



Westminster Scrutiny Commission

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Report of:	Member Services Manager
Wards Involved:	All
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1. Summary

- 1.1 At the last meeting of the Westminster Scrutiny Commission on the 9th November 2011, the commission tasked officers with developing alternative options for the delivery of policy and scrutiny. The following report is a paper which presents a series of suggestions upon the organisation and operation of the scrutiny function at the authority.
- 1.2 The paper's suggestions for change focus upon the Centre for Public Scrutiny's four areas of 'good public scrutiny' which are:
 - Constructive 'critical friend' challenge;
 - Amplifying the voices and concerns of the public;
 - Responsibility and independence; and
 - Driving improvement in public services.

A series of sixteen suggestions are made, which directly relate to good practice across Westminster Policy and Scrutiny Committees.

2. Recommendation

- 2.1 That the Westminster Scrutiny Commission considers the suggestions made within the report and identifies those measures it considers most appropriate to improve the delivery of policy and scrutiny.



City of Westminster

Enhancing the Effectiveness of Policy & Scrutiny

**A report of the Westminster
Scrutiny Commission**

Summary of suggestions

Practical measures to create successful impact in P&S

1. P&S reviews and investigations could outline key recommendations and evaluation of success should be on the basis of **how exactly those recommendations improved public services or alleviated the problem addressed**.
2. P&S committees could take advantage of changes in legislation which allows committees to request formal, publishable responses from **cabinet** to committee recommendations, with satisfactory and meaningful explanations as to the reasons why recommendations have been either accepted or rejected and whether (and when) recommendations will be implemented.
3. P&S committees could take advantage of changes in legislation which allow committees to request formal, publishable responses from **partners** to committee recommendations, with satisfactory and meaningful explanations as to the reasons why recommendations have been either accepted or rejected and whether (and when) recommendations will be implemented.
4. P&S committees could draft **protocols of what co-operation is expected from council's partners**, in order to encourage those outside the authority to engage with the function and respond and follow-through on recommendations.
5. P&S committees could consider **timestamping** committee Agenda, to reflect the importance of items and ensure partners, officers and Members are given clear instruction as to timing of items.
6. P&S committees could consider **publishing both actions (requests) and recommendations (long-term policy changes)** alongside cabinet member updates, to raise concerns about any progress made on issues.

Further issues for consideration

Policy & Scrutiny amplifying the concerns of the public

7. P&S committees may seek to consider items for work programmes that have originated from the concerns of the public at **Area Forums**. Through local engagement, strategic issues can be identified and discussed in committee.
8. P&S committees could take greater advantage of the local presence of **academics, researchers and professionals** in order for the committee to receive evidence to inform discussions.
9. Where relevant and where evidence would not be anecdotal or unrepresentative, P&S committees may wish to consider inviting qualitative **evidence from service-users**.

10. P&S committees may wish to consider engaging with those outside the council through the **co-option of non-statutory, non-voting representatives**. The type of co-option may depend on the topic and focus of committee.

Policy & Scrutiny with efficient, constructive ‘critical friend’ challenge

11. P&S committees may wish to consider having fewer committees, which meet on a **more regular basis**

12. Where relevant and where it would be efficient to do so, a P&S committee may wish to consider how it could use **innovative methods of investigation** of issues, such as the use of ‘rapporteurs’, as laid out in Westminster City Council’s constitution.

13. In addition to scrutinising the work of the Leader of the council, the Westminster Scrutiny Commission could consider the following three main roles:

- 1) responding to escalated concerns from P&S committees
- 2) examining cross-cutting issues
- 3) and shaping risk management decisions of the council.

Policy & Scrutiny led with responsibility and independence

14. P&S committees could consider whether they wish to have a role in **selecting membership and operation**.

15. P&S chairman, responsible for areas that have services provided by the triborough arrangements, could meet or speak with their counterparts when necessary, in order to ensure that there are **no gaps in monitoring services and provision**.

16. P&S committees may wish to consider the role of Policy and Scrutiny and potential to **add value in a Tri-Borough context**.

1. Summary and context

- 1.1 The Westminster City Council Policy and Scrutiny Function is a vitally important part of the authority, which develops and reviews policy, acts as a 'critical friend' to the Cabinet, holds external organisations to account for their actions and monitors the performance of services provided. As such it is important that the Policy and Scrutiny Function has the appropriate form, structure and processes to continue to perform these roles.
- 1.2 In order to make more of a difference and increase the impact of the work of Policy and Scrutiny there are areas of the function where committees could take advantage of opportunities highlighted as best practice, innovative methods and tools from current research. In doing so, Policy and Scrutiny committees should be aiming to make a real and significant difference in people's daily lives. Using the four principles of good public scrutiny, developed by the Centre for Public Scrutiny (CfPS), the committees should aim to increase public engagement, adopt an efficient and effective structure, ensure responsibility in monitoring services and continually drive up improvements in public services. Principally P&S has the freedom and capability to steer the agenda of the council in addressing strategic issues and concerns across all areas of work, therefore the committees should take significant advantage of the Localism Act 2011, which through granting a general power of competence to local government offers the policy and scrutiny function the opportunity to address almost any areas of concern for residents, businesses and visitors.

