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Overview and Scrutiny – Fit For the Future? – **Gwynedd Council**

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The team who delivered the work comprised Jeremy Evans, Paul Goodlad, Charlotte Owen and Alan Hughes directed by Huw Rees.

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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 Well-being of Future Generations Act 2015 (WFG Act) in relation to their scrutiny activity, as well as how councils are beginning to undertake scrutiny of Public Services 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 methodology 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 We carried out our fieldwork during October 2017 and December 2017. We reviewed documents, interviewed officers and ran focus groups with councillors. We did this to understand their views on Gwynedd Council's (the Council) current scrutiny arrangements. In particular how the Council is approaching and intends to respond to the challenges it faces. We observed a sample of scrutiny meetings and reviewed relevant meeting documentation provided to committee members to support them, such as reports and presentations.
- 6 In this review we concluded the Council's overview and scrutiny function has improved, however, there is a need to further strengthen scrutiny arrangements in light of current and future challenges. We came to this conclusion because:

- the Council acknowledges there are opportunities to strengthen scrutiny arrangements;
- better planning of scrutiny activity, using a greater range of inputs and more innovative methods of delivery would increase scrutiny effectiveness; and
- the Council reviews its scrutiny function annually, the next review is scheduled for late 2018.

Proposals for improvement

7 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	
P1	Further develop scrutiny forward work programing to: <ul style="list-style-type: none"> • provide a clear rationale for topic selection; • being more outcome focussed and explaining this to the public; and • ensure that the method of scrutiny is best suited to the topic area and the outcome desired, and consider more innovative methods for undertaking scrutiny activity.
P2	Review the type of scrutiny support required to enable the scrutiny function to respond to current and future challenges.
P3	Clarify the role of scrutiny committee members and officers in the service performance review meetings, ensuring that committee members challenge service performance appropriately and hold officers to account.

Detailed report

The Council's overview and scrutiny function has improved, however, there is a need to further strengthen scrutiny arrangements in light of current and future challenges

The Council acknowledges there are opportunities to strengthen scrutiny arrangements

- 8 The Council's scrutiny committees are Education and Economy, Communities and Care, and the Audit and Governance Committee is responsible for scrutiny of the corporate elements of the Council. The Council has a Scrutiny Forum which co-ordinates and oversees scrutiny activity. The forum has added value to the scrutiny function and helps prioritise topic areas. Its membership includes the chairs and vice chairs of the scrutiny and audit committees and the Chief Executive. During 2017, the Council reviewed its previous arrangements and recommended two different options. The two options recommended were a) a revised approach to the existing three committee model or b) a single committee, supported by a greater number of concurrent scrutiny investigation projects, eight compared to the current three. Whilst the Chief Executive felt this new model would reduce bureaucracy, support costs and silo working, it was not approved by councillors.
- 9 The role of scrutiny is defined in the Council's Constitution, which was last updated in May 2018. Overall the roles and responsibilities of cabinet members, committee members and other councillors are clearly set out and understood.
- 10 The Council is eager to establish a Joint Scrutiny Panel with Anglesey County Council established through the Communities Scrutiny Committee to scrutinise the work of the Public Services Board. At the time of our review it was too early to evaluate the impact of this new arrangement.
- 11 Cabinet Members told us that they felt there had been an improvement in scrutiny arrangements, and the impact of scrutiny activity over the last 18 months. This view was shared by scrutiny chairs who commented that improved communication with Cabinet members had led to better relationships and information sharing. However, other scrutiny members felt that Cabinet does not value the scrutiny function. Cabinet meets more frequently than scrutiny committees, and has an extensive forward work programme. Both Cabinet and scrutiny members reflected that scrutiny committee meetings were held less frequently than Cabinet, which hinders the ability of the scrutiny function to inform Cabinet decisions. Due to the breadth and range of Council functions, and the time and resources required to undertake effective scrutiny, scrutiny committees will always need to prioritise their work programmes. There is an opportunity therefore for committees to consider

whether they could more effectively prioritise decisions rather than just hold more frequent meetings.

