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Overview and Scrutiny – Fit For the Future? – **Conwy County Borough 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, including the Wellbeing of Future Generations Act 2015 (WFG Act) in relation to their scrutiny activity, as well as how councils are beginning to carry out scrutiny of Public Service Boards (PSBs). 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 between local authorities.
- 2 As part of this review, we also 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 2](#)). We also followed up on the proposals for improvement relevant to scrutiny that we issued in local reports including those issued to councils as part of 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 method around the Outcomes and Characteristics for Effective Local Government Overview and Scrutiny that were developed and agreed by scrutiny stakeholders in Wales following our previous National Improvement Study **Good Scrutiny? Good Question?**.
- 5 During January 2018, we carried out document reviews, interviewed key officers and ran focus groups with councillors to understand their views on Conwy County Borough Council’s (the Council) current scrutiny arrangements. 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 In this review, we concluded that the Council's overview and scrutiny function responds effectively to current needs and is developing its arrangements to meet future challenges. We concluded this because:
- a. the Council has a supportive environment that promotes effective and valued scrutiny, but arrangements necessary to meet future scrutiny challenges need further development;
 - b. well planned scrutiny takes a balanced approach to using pre and post decision scrutiny, but there is scope for committee members to take greater control of their forward work programmes and to involve the public more; and
 - c. the Council regularly reviews its scrutiny function but does not evaluate its impact.

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

Proposal for improvement
<p>P1 The Council's scrutiny function could be improved by:</p> <ul style="list-style-type: none">• scrutiny committee members taking more control of the committee's forward work programmes; and• increasing public involvement in the scrutiny process.

Detailed report

The Council's overview and scrutiny function responds effectively to current needs and is developing its arrangements to meet future challenges

The Council has a supportive environment that promotes effective and valued scrutiny, but arrangements necessary to meet future scrutiny challenges need further development

- 9 The role of the overview and scrutiny function in Conwy is clearly defined in the Council's constitution as well as in its Guide to the Operation of Overview and Scrutiny. Both documents also set out the roles and responsibilities of councillors in relation to overview and scrutiny.
- 10 The Council has four scrutiny committees that are supported by task and finish groups when needed. In addition, various informal scrutiny activities complement and feed into the formal scrutiny committee structure. For example, scrutiny members are involved in service performance reviews, the budget working group and modernisation boards. This involvement helps to provide scrutiny members with further insight into the workings of the Council, their feedback provides an opportunity for scrutiny committees to provide steer at an early stage.
- 11 Officers and councillors view scrutiny as an effective function, which adds value. Cabinet members we spoke to commented that pre-decision scrutiny helps to strengthen decision making at the Council by providing valuable cross-party and cross-county perspectives. Cabinet members also appreciate the insight and suggestions that scrutiny provides and could cite several examples where scrutiny had added value.
- 12 The Council provides a comprehensive induction programme for new councillors and has a member development programme for ongoing training. Training is provided both internally and by external organisations, such as the Welsh Local Government Association. As part of the 2017 induction process, councillors received training on effective scrutiny questioning and scrutiny chairing, as well as more general sessions on the decision-making process, equalities, and local government finance and budgets. Councillors commented positively on the training received, although some newly elected councillors we spoke to found the volume of information received was overwhelming. The Council is responsive to these concerns, has reviewed the induction process, and is already repeating some sessions in response to councillor requests.
- 13 The Council has reviewed its training provision because of some key future challenges. For example, councillors have received awareness-raising sessions on the Well-being of Future Generations (Wales) Act 2015; this included training on

key decision making and scrutinising in the context of the Act. The 2017 induction programme also included a regional workshop with the Future Generations Commissioner. The Council is working to embed the sustainable development principle, and has updated the scrutiny report template to make direct reference to the Act. The Council's Guide to the Operation of Overview and Scrutiny also includes a section on the types of questions that scrutiny members might want to consider in relation to the Act's sustainable development principle.

- 14 However, councillor training on the PSB has been limited, and scrutiny members would benefit from training to prepare them to scrutinise regional working. Councillor induction made reference to the PSB, but so far there has been little training focused on PSB scrutiny. The Council is working with Denbighshire County Council to develop an options paper on future arrangements to scrutinise the joint Conwy and Denbighshire PSB. The Council plans to run further training for councillors once arrangements are finalised. In the interim, the Council's Finance and Resources scrutiny committee is responsible for scrutinising the PSB.
- 15 Committee members spoke highly of the scrutiny support they received from officers. The Council has one Scrutiny Support Officer and there is also a support remit within the Committee Officer role. However, limited officer capacity means there are few opportunities to provide dedicated research and analysis. More support for the scrutiny function is available from service-based officers, as needed. For example, task and finish groups are supported by officers from the relevant service, and link officers attend informal chairs meetings, providing an efficient way of passing information between scrutiny and the council's services. It is not yet clear what impact PSB scrutiny will have on the capacity to support scrutiny. The Council will need to reassess the level of support scrutiny needs as part of the options paper currently being developed.