2. Background Information

- 2.1 The Local Government Act 2000 legislated for the creation of executive and overview and scrutiny arrangements as the default political management arrangement within English local authorities. The subsequent Health and Social Care Act 2001, Local Government Act 2003, Police and Justice Act 2006, Local Government and Public Involvement in Health Act 2007 and the Local Democracy, Economic Development and Construction Act 2009 have all built upon and developed the original structures from their creation, in order to strengthen and clarify the respective roles of the functions. The Localism Act 2011 consolidated all of the legislation and further strengthened the powers of scrutiny to scrutinise partners. As a result of the Act, local authorities generally will have far wider powers to influence policy and public service delivery in their area. As a function of the council, scrutiny can use these powers to investigate issues beyond its traditional remit, but which nonetheless affect local people. The lack of recent formal guidance for scrutiny to carry out a particular review, or to work in a certain way, cannot be used by an executive who would prefer that scrutiny stays within a limited and unchallenging box.
- 2.2 From the initial Department of the Environment and Department for Environment Transport and the Regions (DETR) consultation papers (1991, 1998) which initiated discussions around political executives and a scrutiny function, through to the legislation which delivered the shift away from the 'committee system,' the emphasis has been firmly placed on a system which provided local authorities with '*more effective, speedy and business-like decision-making, enhancing scrutiny of decisions [and] increasing the interest taken by the public in local government*' (1991, p.10).

2.3 The Centre for Public Scrutiny (CfPS) was an advisory body (now charity) set up to support the implementation of the overview and scrutiny. As part of this support, the CfPS developed a set of four core principles with local government, in order to help people understand the most important qualities of scrutiny and accountability in the new governance arrangements, which had been introduced with little explicit guidance from central government. Below are the current four principles of 'successful scrutiny;'

- **Drives improvement in public services (See section 3)**

Ultimately, overview and scrutiny functions are rightly judged on their effectiveness and ability to drive change in policy, whilst successfully holding decision-makers to account. Without successful and implemented recommendations or, at least, highlighting issues for public, visible concern and attention, there is little point to the function's existence.

At Westminster, there are a number of areas where policy and scrutiny does make a significant difference. However, the overall performance and impact varies between committees and the issues under consideration. There are nonetheless measures which can be taken to ensure that policy and scrutiny remains effective and hard-hitting where possible.

- **Amplifies the voices and concerns of the public (See section 4)**

It is considered that effective overview and scrutiny committees successfully amplify the voices and concerns of the public. Where decisions have been made or are yet to be made, there is a role for non-executives to take account of public concerns and consider policy and recommendations that reflect broad, strategic concerns of the population. Public engagement has been difficult for most overview and scrutiny functions since implementation of the legislation and successfully involving residents and businesses in the function has been sporadic.

However, there is a role for scrutiny in pursuing openness in decision-making on behalf of local people, especially in light of the Government's proposals around devolving more power down to local communities in the Localism Act 2011. Thus Westminster Policy and Scrutiny could take the lead in being a ***champion of the people*** and bringing the public's strategic concerns into the public arena.

- **Constructive 'critical friend' challenge (See section 5)**

Ensuring that overview and scrutiny committees are deliberative bodies which review oral, written and site-specific evidence in order to provide recommendations rather than direct, fierce opposition has always been a difficult balance. The scrutiny role requires the skill of providing a critical friend perspective of those under scrutiny and necessitates '*constructive, robust and purposeful challenge to prompt reflection on policy development and decision-making*' (Good Scrutiny Guide, 2006). However, the line between being a critical friend and explicit criticism that generates unproductive conflict is thin. How can one therefore ensure that scrutiny remains calm, measured and balanced whilst demonstrating strong, objective and successful challenge, which provides legitimate checks in the name of public accountability?

The most critical aspect of ensuring critical challenge is a structural arrangement which facilitates O&S meetings which are efficient, well-focused and well-informed. At Westminster, there are a number of organisational issues (in respect to the

number of frequency or committees) which creates a situation which does not effectively and efficiently allow for constructive and relevant challenge.

- **Led with independence and responsibility for the role (See section 6)**

One of the most important aspects of the non-executive function is its independence and the ability for cross-party deliberation to develop policy and hold an executive to account. Despite evidence to the contrary in a number of local authorities (see Ewbank 2011, ODPM 2002), members have come together to scrutinise decisions and develop policy in a consensual way, with little party political intrusion. Instead of debating party political points, committees have tended to agree work programmes together and hold an executive to account regardless of party.

Westminster City Council Policy & Scrutiny function is relatively consensual and deliberative in comparison with a number of other authorities. Both the majority and minority party group members want to make a difference with work undertaken in the function and there is compromise, consideration and understanding in a number of areas. There is some best practice in this area which could be introduced in order to build upon this consensus and ensure the council remains open and transparent.

3. Practical measures to create successful impact in P&S

3.1 Evaluation through recommendation ‘acceptance and implementation’

Success in an overview and scrutiny function across a majority of councils is mostly measured via annual reports, which detail committee’s work over a municipal year. Annual reports of overview and scrutiny functions should answer the question: *How does the policy and scrutiny function in my local council contribute to the improvement of public services?* However most authorities, including Westminster, focus on ‘achievements’, but in doing so conflate the concept of success with activity. For instance, CfPS (2011) research indicates that reports often cite the number of reviews or reports, the type of people who appeared, specific scrutiny sessions or the meetings attended. For residents, businesses and visitors, the fact that work has been undertaken should not be enough. Instead, outcomes and results should be the central criterion for achievement in overview and scrutiny functions.

