be a submission for total support to the function – officer resource and any additional research budget – from which scrutiny members could effectively “buy in” support and time from council officers or externally. On the officer side, this activity would be supported by the statutory scrutiny officer. This would provoke debates about funding in public and would also enhance a sense of accountability from Chairs to the whole council for the

way that scrutiny was transacted; it would also make the gradual depletion of officer resources through twin-hatting easier to arrest.

- Mirror the situation in Wales, where democratic functions are given more distinct independence by being overseen by a member-level Democratic Services Committee; on the officer side, a statutory Head of Democratic Services assures the independence of the function, in a somewhat beefed-up version of the statutory scrutiny officer. However, mandating the presence of certain committees and other structures in a council cannot, of itself, lead to more effective scrutiny.

109. There are two other solutions which strikes us as less feasible and realistic.
110. The first would be that councils should be mandated to ringfence a certain amount of resource in their budget to support the scrutiny function.
111. The second would be that Government would make available a separate grant which would itself be ringfenced for this purpose (similar to the grant that the Home Office have made available for the operation of Police and Crime Panels).
112. In our view while both of these solutions are superficially attractive, neither addresses the cultural issues we identified earlier in this submission, and both work explicitly against localism, as the principle that local authorities should have the freedom to determine their governance systems within the broad framework that Government has set out. We would be keen to see a range of the possible resourcing options highlighted above trialled and piloted by councils – where possible with Government support – to put in place a more sustainable funding model for scrutiny.

Scrutiny's access to and use of information

113. The way that different scrutiny functions access and use information can be idiosyncratic. Many councils have no consistent way of understanding what information councillors need to know about, and see, in order to carry out their scrutiny role effectively. For councillors, the challenge is more significant – they “don't know what they don't know” – leading to the risk of their being blindsided by unexpected issues.
114. This is not an issue of councillors having information deliberately kept from them. Examples of this happening are extremely rare. It is more an issue of officers not fully appreciating members' role on scrutiny, and how information needs to be directed in order to support that role.
115. Information can often be shared in a scattergun way. Reports can be tabled at committee meetings “to note”, or to provide members with “updates” on issues. Officers can be given the opportunity, at committee, to make lengthy presentations on issues where members have requested information. These practices reflect a continued tendency in the sector for scrutiny to rely exclusively on reports from council officers to support their work. Subconsciously, without clear and unambiguous guidance on members' expectations, officers will frame their contributions around their subjective sense about what members might need to know.
116. The practice of providing performance reports, and sometimes detailed finance reports, to scrutiny committees without any sense of priority or consistency is something on which we commented in paragraph xx.

117. Several things could enhance the way that members access and use information:
- Expansion of the general rights of access to information to include other public sector bodies / bodies funded by taxation – following the “council pound”;
 - More consistency in the way that information is shared by councillors through “informal” means, allowing more time and space at committee meetings to engage in actual scrutiny, rather than information-sharing (something which would need to be developed on a council-by-council basis);
 - Better use of triangulation by scrutiny. Information can be drawn from sources other than the council to give members insight into a given issue. This allows the accuracy of the council’s own information to be tested, and better understood by councillors. Again, this would need to be carried out on a council-by-council basis.

The impact of party politics

118. We have seen it written and heard it said that scrutiny is “no place for politics”. Scrutiny is meant to be impartial and apolitical; scrutiny chairs to whom we speak will often say that, in their committees, an outside observer would not be able to tell which councillor was from which political party.
119. We support the idea of scrutiny being impartial, of being driven by evidence and outcomes, not politics. But the two cannot always easily be demarcated. Contentious local issues – the kind of issues that scrutiny will want to look it – will, by definition, be political. We are always conscious that, in talking about the need for scrutiny, and scrutiny councillors, to be “apolitical”, we could be seen to be subconsciously disparaging their political skills.
120. This is an important issue. Councillors’ political skills are what give scrutiny its unique value. Members have a particular perspective, having been elected, which can be brought to bear in how they scrutinise the council, and the way it tackles the needs and issues of local people.
121. So, the issue is more nuanced than saying that “politics at scrutiny is bad”. It is more difficult than that. Overt party politics is probably bad – scrutiny is an important forum for cross-party discussion, and the more it is used for “opposition for the sake of opposition”, the less value it can bring. But it is one of a number of political safety valves for the authority, and should be seen in that way. Political discussions amongst politicians is to be expected.
122. The question remains as to how consistent and overt party political influence at scrutiny can be minimised. Usually this is expressed in terms of the use of the whip (often euphemistically referred to as “political management”).
123. In councils – and particularly in scrutiny committees – use of the whip can be subtle – reflecting the fact that in those forums, votes are unusual. Attempts may be made to lean on individuals not to ask questions about certain issues; the argument can be made that it is better to bring up and talk through controversial issues in Group, rather than in public and at scrutiny (particularly the case for majority parties). Under these circumstances – where influence is covert, and based on personal relationships – it is much more difficult to say that the whip has been applied.
124. For this reason we are dubious of suggestions that seek to “manage out” politics through structural mechanisms (like banning the whip). In truth, these difficulties are symptoms of a negative political culture, which needs to be tackled and combatted in

a different way. We do believe that some things – such as internal elections for committee chairs – could help to contribute to a more independent-minded, and less partisan, approach to scrutiny, and we comment on that at paragraph 130 - 134. We commented more generally on culture – political and organisation – in paragraph 56 to 69.

