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Overview and Scrutiny: Fit for the Future? – **Monmouthshire County Council**

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Summary report

Summary

- 1 This review explored with each of the 22 councils in Wales how ‘fit for the future’ their scrutiny functions are. We considered how councils are responding to current challenges such as the Wellbeing of Future Generations Act 2015 (the WFG Act) in relation to their scrutiny activity and how councils are beginning to undertake scrutiny of Public Service Boards. We also examined how well placed councils are to respond to future challenges, such as continued pressure on public finances and the possible move towards more regional working by local authorities.
- 2 As part of this review, we reviewed the progress that councils have made in addressing the recommendations of our earlier National Improvement Study **Good Scrutiny? Good Question** (May 2014) (see [Appendix 1](#)). We also followed up on the proposals for improvement relevant to scrutiny that we issued in local reports. These reports included our 2016-17 thematic reviews of Savings Planning and Governance Arrangements for Determining Significant Service Changes.
- 3 Our review aimed to:
 - identify approaches to embedding the sustainable development principle into scrutiny processes and practices to inform practice sharing and future work of the Auditor General in relation to the WFG Act;
 - provide assurance that scrutiny functions are well placed to respond to current and future challenges and expectations;
 - help to embed effective scrutiny by elected members from the start of the new electoral cycle; and
 - provide insight into how well councils have responded to the findings of our previous Scrutiny Improvement Study.
- 4 To inform our findings we based our review methodology around the **Outcomes and Characteristics for Effective Local Government Overview and Scrutiny** that scrutiny stakeholders in Wales developed and agreed following our previous National Improvement Study **Good Scrutiny? Good Question** ([Appendix 2](#)).
- 5 During November 2017, we interviewed a small number of key officers and ran focus groups with members to understand their views on Monmouthshire County Council’s (the Council) current scrutiny arrangements and in particular how the Council is approaching and intends to respond to the challenges identified above.
- 6 We observed a sample of scrutiny meetings and reviewed relevant meeting documentation provided to members to support their scrutiny role, such as reports and presentations.
- 7 We conclude that the Council is continually developing its scrutiny function and is aware of future challenges, but support arrangements for the Public Service Board scrutiny committee need to be strengthened. We came to this conclusion because:
 - the Council continues to develop its scrutiny environment and is responsive to member development needs;

- scrutiny activity is generally well planned, and the Council has had some success in engaging the public in scrutiny, but the Public Service Board select committee does not currently comply with the Council’s corporate procedures when making meeting papers public; and
- the Council regularly reviews the scrutiny function and has clear actions to continue to improve with officers and members aware of current and future challenges for scrutiny.

Proposals for improvement

- 8 The table below contains our proposals for ways in which the Council could improve the effectiveness of its overview and scrutiny function to make it better placed to meet current and future challenges.

Exhibit 1: proposals for improvement

Proposals for improvement	
The Council's scrutiny function could be strengthened by:	
P1	Ensuring that the Public Service Board select committee complies with the Access to Information Procedure Rules within the Council’s constitution.
P2	Providing further training on the Well-being of Future Generations Act for scrutiny members to improve their understanding and consideration of the Act when undertaking scrutiny activity.
P3	Reviewing the level, type and resilience of the scrutiny support function to meet future challenges.
P4	Clarifying the role of Cabinet Members when attending select committees to observe.
P5	Assessing the impact of the workshop approach.

Detailed report

The Council is continually developing its scrutiny function and is aware of future challenges, but support arrangements for the Public Service Board scrutiny committee need to be strengthened

The Council continues to develop its scrutiny environment and is responsive to member development needs

- 9 During our review, members and officers described select committees¹ as constructive in their approach. Cabinet members noted that they viewed the scrutiny function as a fundamental part of the governance and improvement arrangements in the Council.
- 10 The Council provided induction training for all members promptly after the May 2017 local elections. During our review, members were concerned about the timeliness of the induction programme. Members recognised the Council was seeking to give new members information through early induction, but some members stated there was too much information in a short time frame. Other members said that not all training was accessible due to the timing of sessions.
- 11 Some scrutiny members felt that reports containing financial and performance information do not always convey important information clearly enough to help them fulfil their roles. The Council's Scrutiny Member Development Programme offered 'financial scrutiny and performance management' training to new members as part of their formal induction. However, some members told us that they found performance and statistical data in officer reports difficult to understand, and that officers use too much jargon in their reports. Some members were concerned they had not received enough training on how to scrutinise budgets and performance effectively.
- 12 The Council has offered training for members on the sustainable development principle and associated 'five ways of working'² as set out in the WFG Act, but member attendance has been low. Only five members had attended training at the time of our review in November 2017 and therefore the Council's Scrutiny Member Development Programme for early 2018 included a repeat of this training.
- 13 The WFG Act does not yet have significant prominence in scrutiny discussions. During our fieldwork, officers and members stated that consideration of the five