Evaluation should be based on key recommendations, which should be outlined and justified with regard to the problem alongside reasons for evidence gathering (i.e. ‘from the evidence gathered, we conclude that...’, or ‘this recommendation contributes to the alleviation of a specific problem in this way...’). Reports should also outline ‘*what were the results of the implementation of the recommendations?* Were they successful or not? In some instances this may be a difficult judgment to make as it could be too early and too subtle to judge impact. However, it is important to show clear lines of causality as to how exactly the recommendations proposed contributed to improvement.

Suggestion 1: P&S reviews and investigations could outline key recommendations and evaluation of success should be on the basis of how

exactly those recommendations improved public services or alleviated the problem addressed.

3.2 Clear and effective response protocols

Powers for overview and scrutiny functions have increased in a piecemeal manner over the last eleven years and minor changes to legislation have often been unknown by practitioners. For example, whilst overview and scrutiny remains influential, rather than decisive, the function can request Cabinet members to respond in full to a series of recommendations, with an explanation of whether recommendations have been accepted – but if not, *why these have not been accepted*. Changes to the 2000 Act in the Local Government and Public Involvement in Health Act 2007 21b(3) resulted in a requirement that a formal response should be received by overview and scrutiny within two months, beginning with the date on which the executive received the report or recommendations. In formally requesting responses to recommendations and publishing the response for the committee, the function can bring visibility to its effectiveness and isolate areas where financial considerations or policy choices prevent recommendations having an impact.

Currently, only the Children, Young People and Community Protection P&S Committee requests formal, publishable responses to committee recommendations, whereas other committees tend to receive informal, partial feedback through Cabinet Member updates on the executive's terms.

Suggestion 2: P&S committees could take advantage of changes in legislation, consolidated by the Localism Act 2011, which allow P&S committees to request formal, publishable responses from Cabinet to committee recommendations, with satisfactory and meaningful explanations as to the reasons why recommendations have been either accepted or rejected and whether (and when) recommendations will be implemented.

3.3 Holding partners to account through 'partner protocols'

Further changes to legislation allow overview and scrutiny functions to have a hold on the operation of those who the authority works with in a partnership. The 2007 Act made some major changes to the conduct of 'partnership scrutiny', opening the way for scrutiny functions to examine other organisations which deliver services on the council's behalf, or whose local operations have a significant impact on the well-being of the local community.¹ These changes were made to the 2000 Act (section 21C) in the 2007 legislation. Within the legislation, an overview and scrutiny report or any recommendations relating to local improvement targets which related to a partner authority (and specified in a local area agreement) should be regarded by the partner when exercising their function / role. This often resulted in partners offering formal responses to reports and recommendations of overview and scrutiny committees. Under the Localism Act 2011, the relevant section of legislation has been changed to encompass any activities carried out by a named partner and not just restricted to local area agreements or local improvement targets.

In this manner, Westminster P&S committees are free to report and make recommendations to Westminster partners and other organisations which deliver services on the council's behalf and receive a response to recommendations

which show regard to the concerns of councillors on the committee. To facilitate this, it could be necessary to draft protocols of what co-operation P&S expect from partners, in order to encourage those outside the authority to engage with the function.

Suggestion 3: P&S committees could take advantage of changes in legislation, consolidated by the Localism Act 2011, which allow P&S committees to request formal, publishable responses from partners to committee recommendations, with satisfactory and meaningful explanations as to the reasons why recommendations have been either accepted or rejected and whether (and when) recommendations will be implemented.

Suggestion 4: P&S committees could draft protocols of what co-operation is expected from council's partners, in order to encourage those outside the authority to engage with the function and respond and follow-through on recommendations.

3.4 Efficiency within committees

Policy and Scrutiny committees' effectiveness is often balanced on the ability to allocate and balance time and resources to ensure relevant and important issues to the committee are covered over a municipal year. To assist with this, it is necessary to structure committees in such a way to reflect the importance of salient issues. As a practical measure, items on the work programme should be allocated time in committee according to their importance, in order to keep control of the items under discussion. Through *timestamping* main and minor items, relevant officers, expert witnesses and partners will also be able to flexibly factor in P&S into their arrangements - saving time and resources. Good practice in this regard is demonstrated by the City Management and Transport P&S Committee and the Built Environment, Enterprise and Volunteering P&S Committee, which segment Agenda items into time blocks.

Suggestion 5: P&S committees could consider timestamping committee Agenda, to reflect the importance of items and ensure partners, officers and Members are given clear instruction as to timing of items.

3.5 Visible action and recommendation-tracking

A practical measure to ensure impact of Policy and Scrutiny is publishing both **action** and **recommendation** trackers in every set of committee papers throughout the year. Whilst all committees publish an action-tracker (*list of requests*) for the committee to check progress of on requests, only the Children, Young People and Community Protection P&S publishes a recommendation tracker (regarding long-term policy changes) alongside an action tracker, which documents work continuing on recommendations which have been made. In this way, **action-tracking** and **recommendation-tracking** should be dealt with in P&S by cabinet members and thus be considered as part of cabinet member updates.

Suggestion 6: P&S committees could consider publishing both actions (requests) and recommendations (long-term policy changes) alongside cabinet member updates, to raise concerns about any progress made on issues.