Well planned scrutiny takes a balanced approach to using pre and post decision scrutiny, but there is scope for committee members to take greater control of their forward work programmes and to involve the public more

- 16 Each overview and scrutiny committee has a well-defined forward work programme. Scrutiny chairs and vice chairs are responsible for managing the programme. They ensure scrutiny work is aligned with the Cabinet forward work programmes and meet regularly with Cabinet members and the Senior Management Team to discuss items for inclusion. Scrutiny topic request forms can be submitted by councillors, officers and the public, and are assessed by scrutiny chairs and vice chairs using a scoring matrix. Priority is given to topics that allow scrutiny to add value and are aligned to the Council's Corporate Plan outcomes or are of public interest. The forward work programmes also include a number of standing items, such as service area business plans and budget and performance monitoring.

- 17 There is scope for scrutiny members to take more ownership of the forward work programmes. Most topic request forms are submitted by officers, although some of these may have originally been prompted by earlier conversations with councillors. And, although the forward work programme is a standing agenda item at each committee meeting, there was little discussion about the forward work programmes during the meetings we observed. The Council is exploring opportunities to establish five area groups and expects that community issues discussed by councillors at these meetings would feed into the scrutiny forward work programme, when appropriate.
- 18 Overview and scrutiny committees attempt to undertake their prescribed functions in a balanced way. Our review of reports to scrutiny committees over recent years confirmed a balance between policy development reports and those with an overview and scrutiny focus. Although both pre and post decision scrutiny take place, both councillors and officers favour pre-scrutiny; they consider that scrutiny's early involvement contributes to a robust and transparent decision making process. As a result, there are few call-ins of Cabinet decisions.
- 19 The Council has arrangements to ensure that scrutiny is well-sighted of the work of audit, inspection and regulation. For example, the Corporate Improvement and Development Team monitors all external regulatory reports and recommendations. Reports are routinely presented to the Council's Improvement and Audit Group and to the Audit Committee, who refer items on to scrutiny if necessary. Findings from regulatory reports are incorporated into the Council's service performance review process, which scrutiny members are also involved in. The relevant scrutiny committee also receives corporate performance reports summarising the performance reviews and providing updates on regulatory activity.
- 20 Scrutiny of the PSB is incorporated into the Council's existing scrutiny committee structure. The Finance and Resources scrutiny committee considered the draft and final well-being plan in November 2017 and February 2018 respectively. Future arrangements for the scrutiny of the joint Conwy and Denbighshire PSB will become clearer in July 2018, following consideration of the options paper noted above.
- 21 Scrutiny meetings are conducted effectively. In an earlier review of scrutiny arrangements at the Council we noted that councillors 'conduct themselves appropriately and seek to be constructive in committee meetings, even when they disagree with each other'. Following the May 2017 elections, it is positive to see that the 'Team Conwy' ethos remains, with councillors working together constructively. At the meetings we observed, councillor conduct was constructive and most scrutiny members contributed to discussions. The level of challenge at meetings varies, but we saw examples of robust and well-informed debate. Effective chairing of the meetings helped to ensure that debate and questioning was focused and arrived at clear conclusions.
- 22 Committee meetings usually include between two and four main agenda items; this reflects the Council's policy of limiting the number of reports considered at

meetings to facilitate detailed and effective debate on each topic. However, some councillors told us that agendas were sometimes too long and that the Economy and Place committee had a heavier workload than others. The Council is aware of these concerns and intends to review committee workloads as part of its upcoming review of scrutiny arrangements.