Involving the public

125. In carrying out its work, scrutiny will often want and need to directly involve the public.
126. Councillors are particularly adept at understanding and engaging with the public's concerns, but the success of scrutiny as an institution in being able to engage consistently and effectively with the public is more variable.
127. Part of the challenge lies in thinking that the task is to engage the public with the concept of scrutiny itself; practitioners have found this difficult to do. Practitioners have found it easier to engage the public on specific issues, rather than focusing on scrutiny's formal functions within the council. Scrutiny has found itself able to conduct work with local people that leads to findings that challenge the status quo – the public voice that scrutiny can help to articulate can prove powerful. Some councils have used co-optees (see paragraphs xxx) as a way to bring local people into the scrutiny process itself, rather than just hearing their views as witnesses.
128. There is no single way for scrutiny to involve the public, but holding public meetings or workshops is a common method. Such methods do require additional officer support and resourcing, and could be threatened as resourcing declines. We are worried that this will see scrutiny retreating into the town hall in many places, becoming cut off from the communities that councillors represent.
129. Scrutiny's ability to be "outward facing" has been hindered, in some councils, by a controlling approach to "messaging" by the authority's internal communications function. While reports of this have softened in recent years, we are aware of instances where the scrutiny function was in effect prohibited from engaging with the public without the express approval and support of the communications function. In many instances this was due to a misunderstanding of scrutiny and its role at officer level, and/or political disagreements that spilled over into the operation of scrutiny itself. The advent of social media has made such injunctions much more difficult to enforce.

Composition and chairing of committees, and members' skills

Nomination and appointment of chairs

130. Legally, the Chairing and membership of overview and scrutiny committees is a matter for a council's Annual General Meeting in May. Practically, Chairing in particular is entirely at the discretion of the majority party.
131. Majority parties can, if they wish, reverse all committee chairships (and vice-chairships) to themselves. When we last conducted detailed research on this in 2015, this was the case in about 50% of councils. More recently, our 2016/17 survey suggests that around 20% of councils allocate chairships politically proportionately – although the figure is higher for councils under no overall control.

132. As on other issues, we believe strongly in leaving these matters to local determination, but the practice of reserving all positions of responsibility to the majority party is something which usually happens by default, and can harm perceptions of scrutiny's credibility and impartiality.
133. Some political parties (Labour in particular) hold internal elections for positions on councils, and it may be that councils could be encouraged to expand on this process, holding a secret ballot on chairships in much the same way as has been the case for Departmental Select Committees since 2010. We think that such a process would encourage those seeking nomination and election as chairs to set out clearly how they would carry out their role; it would also mean that they would be held to account by their peers on their ability to do so. The legitimacy and credibility that would come from this election could also embolden chairs to act more independently (although we should stress that as things stand – as we have already noted – committee chairs do tend to be comparatively independent-minded).
134. We would like to see the Committee recommend that councils move to a position where committee chairs are chosen by secret ballot, following a similar system to that introduced in the Commons following the Wright Reforms; we would not want this to be mandated by Government however. We would prefer that councils pilot and trial this approach, and that we work with them to understand the effect it has on scrutiny's independence and effectiveness, with a view to the practice being taken up more widely.

Selection of other committee members from the councillor corps

135. Currently, the selection of committee members from within the councillor corps is managed by Groups; in practice, along with other committee responsibilities, party whips make this decision (although this may differ from council to council and party to party). We comment elsewhere on the whip, and party politics. In practice we don't consider that much evidence exists to support the view that committee membership should also be covered by a secret ballot of all members; this might be ideal but we expect it would be logistically complex. We would be keen to see this assumption tested, however, by a council or councils who might be willing to try out a different approach to this issue.

Appointment of co-optees and expert specialist or technical advisers

136. There are two ways for co-optees to be appointed.
- As a result of statutory requirements. The Education Act 1996 (and associated legislation) provides for as many as five statutory co-optees to sit on committees whose responsibilities cover local education matters. As councils' direct education responsibilities have lessened, the logic of retaining statutory education co-optees has also lessened. Similarly, as councils have reduced the number of their committees and expanded their terms of reference, statutory education co-optees have found themselves on committees which may very infrequently deal with education issues; they often play full and active roles on those committees commenting and discussing issues beyond education, but this raises the question of their legitimacy in doing so. Statutory education co-optees (and co-optees in general, as we comment in paragraph 138 below) have played an important role on committees as individuals, but the compulsion on local authorities to appoint them irrespective of local need is an unnecessary prescription. We would like to see it removed.