FURTHER OPTIONS FOR CONSIDERATION

4. Policy & Scrutiny amplifying the concerns of the public

4.1 Delivering responsive services: Public engagement

Other than an infrequently used submission mechanism via the website, Westminster has no formal route for public engagement with overview and scrutiny. The Centre for Public Scrutiny recommend that overview and scrutiny functions should be vehicles to amplify the voices and concerns of the public and become a “people’s champion” for significant issues. One way to formalize public engagement would be through the utilization of **area forums** for input, which themselves are tools of accountability. Whilst issues arising from area forums may not fulfill the strategic nature of Policy & Scrutiny work programmes, common issues arising across a number of wards could form a picture of an appropriate topic.

In practice, area forums provide a simple way to involve scrutiny, through either assessing the topics arising at the events, the solicitation of suggestions or devoting space for the public to make recommendations about issues of importance. The three-tier, ‘wedding cake’ approach to overview and scrutiny ensures a strong line of democratic scrutiny of issues and ensuring residents are heard, in public, when addressing issues of importance. The introduction of a standing item at Area Forums addressing “hot topics” nearer the time of the meetings will assist P&S in being responsive to concerns from the public.

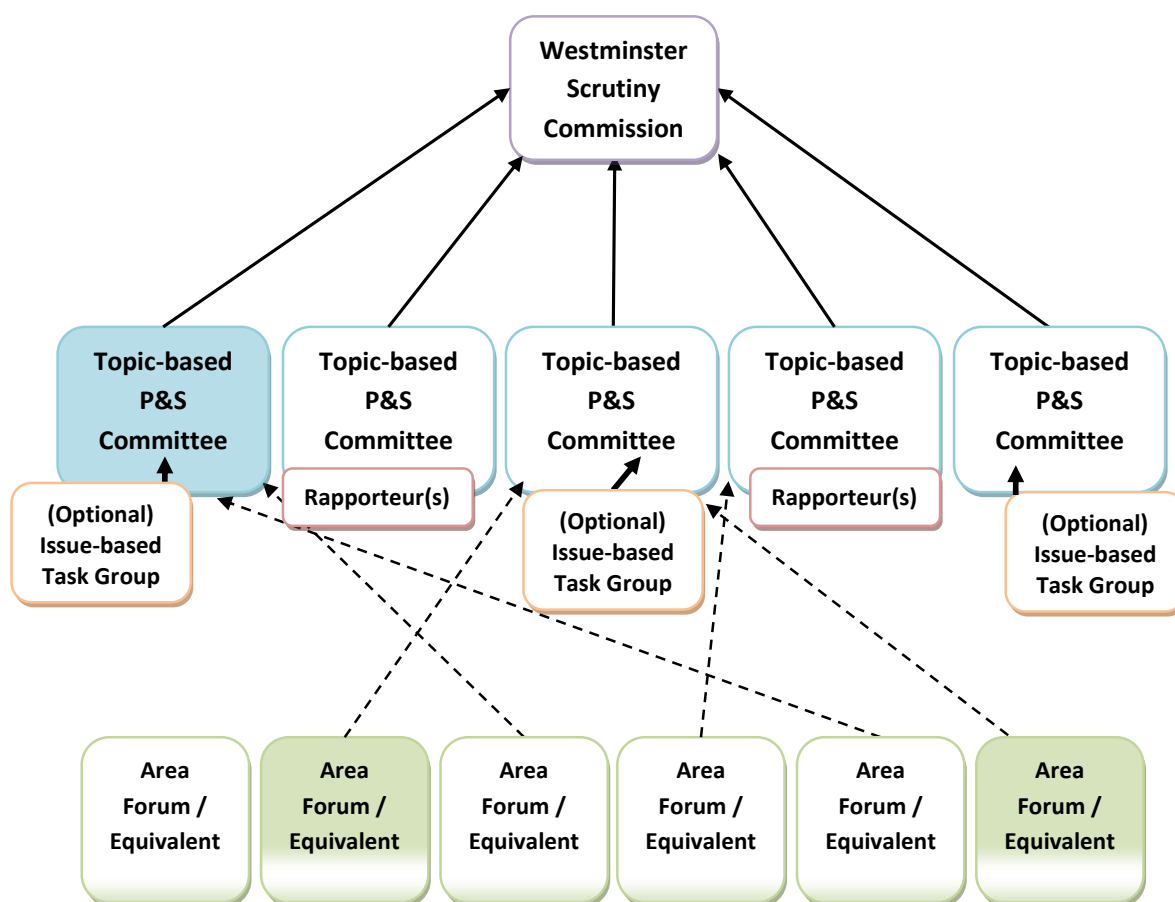


Figure 1.1: ‘Wedding Cake’ Design for Overview and Scrutiny Functions

With the progress in Triborough shared services and the possibilities presented by the Localism Act to enhance Westminster's current civic community programme, there are significant localist opportunities to adopt a three-tiered model that incorporates the strategic / triborough level, borough-wide, and local level. This could broadly relate to service commissioning, service delivery and resident experience. The diagram above sets out how such a framework could look.

The current framework of six area forums which meet three times a year could be used to promote a more locally orientated tier of scrutiny with members in each area escalating themes (rather than individual cases) up to either one of the topic committees, who in turn, for the most pressing concerns, escalate the issue to the Westminster Scrutiny Commission.