- 23 Scrutiny committees are largely informed by officer reports but do make use of other sources of evidence. For example, representatives of external bodies such as Betsi Cadwaladr University Health Board attend scrutiny meetings and committees make effective use of task and finish groups to undertake more detailed scrutiny. Task and finish groups produce well-evidenced findings that contribute positively to policy development and are widely valued. The reports presented to scrutiny are comprehensive. Senior officers review significant reports before they enter the democratic process and scrutiny chairs use pre-meetings to review draft reports, and request amendments or further information where necessary.
- 24 The Council has had limited success at engaging the public in scrutiny. An Overview and Scrutiny Public Engagement Protocol provides guidance on public involvement in the scrutiny process, and scrutiny annual reports also include information on how the public can get involved. Agendas for upcoming scrutiny committee meetings are available on the Council website along with a useful section on the scrutiny function. This provides the opportunity for the public to submit online topic request forms and to learn how to attend or take part in committee meetings. Despite this, councillors and officers told us that public attendance is infrequent and invariably limited to contentious issues. The Council recognises the need to improve the way its scrutiny function engages with the public. It recently reinstated webcasting of selected scrutiny committee meetings, is exploring ways to better promote its Scrutiny Public Engagement Protocol and is considering holding some scrutiny meetings out in communities when there are agenda items of particular local interest. However, the Council does not yet have a systematic approach to proactively engaging the public and seeking their views as an integral part of its scrutiny arrangements.

The Council regularly reviews its scrutiny function but does not evaluate its impact

- 25 In August 2014, the Council considered how portfolio holders should be held to account. Scrutiny recommended that Cabinet members attend scrutiny but that officers should present reports to prevent portfolio holders from exerting undue influence on committee members. These arrangements remain in place; and a number of Cabinet members attended the committee meetings we observed. Officers took the lead on presenting reports and responding to challenge from the committee but portfolio holders often contributed to discussions. However, whilst it is appropriate for senior officers to respond to points of detail, committees should

routinely direct questions about policy and decisions to the relevant lead member, as a way of holding them to account.

- 26 Both councillors and officers gave us examples where scrutiny had provided solutions to recognised problems. In particular, they highlighted the work of scrutiny task and finish groups stating that it made a difference; such as the task and finish review of a proposed strategy for car parking asset. The task and finish group considered proposals to introduce pay and display charges at some locations as well as the proposed disposal of some car parks. The group examined the issues about each affected location and explored potential mitigation measures, considering feedback from the public and town and community councils. Cabinet approved the group's recommendation to delegate authority to the relevant Cabinet Member to decide on the action taken at each car park in consultation with relevant local councillors and the public.
- 27 The Council is actively seeking to improve its scrutiny function. Following our 2014 Good Scrutiny review, the Council considered its arrangements against the criteria set out in the national report and developed and implemented an action plan. The Council also evaluated the effectiveness of its scrutiny function during early 2017. A task and finish group considered whether the current arrangements were fit for purpose following concerns about falling member attendance levels and confusion over 'ambiguous' committee names. The group made several recommendations, including changes to the names and remits of the scrutiny committees, and a new structure was implemented in May 2017. Member attendance has also improved - at the time of our review average attendance across all four committees was 75%, up from 65% in 2016-17. The Council is currently reviewing the new scrutiny arrangements; for example, to increase backbench councillor engagement in the scrutiny process, the committees are increasing in size from 15 to 19 councillors.
- 28 Annual scrutiny reports review the activity of the scrutiny function and report on local scrutiny performance indicators such as adherence to the committee timetable and member attendance levels. The reports are informative but there is scope to more explicitly demonstrate the impact of scrutiny's work during the year. This would help the Council to clearly identify which aspects of scrutiny have the most impact and ensure that the function provides value for money and is fit to meet future challenges.
- 29 Officers and councillors demonstrate awareness of future challenges facing the scrutiny function. Continuing falls in public spending, increased focus on regional working, and uncertainty over the impact of Brexit and potential local government reorganisation are key challenges. Nevertheless, the Council believes that its scrutiny structure is adaptable enough to meet those future challenges. It is exploring how a joint approach to PSB scrutiny could work, and will use this learning to help inform other regional scrutiny arrangements.

Appendix 1

Outcomes and characteristics for effective local government overview and scrutiny

Exhibit 2: outcomes and characteristics for effective local government overview and scrutiny

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.

Outcomes	Characteristics
<p>What does good scrutiny seek to achieve?</p>	<p>What would it look like? How could we recognise it?</p>
<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.
<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.

Appendix 2

Recommendations from the report of the Auditor General's national improvement study 'Good Scrutiny? Good Question?' (May 2014)

Exhibit 3: recommendations from **Good Scrutiny? Good Question?** Scrutiny Improvement Study

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

Recommendation	Responsible Partners
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 government overview and scrutiny' developed by the Wales Overview & Scrutiny Officers' Network.	Council
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

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