¹ Scrutiny committees are referred to as Select Committees in Monmouthshire County Council.

² Integration, Involvement, Prevention, Long Term and Collaboration.

ways of working is still new within the Council, and not yet embedded within its decision-making process. However, the Council has amended its officer report template to include a Future Generations Assessment by combining the requirements of the Equalities Act 2010 for Equalities Impact Assessments with the requirements of the Well-being Future Generations Act. The Council has also delivered Well-being of Future Generations Act training specifically for officers who prepare reports for select committees. However, some members told us during our review that the Future Generations Assessments need to be more prominent in reports, and suggested moving them from the back to the front of each report. Some members stated it would 'bring the focus alive', and encourage members to better consider the information when scrutinising the issues, and make relevant recommendations.

- 14 The Council is committed to further improving its scrutiny arrangements. It has reflected on the member training, development and induction it undertook in 2017, and has tailored further member training and development during 2018 to respond to members' development needs and induction feedback. This includes 'The role of the Modern Councillor', and member training on safeguarding. The Council's scrutiny support service plan 2017-18 also clearly includes the learning it took from its peer review of scrutiny during March and April 2017. During our review, members positively suggested to us some other areas of learning they would value. For example, equalities training, training on livestreaming of meetings and public speaking.
- 15 Dedicated scrutiny support in the Council is limited, and Members expressed concerns about the level and capacity of this support going forward. The Council has one dedicated scrutiny manager whom members hold in high esteem, citing excellent support. During our review, some members and officers said that while there may currently be enough support for scrutiny, there is likely to be limited capacity to support scrutiny in the future, particularly, with the development of joint regional scrutiny, such as for the Cardiff Capital Regional City Deal and regional partnership or service collaborations. Other members were concerned that when the scrutiny manager is absent, this can affect the level and quality of scrutiny support available for members.

Scrutiny activity is generally well planned, and the Council has had some success in engaging the public in scrutiny, but the Public Service Board select committee does not currently comply with the Council's corporate procedures when making meeting papers public

- 16 The Council's select committees have had some success in engaging the public where there have been local issues of particular interest. For example, members of the Gypsy and Traveller community and key stakeholders formed part of a steering group to consider a Gypsy and Traveller accommodation assessment in 2016.

- 17 In March 2017, the Joint Adult and Children and Young People Select Committee considered the Council's Young Carers Strategy 2017-2020. The Council engaged with young carers when drafting the strategy, and invited them to attend the select committee meeting when the strategy was discussed.
- 18 The Council also positively promotes a 'Public Open Forum' at every select committee where members of the public in attendance are offered the opportunity to speak.
- 19 While these are good examples of public engagement and involvement in scrutiny committees, the Council plans for the public to become more engaged, as set out in its quarter two scrutiny support service plan 2017-18 which included the following actions;
- scrutiny members to engage more proactively with the public through roadshows or by holding specific meetings with residents and communities on particular topics;
 - to raise awareness of scrutiny via social media such as Twitter; and
 - the Scrutiny Chairs Group developing a scrutiny newsletter to raise the profile of the scrutiny function and improve the visibility and interest of the scrutiny website.

The Council has confirmed that the Twitter account for scrutiny went live in May 2017.