The links between the three tiers would have to be given consideration to ensure that scrutiny addressed relevant issues in an appropriate fashion. The distinction in the model between service commissioning and delivery is also somewhat of an artificial one and it would be important to put in place effective mechanisms by which lessons were learnt and approaches were scrutinised across both commissioning and delivery. However, if the right procedures were put in place, the model would present an excellent opportunity for scrutiny to simultaneously influence key strategic issues (at a level where members are used to thinking strategically), review and assess the delivery of council services, and provide a more pro-active forum for residents to engage with the council and raise their views. Other places considering a more formal link between area committees / forums and overview and scrutiny are the London Borough of Hackney and Cumbria County Council, though plans for both are at a formative stage.

Suggestion 7: P&S committees may want to seek to consider items for work programmes that have originated from the concerns of the public at Area Forums. Through local engagement, strategic issues could be identified and discussed in committee.

4.2 Increasing external witnesses

An element of good practice demonstrated by Westminster is engaging with those outside of the council. The average number of external witnesses appearing and providing evidence within overview and scrutiny functions across England and Wales in the last municipal year was **22** (CfPS 2011, p10), whereas the number of external witnesses appearing within policy and scrutiny committees at Westminster was **36**, most of whom were stakeholders within the Borough.

Engaging with academics, researchers and professionals

Where Westminster could improve would be in relation to bringing in (typically resource-neutral) professional advice. Westminster is uniquely placed, unlike the majority of local authorities, amongst some of the leading universities in the world, headquarters of industries, trade associations, interest groups and charities. Thus Westminster is ideally placed to bring experts and stakeholders to provide evidence to policy and scrutiny committees. In this way, policy and scrutiny committees become strongly evidence-based deliberative bodies which make recommendations on the basis of sound judgments from the latest research and evaluations of national experts. With a high-level of knowledgeable input into the

committee's deliberations, the outputs could be even more robust and hard-hitting. Further to this, inviting expert witnesses to advise the committee in discussions will ensure that the committee's views will add to the national debates on important issues and keep the policy and scrutiny committees in touch with developments in the public sector and best practice elsewhere. Recent practice of inviting an academic witness to provide comment upon housing regeneration in Housing P&S gave the committee a deep insight into wider issues that needed to be considered.

Engaging with service-users

Whilst a difficulty for most local authorities, Westminster is also well-placed to engage with service users within policy and scrutiny (where relevant). Apart from good practice in Adult Services and Health Policy and Scrutiny, where the connection with the LINK builds-in public engagement, committees could bring in strategic representatives to discuss concerns, excepting where evidence would be anecdotal or unrepresentative.

Suggestion 8: P&S committees could take greater advantage of the local presence of academics, researchers and professionals in order for the committee to receive evidence to inform discussions.

Suggestion 9: Where relevant and where evidence would not be anecdotal or unrepresentative, P&S committees may wish to consider inviting qualitative evidence from service-users.

4.3 Responsive services: Non-statutory, non-voting co-option

Non-statutory co-option is a route to engage the public, the voluntary and community sector and expert representatives onto scrutiny committees. An ODPM report on *The Development of Overview and Scrutiny in Local Government* (Snape et al., 2002, p. 93 -95) includes a summary of practice regarding co-optees. On assessing early implementation, it concluded that co-optees were typically representatives of organisations, although co-option of ordinary members of the public was not unknown. In principle, the practice of extending the membership to include co-optees was commended as it broadened the spectrum of involvement in the scrutiny process and makes the intrusion of overt party politics into scrutiny proceedings more difficult. However, co-option would only one method for engaging partners and the public and there would be times and specific committees where other methods would be more appropriate.

Currently at Westminster, only one committee (Children, Young People and Community Protection) has non-statutory, non-voting co-opted representatives (alongside statutory education representatives), where two local headteachers of maintained schools attend, contribute and bring a frontline perspective to Policy & Scrutiny.

Types of Co-option

Health Co-option (Co-option of LINK / Healthwatch and / or Clinicians)

The most common non-statutory co-option is the co-opting of LINK members onto Health Overview and Scrutiny Committees (Milton Keynes, East Sussex and Dudley amongst many others). In this way, investigations and work conducted by

the LINK are given a voice in the public arena and allow LINK a formal place in the HOSC deliberations, especially relevant when considering service changes. With the move towards local Healthwatch organisations in April 2013, when Healthwatch will also have a place on the Health and Wellbeing Board, the Centre for Public Scrutiny considers that this practice of co-option onto health scrutiny will continue, in order to ensure that public engagement has two opportunities for input.

In terms of expert co-optees, some councils (such as Wakefield) have permanent clinical co-optees in order to ensure that expert guidance is always on hand to explain conditions, service changes and clinical guidelines. A clinician's presence on a Health Overview and Scrutiny Committee is not a widespread practice, however, in terms of scrutinising complex issues such as paediatric cardiology (a recent pan-London issue), the presence of a medical expert can often guide the committee to probe the appropriate areas of concern and thus asking the right questions of senior health officials.