- Further to a local “co-option scheme”. Councils must agree such a scheme if they wish to co-opt non-councillors to sit on a committee. Bringing in outside voices to take an equal part in discussions can be an extremely powerful way for scrutiny to work – particularly if that means bringing in voices which might be marginalised or otherwise overlooked.
137. While we think councils should explore the opportunities that co-option makes available to make scrutiny more effectively, we think that the compulsion to have statutory co-optees on education committees should be removed.
138. Co-option – either onto a committee or a task and finish group – can be a useful way for a group of members to bring in subject expertise, or a particular point of view. The appointment of technical advisers can also help with this. The position of such advisers will be different – rather than being members of a group or panel, they are appointed to suggest and advise. This gives them no formal role in decision-making on (for example) scrutiny recommendations, but still regularises their involvement.
139. We have found that councils often do not know where to start with such arrangements – finding appropriate co-optees can be difficult for what is a low-profile council function which may be poorly understood at local level. The time commitment required may also be thought to be significant.
140. We think that, as a first step, more could be done with the HE sector (whose academics might benefit, through the Research Evaluation Framework) from engagement and involvement in local political and civic life. Technical advisers from academia will be able to provide councillors with useful context and background on many local issues.

Composition, engagement and members’ skills

141. How committees are composed has effects on, and is affected by, members’ skills to carry out their scrutiny work.
142. Committee members should be able to work together effectively as a team. They should be composed with their individual and collective skills in mind to maximise the benefits that councillors’ unique perspectives can bring.
143. Of course, in a political environment, the choice of who sits on which committee is rarely so focused on these aspects of team-building. For this, and other, reasons, a focus on member development to build a collegiate sense of purpose and ambition is crucial. Where committees work together poorly as teams – because of differences in personality or politics – or where a chair is a poor leader – members can quickly become disengaged from the scrutiny process.
144. Developing members’ skills involves training and development. Most councils take member development seriously but focus on the legal requirements and functional duties of members’ roles. This is again a matter of resourcing, but there is a strong case for integrating member development with scrutiny’s substantive work, rather than as an extra, carried out in a training room. Scrutiny reviews and committee sessions offer opportunities for experimenting with different approaches, learning about new ways of doing things and enhancing skills on – for example – the analysis of data and information (reflecting on the comments we made about members access and use of information in paragraphs 113 - 117).

145. We think that councils' member development plans should take more advantage of these opportunities, and should move away from "traditional" training sessions for members, which can be more resource intensive, can risk only engaging with members who are already interested and engaged, and which have more of a limited impact unless they are planned and delivered carefully.

Scrutiny's legal powers (including the power to summon witnesses)

146. As we noted earlier in this submission, the legal powers for scrutiny have been slowly accumulating since 2000.
147. Scrutiny is not toothless – its statutory powers over certain partners may be limited, but councillors and the officers who support them have proved themselves adept in being able to influence and engage with a range of other organisations delivering services to local people.
148. That said, scrutiny has unquestionably had more success and influence in those areas where it holds statutory powers – local government of course, but also health, community safety and in respect of other named partners such as the Environment Agency.
149. Here, scrutiny's formal powers give it a "foot in the door" – a reason, legitimate to an outside observer, to justify their involvement and the basis upon which to have a discussion. Scrutiny has had success in areas where it holds more formal powers – bus companies, for example – but often this is more a testament to the dogged persistence and relational skills of councillors than scrutiny's formal powers.
150. We would therefore like to see these powers balanced across the whole local public service landscape. We would like to see the law changed and consolidated, to reflect the realities that local authorities now face – particularly the fact that much council business is now transacted in partnership.
151. We would like to see an approach which uses the "council pound" as the starting point for where scrutiny may intervene – that is to say, that scrutiny would have power and responsibilities to oversee taxpayer-funded services where those services are funded, wholly or in part, by local authorities.
152. The words "council pound" are a convenient shorthand – members' involvement in scrutinising this spending would be about reflecting the fact that councils and their partners are individually and collectively spending money most of which ultimately derives from taxation of some kind, and along with other partners (like the National Audit Office) scrutiny should have a role in overseeing that spending.
153. This means that scrutiny would have powers in relation to:
- Council contractors (currently, accountability to scrutiny has to be written in to contracts);
 - Organisations with whom the council works together in partnership (and where the council expends funds on those partnerships);
 - Organisations with whom the council commissions jointly;
 - Organisations to whom the council commissions services, individually or jointly;
 - Organisations to whom the council makes grants or enters into service-level agreements.