- 20 Through its dedicated webpage for 'Scrutiny in Monmouthshire', the Council enables the public to suggest items for scrutiny. There are some examples when the public have taken up this option, such as for speed management and broadband provision. These issues have subsequently been included on the relevant select committees' forward work programme.
- 21 Scrutiny Task and Finish groups have been an important part of the scrutiny process at the Council for several years, although the Council is now considering alternatives. While members enjoy and value taking part in Task and Finish groups, members and officers recognise that the work of these groups can take a long time to complete, which in turn can lead to a delay in Cabinet making decisions. Therefore, during the autumn of 2017, as a possible replacement to Task and Finish groups, the Council piloted a workshop approach considering what the Monmouthshire economy might look like in 2030. Members involved received an outline of the issue before the workshop, and were encouraged to consider a few key questions before attending.
- 22 Members and officers involved in the workshop stated the approach addressed the issue of timeliness associated with Task and Finish groups. It was however, too early to assess the impact of this approach on the work of scrutiny and the decision making process.
- 23 The Council has sought to improve the effectiveness of its scrutiny meetings. To ensure committee meetings have a focus, each select committee holds a pre-meeting 30 minutes before the meeting is due to start. Members are encouraged to

attend to develop questioning strategies for the main meeting for each agenda item. Chairs and select committee members have access to guidance on the role of pre-meetings and generic questions which members may wish to ask to scrutinise and challenge performance or policy. During our fieldwork, most members considered that pre-meetings were well run with a clear focus, although some members commented that pre-meetings were ineffective at times because they did not result in an agreed set of questions or questioning strategy. They felt that this resulted in the main select committee meeting lacking focus and taking too long.

- 24 The Council has arrangements to support the effective operation of the select committees in line with its 'rules of procedures'. However, we found that the Council's rules of procedures are not yet fully applied to the PSB select committee.
- 25 We observed four select committee meetings during this review, via webcast. These were:
- 18 October 2017 – Public Service Board select committee;
 - 30 October 2017 – Adult select committee;
 - 7 December 2017 – Children and Young People (CYP) select committee; and
 - 22 January 2018 – Public Service Board select committee.
- 26 At the Public Service Board select committee on 18 October 2017, two out of the four main agenda items were oral updates with no supporting information publicly available for these two items. At the meeting on 22 January 2018, there were two main agenda items. One agenda item did not have information publicly available on the website before the meeting. At both meetings, officer covering reports or supplementary information were not available for all agenda items. Therefore, it was unclear what the select committee was scrutinising or how members were expected to do so in the absence of reports.
- 27 When officers prepare for the Public Services Board select committee, members need detailed, quality information in a timely manner to make well-informed recommendations. For officers to support members in fulfilling their scrutiny role, information to the Public Service Board select committee should be available well in advance of the select committee meeting and should be publicly available to comply with the Council's constitution. The Council should ensure the Public Service Board select committee complies with the Access to Information Procedure Rules within the Council's constitution³, which states:
- 'these rules apply to all meetings of the Council, the executive, select committees, area committees, the Standards Committee and regulatory committees' and that: 'The Council will make copies of the agenda and

³ Council constitution, Part 4, Rules of Procedure – Access to Information Procedure rules, point 1 Scope and point 5 Access to agendas and reports before meetings.

reports open to the public available for inspection at the designated office at least five clear days before the meeting.'

- 28 The Public Service Board select committee needs to be more rigorous in its approach to reviewing the decisions and governance of the Public Service Board. Members currently question Council officers but no other Public Service Board partners were present at either of the Public Services Select Committee meetings we observed. A review of the minutes of previous meetings shows that partners attended only one previous Public Service Board select committee.
- 29 At the Adults, and the Children and Young People Select committees, all members had the opportunity to speak and most members contributed. The detailed questions showed that, in general, members had read the papers and understood the issues. Discussions between members and officers were respectful and questions were clear and relevant. The Chairs ensured that each item reached a conclusion with recommendations for each item discussed and approved.
- 30 The work of select committees is generally well planned. Each select committee has an annual forward work programme. Members have input into, and endorse the draft annual forward work programmes and have ownership of them.
- 31 The select committee forward work programmes remain up to date and relevant. Each select committee reviews the forward work programme at every meeting. Council and Cabinet forward work programmes are also available to select committee members at each meeting to help them shape future topics for consideration.
- 32 Select committee agendas are well informed by Cabinet meeting agendas. The Cabinet forward work programme is updated regularly as priorities and issues for Cabinet change. The Scrutiny Manager and members of select committees receive an e-mail every Friday with the updated Cabinet forward work programme (the Friday email). The onus is on members, the Chairs of the select committees and the Scrutiny Manager to review and identify any changes and possible topics for inclusion for the select committees' forward work programme. These arrangements improve the links between Cabinet and select committee work with members of select committees and the Scrutiny Manager alert to any changes in Cabinet business.
- 33 The Council's scrutiny and executive protocol briefly sets out the expectations for when officers and Cabinet members should attend select committees. Cabinet members are not required to attend all select committee meetings, and only attend if invited by individual select committees.
- 34 However, Cabinet members sometimes attend select committees to observe and, on occasions, the Chair of the committee may ask the Cabinet member to speak without prior notice or invitation. The role of the Cabinet member in these instances is unclear. The protocol does not give clear guidance about the role of Cabinet members in such instances. As all select committees are livestreamed, Cabinet members could observe meetings without attending in person. This would provide