Given the continuing national expectations of health scrutiny and the powers to refer matters to the Secretary of State and the Care Quality Commission, support from clinicians could add weight to scrutiny investigations and recommendations. Furthermore, with the Independent Inquiry into care provided by Mid Staffordshire NHS Foundation Trust (Francis Report) apportioning responsibility on the local health overview and scrutiny committee for not highlighting the '*appalling standards*' of care, stronger links with both clinicians and with LINK / Healthwatch will be needed to maintain a strong overview of local health service provision.

'Pool of Experts / Representatives' Co-option

Some councils have (Warwickshire) or have had (London Borough of Camden) 'pools' of co-optees to call upon for their expertise. In this manner, specialist representation can be called upon when topics surface which are relevant to their experiences and expertise. The co-optee pools could be carefully selected (often handpicked or by interview in some councils) by the committees in order to provide complete coverage of topics. One particular benefit of an expert co-optee pool is that co-optees may only be called upon when their guidance is needed for an item of particular interest. In this way a pool of expert co-optees will save time and resources, whilst bringing in a fresh and relevant expert perspective at each meeting.

Partnership Co-option

Co-opted members of scrutiny committees may also be members of partnerships too. This route for co-option may highlight where there are gaps in knowledge and create an opportunity to hear direct experience of partner working. The Centre for Public Scrutiny (2008) reports that Gwynedd County Borough Council has used this opportunity to develop a pool of partner co-optees in conjunction with 'Mantell Gwynedd' (a Countywide Voluntary Council).

Public Co-option

Another form of co-option is inviting members of the public to sit alongside committee Members. Often used on a 'pool' basis, members of the public / service users can provide a unique insight into issues under investigation. However where authorities have adopted this technique there have been slightly negative impacts

on the type of discussions held within overview and scrutiny, with members of the public often bringing an anecdotal perspective to the exclusion of strategic concerns (Ewbank, 2011, p.325).

Suggestion 10: P&S committees may wish to consider engaging with those outside the council through the co-option of non-statutory, non-voting representatives. The type of co-option may depend on the topic and focus of committee.

5 Policy & Scrutiny with efficient, constructive ‘critical friend’ challenge

5.1 Creating Efficiency: Number and Frequency of Committees

A) The Number of Committees

The average number of overview and scrutiny committees varies, usually in accordance with the size of a council. Authorities which deliver the majority of services in-house tend to operate the highest number of overview and scrutiny committees, whereas district authorities or predominantly commissioning, principal authorities tend to operate the fewest. The table below shows the number of committees within each of the authorities that maintain a similar population to Westminster. The range (including coordinating / managing committees) goes from a maximum of 7 (Westminster, Walsall) to a minimum of 4 (Medway, Stoke).

Population Neighbours	Pop. Size	Type	Number of OSCs (Managing OSCs in brackets)	Total	Does O&S map Cabinet Portfolios?
Walsall	256,900	Metro	7 (0)	7	Yes
Westminster	253,100	London	6 (1)	7	In Part
Brent	256,600	London	5 (1)	6	No
Milton Keynes	241,500	Unitary	5 (1)	6	In Part
C. Bedfordshire	255,200	Unitary	4 (1)	5	No
Rotherham	254,600	Metro	4 (1)	5	No
Derby	246,900	Unitary	4 (1)	5	No
Newham	240,100	London	4 (1)	5	n/a (Mayor)
Medway	256,700	Unitary	4 (0)	4	No
Stoke-on-Trent	240,100	Unitary	4 (0)	4	No
Average				5.4	

Table 1.1: Number of Committees in population-neighbour authorities.

In terms of comparison with Inner London authorities, Westminster, again, maintains the highest number of overview and scrutiny committees alongside Greenwich and Lewisham:

Inner London Boroughs	Number of OSCs (Managing OSCs in brackets)	Total	Does O&S map Cabinet Portfolios?
Greenwich	6 (1)	7	No
Lewisham	6 (1)	7	No
Westminster	6 (1)	7	In Part
Hackney	5 (1)	6	No
Lambeth	5 (1)	6	In Part
Southwark	5 (1)	6	In Part
Wandsworth	6 (0)	6	In Part
Camden	5 (0)	5	In Part
Kensington & Chelsea	5 (0)	5	No
Hammersmith & Fulham	3 (1)	4	No
Islington	3 (1)	4	No
Tower Hamlets	2 (0)	2	No
Average		5.9	

Table 1.2: Number of O&S Committees in Inner London authorities.

Operating a large number of committees is not an issue in itself, unless taken in consideration with the frequency of committees:

B) The Frequency of Committees

In terms of the frequency of committees, the government provided guidance which stated that '*all but the smallest local authorities should have more than one overview and scrutiny committee, and that they should meet frequently [...] [e.g.] on a monthly or six-weekly cycle*' (DCLG 2002, paragraph 3.20). In comparison to other authorities with similar populations, Westminster's Policy and Scrutiny committees meet the least number of times across the municipal year (quarterly). When multiplied by the number of committees, Westminster Policy and Scrutiny committees meet the least, in total, across authorities with similar populations.

Population Neighbours	Av. meetings of Committees throughout municipal year	Total N° of Topic Committees (excl. any overarching board)	Total Authority OSC Meetings within Municipal Year (N° of Cttees x N° of Meetings)
Walsall	8	7	56
C. Bedfordshire	10	4	40
Stoke-on-Trent	8	4	32
Newham	8	4	32
Rotherham	7	4	28
Brent	5	5	25
Milton Keynes	5	5	25
Medway	6	4	24
Westminster	4	6	24
Derby	6	4	24
Average	6.7	4.7	31.5

Table 1.3: Frequency of Committees in Population-neighbour authorities.