- 12 In the past, most scrutiny activity was completed post-decision. During the last 18 months, the Council has tried to achieve a better balance by conducting more pre-decision scrutiny. The scrutiny of the re-design of youth clubs was an example of this change. Increased focus on pre-decision scrutiny and improved prioritisation of scrutiny topics may help alleviate some scrutiny members' concerns over the value and impact of the scrutiny function.
- 13 Current arrangements for scrutinising service performance began part way through the last administrative term and take place in performance review meetings. Those involved felt that scrutinising performance this way raised the profile of scrutiny and also helped inform scrutiny members about the different services offered by the Council. However, there is some confusion about the role of scrutiny members in the performance management meetings. Scrutiny members and officers have differing views on whether scrutiny members should observe or actively challenge. Resolving this confusion over roles will improve the effectiveness of the process.
- 14 Following the local government elections in May 2017 training was provided for scrutiny committee members. This training was provided at a time when there was a lot to take in, particularly for new councillors. They expressed the view that refresher training would be of value. In addition the scrutiny committee members would benefit from more advanced and detailed training now they were more settled in their role.
- 15 The Council's scrutiny support function is led by the Head of Democratic Services. Collectively support officers promote, support and guide the scrutiny function. Their current resources enable them to support the committees and three concurrent scrutiny investigations with the investigations prioritised by the Scrutiny Forum by prioritising resources to the most important investigation. Committee members would like to see a greater number of scrutiny investigations. There is therefore an opportunity for the committees to consider if undertaking more work through scrutiny investigations, or more innovative methods of scrutiny and less activity through formal committee meetings would free up resources to support this.
- 16 Senior officers also have a role in supporting the scrutiny function. But this is less well defined, which creates ambiguity about which officers are required to support the scrutiny function. Cabinet members suggested that Directors should take this responsibility, which happens in high profile cases for example the Blaenau Ffestiniog Health Centre. However, scrutiny members felt this was more a responsibility of the scrutiny support team. There is an opportunity for the Council to review the type of scrutiny support needed. This should reflect both the role of the support team and service based officers and directors.

Better planning of scrutiny activity, using a greater range of inputs and more innovative methods of delivery would increase scrutiny effectiveness

- 17 While the Council allows members of the public to present to committees as witnesses, overall public engagement with the scrutiny process is not well developed. Committee papers are available on the Council's website, but the Council does not actively engage with the public or with service users while undertaking formal scrutiny activities in committee. For example, it does not seek views on topics under consideration or seek views on potential topics for scrutiny, although members of the public can suggest ideas through the website. This may in part be due to the usual arrangement of receiving officer reports at full committee meetings. These reports are expected to include public and service users' views on specific subjects under consideration, e.g. youth services, although engagement is not incorporated in a number of scrutiny topics. Additionally, input from the public, service users and experts is captured in scrutiny investigations.
- 18 Forward work programmes are published on the Council's website but they are not up to date and contain little detail. It is difficult for the public to see what committees will be discussing and how they plan to scrutinise it. In developing these the Council should include more information such as:
- providing a clear rationale for topic selection;
 - being more outcome focussed and explaining this to the public; and
 - ensuring that the method of scrutiny is best suited to the topic area and the outcome desired and explaining this to the public.
- 19 There is an opportunity for scrutiny committees to take control of forward work planning, and in doing so to consider more systematically the importance of proposed topics, the best way to scrutinise it, the range of information required (audit, inspection and regulation bodies' reports for example) and the range of witnesses (public, service users, partners, other stakeholders), officers and executive members it would like to see. We observed committee members discussing potential evidence sources, but there is an opportunity to strengthen this to be more effective.
- 20 There remains a lack of co-ordination between the scrutiny function and the cabinet. A lack of detail in the cabinet forward work programme makes it difficult for scrutiny committees to identify priority topics. This limits the ability of scrutiny to provide input and challenge to many areas of cabinet business.
- 21 Like many other councils in Wales, the majority of scrutiny activity takes place at formal committee meetings where officer reports are considered. This means that most of the evidence provided to committees is from council officers, and the ability of committees to employ more innovative ways of gathering evidence is limited. However, it is positive that the Council has considered alternative forms of scrutiny, outside of the traditional committee environment. These include challenging service performance, area scrutiny boards for education and opportunities for

members to scrutinize specific topics such as North Wales Economic Growth developments. While alternative approaches are not widespread, they are useful pilots that could be built on to help the Council meet future challenges.

The Council reviews its scrutiny function annually, the next review is scheduled for late 2018

- 22 There are positive examples where scrutiny has influenced the outcomes of Council decisions. For example, the pest control service, frequency of bin collections and the number of care assessors.
- 23 All councillors have been involved in the discussion around the budget process, and everyone has had the opportunity to engage. This has helped formal agreement being reached in meetings of the full council.
- 24 Although the Council routinely produces an annual report on the activities of its overview and scrutiny committees, the report describes the issues discussed by committees rather than evaluating the impact of scrutiny activity.
- 25 The Council looked at scrutiny committee structures in its 2017 review and recommended two options, which were to modify the previous arrangement by continuing with three scrutiny committees, or moving to one scrutiny committee and a larger number of investigations. The Council decided on the three committee option (and the Audit and Governance Committee) with their fields modified. The Council plans to review the impact of scrutiny again late 2018. This will help the Council to identify opportunities to strengthen arrangements and improve scrutiny effectiveness enabling it to better meet future challenges.

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
What does good scrutiny seek to achieve?	What would it look like? How could we recognise it?
1. Democratic accountability drives improvement in public services. 'Better Services'	Environment 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. Practice iii) Overview and Scrutiny inquiries are non-political, methodologically sound and incorporate a wide range of evidence and perspectives. Impact 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 and 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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