clarity over the purpose of cabinet members' attendance, ie to be held to account by scrutiny committees, or to provide evidence or information.

- 35 The Council is pro-active in considering the potential opportunities for technology to support its business. On 23 October and 9 November 2017, the Democratic Services Committee and full Council respectively considered a report on Remote Attendance at Council meetings. On 4 October 2017, Cabinet tested remote attendance. A Cabinet member and an expert witness accessed the meeting by video conferencing. Providing the technology is available, and meets the requirements of section 4 of Local Government (Wales) Measure 2011, 'Remote attendance at meetings' remote attendance can allow members, invited witnesses and possibly members of the public to take part in meetings that otherwise they may be unable to attend.

The Council regularly reviews the scrutiny function and has clear actions to continue to improve with officers and members aware of current and future challenges for scrutiny

- 36 The Council is pro-active in reviewing its scrutiny function. Following the Wales Audit Office review **Good Scrutiny: Good Question**, published in May 2014, the Council has undertaken further internal reviews of scrutiny as part of its corporate performance planning framework. The Scrutiny Manager prepares a constructive annual scrutiny support service plan, which doubles as the Council's scrutiny improvement action plan. This plan contains an evaluation of previous years' performance, areas for future focus, objectives for the scrutiny function, key actions, outcomes and quarterly progress updates, a balanced scorecard, and key risks. Quarterly updates are publicly available on the 'Scrutiny in Monmouthshire' section of the Council website.
- 37 The Council also comprehensively self-evaluates its scrutiny arrangements. During March to May 2017, 76 officers and members (64 officers, six scrutiny members and four unidentified respondents) completed self-evaluation questionnaires. The self-evaluation asked for views on issues such as the role and value of scrutiny in the Council's improvement arrangements, level of support for scrutiny, training and development for members, whether scrutiny is well planned, and to what extent is it member led. The actions to improve scrutiny arising from this self-evaluation form part of the scrutiny support service plan for 2017-18.
- 38 The Council has a scrutiny improvement action plan, designed to highlight and oversee improvements. This action plan is also the Scrutiny Manager's annual service plan and is used to inform, plan and report on progress on further improving the scrutiny function.
- 39 During our fieldwork, members and officers clearly articulated future scrutiny challenges. Officers and members stated there are internal challenges that the Council could plan for, as well as external challenges that the Council may need to react to. Members viewed continuing austerity as a significant challenge. All

scrutiny members receive financial information and have the opportunity to question and challenge.

- 40 Officers and members described some of the challenges that the Council faces in respect of scrutiny in the future. These include further upskilling of members and extra member support for regional and collaborative scrutiny, to ensure member input is meaningful and has an impact. A challenge for the new Council is to ensure working members can take part in the democratic process, for example, by seeking to ensure the timings of meetings and training result in good attendance.

Appendix 1

Recommendations from the report of the Auditor General's National Improvement Study 'Good Scrutiny? Good Question' (May 2014)