In comparison with Inner London authorities, Westminster's Policy and Scrutiny committees meet the fewest number of times across the municipal year and across all committees, only the overview and scrutiny committees of the London

Borough of Hammersmith and Fulham meet less often than Westminster's committees throughout the year.

Inner London Neighbours	Av. meetings of Committees throughout municipal year	Total N ^o of <u>Topic</u> Committees (excl. any overarching board)	Total Authority Topic-based O&S Meetings within Municipal Year (N ^o of Cttees x N ^o of Meetings)
Hackney	10	5	50
Greenwich	7	6	42
Lewisham	6	7	42
Camden	8	5	40
Wandsworth	6	6	36
RBKC	7	5	35
Southwark	6	5	30
Lambeth	5	5	25
Islington	8	3	24
Tower Hamlets	12	2	24
Westminster	4	6	24
H&F	6	3	18
Average	7	4.83	32.5

Table 1.4: Frequency of O&S Committees in Inner London authorities.

In terms of best practice, meeting frequently is an effective way to ensure that overview and scrutiny remains on up-to-date on issues affecting the authority. In this way, meeting more often with **short, focused** and **dynamic** agenda can relieve the burden from quarterly meeting cycles which can leave committees duty-bound to perpetually lengthy agenda (multiple standing items and updates) or work programmes which create backlogs (regularly postponing items to the next quarter). Meeting infrequently leads to long, unfocused committee meetings which cover large ranges of topics and long committee papers which can be difficult for Members to cover in a short space of time. In terms of both the number of committees and frequency of meetings, there are clear advantages of having fewer committees which meet on a more regular basis.

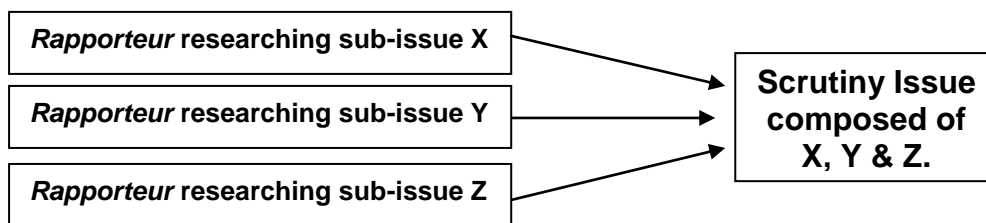
Suggestion 11: P&S committees may wish to consider having fewer committees, which meet on a more regular basis

5.2 Operating Structures

In terms of innovative operating within Policy and Scrutiny committees, there are a number of styles of good practice working underway at Westminster. For example, in the Housing, Property and Community Services Policy and Scrutiny Committee, Members of the committee are sometimes allocated specific topics which reflect their interests, an officer paper is then sent to and considered by the councillor and the topic is then examined and questioned by the councillor in the committee. In this way, research is conducted by a number of individual members (as part of a wider issue) and issues are reported back ensuring coverage on each aspect of a problem. This method reflects the usage of *rapporteurs* in the committees of the European Parliament.

A 'rapporteur' is a person appointed by a deliberative body to investigate a particular issue or situation and report back to it. The rapporteur model is a continental parliamentary practice, used in national Parliaments and Assemblies as well as international parliamentary bodies; including the European Parliament. In the UK, the Scottish Parliament and the London Assembly have both used the model in their legislative or scrutiny functions.

This type of work is enshrined in Westminster Council's constitution under the expression '*single member study*'. This practice was advocated by the CfPS early on in the implementation of the original legislation, but has not necessarily been a widespread practice. The advantage of using this method in P&S is that it ensures a topic or theme is covered thoroughly and from all angles, whilst saving time and resources in the committee of every Member questioning on every aspect of an issue. A diagram is presented below showing the practice:



Suggestion 12: Where relevant and where it would be efficient to do so, a P&S committee may wish to consider how it could use innovative methods of investigation of issues, such as the use of 'rapporteurs', as laid out in Westminster City Council's constitution.

5.3 Westminster Scrutiny Commission

The Westminster Scrutiny Commission is currently tasked to scrutinise the work of the Leader of the Council, act as the guardians of the Policy and Scrutiny process and take responsibility for the continuous improvement of the Policy and Scrutiny process. In meeting quarterly the Scrutiny Commission deals primarily with emerging, cross-cutting issues.

1) Escalation

In practical terms, there is little which works its way to the commission because of the overlaps of issues which allow individual P&S committees to take responsibility for a problem. On one hand, this is not a problem, as the specialist committees are most qualified to assess particular topics. However, where public concern is greatest, there could be an escalation procedure to the most strategic committee to take responsibility for the issue. As with Figure 1.1, the need for strategic public concerns to be factored in to the policy and scrutiny function is matched by a need for a central body to assess the major problems.

2) Cross-cutting issues

As described above, the Scrutiny Commission deals primarily with cross-cutting issues, which is a role for which it is suited. For example, recent work on the cross-cutting issue of population counts and demography in relation to the census has proved successful and could have been difficult to deal with in a topic-based

committee. Where the Commission could expand its work is in the field of lobbying central government on issues which have been discussed and examined by the Westminster scrutiny function. Given that Policy & Scrutiny work often makes recommendations to national bodies, central government and organisations, the Commission could have a role in guiding the impact of Policy & Scrutiny, ensuring consultations are responded to (on the basis of P&S work) and opportunities taken to lobby central government on issues of concern.