154. This is not an exhaustive list, but it provides an indication of the kind of organisation about whom we are talking. Importantly, this moves us away from a list of named organisations, set out nationally, to a changing range of local organisations, whose accountability is defined by their use of locally-raised public funds. It reflects the more ambitious idea we posed before the 2015 General Election, that “local Public Accounts Committees” might be created that would look at the totality of public spend in a given local area. This is a more conservative suggestion.
155. In our view, scrutiny’s powers would allow them – in relation to those organisations:
- To access information and data held by them (including information which might otherwise be covered by principles of commercial confidentiality);
 - To require attendance at committee meetings to answer questions (on which we comment in more detail below);
 - To respond to recommendations.
156. This would be framed by scrutiny’s pre-existing power to look at any issue “affecting the area or the area’s inhabitants” (and the powers above would need to be exercised in line with this).
157. The right to access information and data would be a right of access, not necessarily publication.
158. While this powers may seem expansive, they represent:
- A significant simplification on the current complex patchwork of differing powers and responsibilities;
 - A reflection of the reality on the ground, that local services are complex and multifaceted, and involve a range of partners, and that in order to understand how local people are affected by those services, members need to be able to follow and understand them irrespective of organisational boundaries.
159. Existing accountability mechanisms already exist for a great deal of local business – the critical difference is that such mechanisms are inevitably private in nature. The public nature of formal scrutiny committee meetings makes them the ideal long-stop to ensure that public money is being spent efficiently and wisely across a local area.

The power to summon witnesses

160. As the Committee has specifically asked for evidence on this issue, we would like to explain our suggestions above in more detail in this context.
161. We think it is important that scrutiny holds powers to summon witnesses whose work involves them spending the “council pound”, as we have described it. We would not expect that scrutiny would become reliant on these powers, or that scrutiny’s initial interaction with any organisation would involve “summoning” of this nature. Like all of these powers, it would provide a useful backstop – something to be used rarely, if ever.
162. Encouraging potential witnesses to attend is often about understanding their motivations, and working to ensure that those witnesses understand scrutiny’s motivations as well. Representatives of partner organisations can initially be reticent.

Committee structures

163. Research we carried out annually between 2003 and 2015 discerned no link between committee structures and scrutiny's effectiveness. We understand the various arguments made in favour of a model that support multiple scrutiny committees – equally, we understand the logic in having just one. There is in the sector a preoccupation with committee structures – they offer an important tool to embed positive behaviours and attitudes, but a different structure cannot by itself make scrutiny better, and there is no “optimum” structure guaranteed to bring about success.
164. We comment below (paragraph xx) on improving and evaluating scrutiny. In this context, when councils carry out their own evaluations, they tend to focus overwhelmingly on scrutiny's structures – including the terms of reference of committees – while not engaging with the broader cultural issues we highlighted earlier.

Scrutiny in combined authorities

165. The Committee has specifically asked for information relating to the operation of scrutiny under devolution deals, and in combined authorities.
166. The cultural issues we raised in the first section of this report apply equally to combined authorities. If anything, issues around role, impact and prioritisation are more keenly felt. The constituent authorities of CAs are keen to ensure that CAs are not seen as an additional tier of government, and as such scrutiny will also need to look and feel “light touch”.
167. The logistical challenges associated with convening CA meetings (particularly given that they require a quorum of two thirds of members to be present) mean that scrutiny's time at CA level will need to be extremely well used.
168. CA scrutiny is comparatively new. The only areas that have been undertaking scrutiny at this level for any significant length of time are Greater Manchester and the North East, and extrapolating from their experience is dangerous, given that devolution by its very nature will be different in every area. It is probably too early to draw any definitive conclusions about the operation of CA scrutiny in any given area, or nationally, yet – the situation is likely to become much clearer after the Mayoral elections in May.
169. On the basis of our research so far, and having spoken to members and officers from all areas undertaken Mayoral elections in May 2017, there are, however, some general principles that will inform overview and scrutiny at combined authority level:
- The importance of relationships – in particular, the relationship between the Mayor, the CA and scrutiny;
 - The need for scrutiny to be driven by the content of the deal, and the priorities of the CA;
 - The need for scrutiny to be “strategic” (and a practical understanding of what “strategic” means in this context);
 - In combination with the above, close links with the operation of scrutiny at local authority level;
 - A mix of proactive and reactive approaches to scrutiny – although it is likely that proactive approaches to policy development will be more productive.

170. CA scrutiny will need to be driven by a spirit of experimentation, certainly in its first year. It will be difficult for practitioners to plan too much in advance of the Mayoral elections in May – much of scrutiny’s role will be defined through conversations between scrutiny and the Mayor, and the CA, as these key partners work together to understand how their relationships will develop.