Exhibit 2: 'Good Scrutiny? Good Question' recommendations

Recommendation	Responsible Partners
R1 Clarify the role of executive members and senior officers in contributing to scrutiny.	Councils, Welsh Government, Welsh Local Government Association
R2 Ensure that scrutiny members, and specifically scrutiny chairs, receive training and support to fully equip them with the skills required to undertake effective scrutiny.	Councils, Welsh Government, Welsh Local Government Association
R3 Further develop scrutiny forward work programming to : <ul style="list-style-type: none"> • provide a clear rationale for topic selection; • be more outcome focussed; • ensure that the method of scrutiny is best suited to the topic area and the outcome desired; and • align scrutiny programmes with the council's performance management, self-evaluation and improvement arrangements. 	Councils
R4 Ensure that scrutiny draws effectively on the work of audit, inspection and regulation and that its activities are complementary with the work of external review bodies.	Councils, Staff of the Wales Audit Office, CSSIW, Estyn
R5 Ensure that external review bodies take account of scrutiny work programmes and the outputs of scrutiny activity, where appropriate, in planning and delivering their work.	Staff of the Wales Audit Office, CSSIW, Estyn
R6 Ensure that the impact of scrutiny is properly evaluated and acted upon to improve the function's effectiveness; including following up on proposed actions and examining outcomes.	Councils, Welsh Government, Welsh Local Government Association
R7 Undertake regular self-evaluation of scrutiny utilising the 'outcomes and characteristics of effective local	Council

Recommendation	Responsible Partners
government overview and scrutiny' developed by the Wales Overview and Scrutiny Officers' Network.	
R8 Implement scrutiny improvement action plans developed from the Wales Audit Office improvement study.	Councils
R9 Adopt Participation Cymru's 10 Principles for Public Engagement in improving the way scrutiny engages with the public and stakeholders.	Councils

Appendix 2

Outcomes and characteristics for effective local government overview and scrutiny

Exhibit 3: outcomes and characteristics

Outcomes	Characteristics
<p>What does good scrutiny seek to achieve?</p>	<p>What would it look like? How could we recognise it?</p>
<p>1. Democratic accountability drives improvement in public services. 'Better Services'</p>	<p>Environment</p> <ul style="list-style-type: none"> i) Scrutiny has a clearly defined and valued role in the council's improvement arrangements. ii) Scrutiny has the dedicated officer support it needs from officers who are able to undertake independent research effectively, and provide Scrutiny members with high-quality analysis, advice and training. <p>Practice</p> <ul style="list-style-type: none"> iii) Overview and Scrutiny inquiries are non-political, methodologically sound and incorporate a wide range of evidence and perspectives. <p>Impact</p> <ul style="list-style-type: none"> iv) Overview and scrutiny regularly engages in evidence based challenge of decision makers and service providers. v) Scrutiny provides viable and well evidenced solutions to recognised problems.
<p>2. Democratic decision making is accountable, inclusive and robust. 'Better decisions'</p>	<p>Environment</p> <ul style="list-style-type: none"> i) Scrutiny councillors have the training and development opportunities they need to undertake their role effectively. ii) The process receives effective support from the Council's Corporate Management Team which ensures that information provided to scrutiny is of high quality and is provided in a timely and consistent manner. <p>Practice</p> <ul style="list-style-type: none"> iii) Scrutiny is Member led and has 'ownership' of its work programme taking into account the views of the public, partners and regulators whilst balancing between prioritising community concerns against issues of strategic risk and importance. iv) Stakeholders have the ability to contribute to the development and delivery of scrutiny forward work programmes. v) Overview and scrutiny meetings and activities are well-planned, chaired effectively and make best use of the resources available to it. <p>Impact</p> <ul style="list-style-type: none"> vi) Non-executive Members provide an evidence based check and balance to Executive decision making. vii) Decision makers give public account for themselves at scrutiny committees for their portfolio responsibilities.

Outcomes	Characteristics
<p>What does good scrutiny seek to achieve?</p>	<p>What would it look like? How could we recognise it?</p>
<p>3. The public is engaged in democratic debate about the current and future delivery of public services.</p>	<p>Environment</p> <ul style="list-style-type: none"> i) Scrutiny is recognised by the Executive and Corporate Management team as an important council mechanism for community engagement. <p>Practice</p> <ul style="list-style-type: none"> ii) Scrutiny is characterised by effective communication to raise awareness of, and encourage participation in democratic accountability. iii) Scrutiny operates non-politically and deals effectively with sensitive political issues, tension and conflict. iv) Scrutiny builds trust and good relationships with a wide variety of internal and external stakeholders. <p>Impact</p> <ul style="list-style-type: none"> v) Overview and scrutiny enables the ‘voice’ of local people and communities across the area to be heard as part of decision and policy-making processes.

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