3) Risk Management

The most significant new role that Westminster Scrutiny Commission could take on is that of risk management. The LGiU (2011) reports that local government faces three pressures that will require them to collaborate more closely with communities. First, councils will need to do “more for less” as a result of decreased budgets and increased demand for services. Second, councils need to tackle challenges such as climate change that cannot be resolved by government intervention alone. Third, councils will need to respond to rapid changes in government policy and legislation.

Councils will be required to collaborate with a number of partners to deliver services and this will have significant implications for the ways in which councils manage risk. LGiU (2011) question whether existing approaches to risk management of partnerships and contracts will be sufficient.

Management of risk has tended to be officer driven. Elected members, however, do manage risk through overview and scrutiny and high-level risk monitoring. Corporate risk registers offer members the opportunity to keep an eye on risks as they emerge and scrutiny allows panel members to assess in more detail the risks inherent in a project.

The LGiU research found that these committees were not always effective in their management of risk because their role has been very much focused on monitoring risk, rather than shaping risk management decisions. Westminster Scrutiny Commission, therefore, could have a role in shaping the decisions about how risk is approached by the council. This is especially relevant since the push for more localism, as the responsibilities of locally elected representatives shift from a strategic role towards empowering local citizens and facilitating community engagement.

Suggestion 13: In addition to scrutinising the work of the Leader of the council, the Westminster Scrutiny Commission could consider the following three main roles:

- 1) responding to escalated concerns from P&S committees**
- 2) examining cross-cutting issues**
- 3) and shaping risk management decisions of the council.**

6 Policy & Scrutiny led with responsibility and independence

6.1 Policy & Scrutiny independence

As a method to generate interest and drive the standard of policy and scrutiny at Westminster, there should be a method for councillors – within the context of operational need, benefits of scrutiny, and political balance - to self-select themselves for committees or informal task groups with which they have an active interest in. As a route to engage councillors in Policy and Scrutiny work programmes, levels of interest and expertise could be taken into account.

The Wright Committee recommendations for the Commons indicated that non-executives should have greater say and ownership of the scrutiny process: *'It should be for the House and not for the Executive to choose which of its members should scrutinise the Executive'* (House of Commons, 2009, p.28). These recommendations are equally as significant to local government (with an equivalent constitutional arrangement) and Policy & Scrutiny committees could have an increased role in the organisation and structure of the committees themselves, whilst noting that there will always be issues which benefit from scrutiny although there may be less direct member interest or direct experience. Overview and scrutiny functions in other local authorities have also taken the lead on the arrangements for selection of the chairs of committees and 18% of chairs in English local authorities are selected by the members of overview and scrutiny committee themselves (Ewbank 2011, p.208, table 6.36).

Suggestion 14: P&S committees could consider whether they wish to have a role in selecting membership and operation.

6.2 Triborough scrutiny arrangements

With Triborough shared services it is important that overarching oversight is provided by the overview and scrutiny functions of each of the three authorities for the delivery of services in each of their areas . In this way, it is essential to avoid duplication with other councils but without removing a democratic local link with services. In this manner, it will be essential that P&S chairman meet or speak with their counterparts when necessary, in order to ensure that there are no gaps in monitoring services and provision.

The Commission may therefore wish to consider the role of Policy and Scrutiny, and potential to add value to the management and delivery of contracted services, making a constructive contribution. In relation to triborough working, the CfPS (2011) suggested that it would be essential for scrutiny to ask the following four questions:

- Who is holding who to account?
- Are shared service / commissioning systems sufficiently robust in governance terms?
- How responsive are such arrangements to pressures for change and improvement?
- What are the implications both for democratic control and local influence (the latter being a significant theme in the context of the Big Society)?

Members may therefore wish to consider the best way of scrutinising Tri-Borough arrangements.

Suggestion 15: P&S chairman, responsible for areas that have services provided by the triborough arrangements, could meet or speak with their counterparts when necessary, in order to ensure that there are no gaps in monitoring services and provision.

Suggestion 16: P&S committees may wish to consider the role of Policy and Scrutiny and potential to add value in a Tri-Borough context.

References / Background papers

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Snape, S, Leach S & Copus, C – ODPM (2002) The Development of Overview and Scrutiny in Local Government, pp 93-95, 2002, ODPM, London

If you have any queries about this report or wish to inspect one of the background papers please contact Mark Ewbank, Scrutiny Officer at mewbank@westminster.gov.uk or telephone 020 7641 2636

ⁱ The 2007 list of partners: Environment Agency, Natural England, Fire and rescue authorities, Jobcentre Plus, The Health and Safety Executive, The Broads Authority, National Park Authorities Youth Offending Teams, Police authorities, Transport for London, Chief Officer of Police, Local Probation Boards, Probation Trusts and other providers of probation, PCTs, National Health Service Trusts, Foundation Trusts, Joint Waste Authorities, Joint Waste Disposal Authorities, Regional Development Agencies, The Learning and Skills Council, Sport England, English Heritage, Arts Council, Museums, Libraries and Archives Council, Highways Agency, Metropolitan Passenger Transport Authorities