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Overview and Scrutiny – Fit For the Future? – **Pembrokeshire County Council**

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Mae'r ddogfen hon hefyd ar gael yn Gymraeg. This document is also available in Welsh.

The team who delivered the work comprised Jeremy Evans, Gareth Lewis and Alison Lewis 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 for their scrutiny activity. These include the Well-being of Future Generations (Wales) Act 2015 and 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 relevant proposals for improvement issued in local reports including those in our 2016-17 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 Well-being of Future Generations (Wales) Act 2015;
 - 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 We carried out our fieldwork during October 2017 and November 2017. We reviewed documents, interviewed officers and ran focus groups with councillors. We did this to understand their views on Pembrokeshire County 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 watched a sample of scrutiny meetings and reviewed relevant meeting documentation provided to Councillors to support their scrutiny role, such as reports and presentations.
- 7 We concluded that, the Council is revising its overview and scrutiny function but arrangements need further strengthening to enable scrutiny to meet current and future challenges. We decided this because:

- a. the Council is revising its overview and scrutiny arrangements but it has more to do to help scrutiny to meet current and future challenges;
- b. there is scope to improve scrutiny practice and the training provided for members; and
- c. the Council does not evaluate the impact of overview and scrutiny and cannot demonstrate its overall effectiveness.

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
<p>P1 Improve the provision of training for committee members:</p> <ul style="list-style-type: none"> a. Provide more training specifically for Chairs and Vice Chairs of overview and scrutiny committees to enable them to be more effective in their role. b. Provide further training on likely key issues for the future including: Well-Being of Future Generations (Wales) Act 2015, Swansea Bay City Region and regional working.
<p>P2 Forward work programmes for overview and scrutiny committees:</p> <ul style="list-style-type: none"> a. Strengthen committee ownership of forward work programmes and committee agendas. b. Ensure that scrutiny committees take account of the Cabinet forward work programme when determining overview and scrutiny forward work programmes. c. Urgently review the practice of Notices of Motion going to overview and scrutiny committees.
<p>P3 Chairs of overview and scrutiny committees, in consultation with committee members, to define the intended purpose and operation of overview and scrutiny pre-meetings and who should attend.</p>
<p>P4 Reports provided to overview and scrutiny committees:</p> <ul style="list-style-type: none"> a. Be specific about what is expected of overview and scrutiny committees when reports are presented to them. b. Ensure that relevant legal considerations are taken account of in reports to scrutiny committees.
<p>P5 Clarify the role of Cabinet members in the overview and scrutiny committee process:</p> <ul style="list-style-type: none"> a. Clarify the role of the Cabinet member in the scrutiny process and communicate this to councillors and officers.

Proposals for improvement
b. Clarify the arrangements for feeding back overview and scrutiny committees' views to Cabinet and for Cabinet to respond to scrutiny committee recommendations.
P6 Review overview and scrutiny committees' terms of reference to decide if greater parity in workloads between committees would support more effective scrutiny.
P7 Put in place arrangements for assessing the effectiveness and impact of overview and scrutiny.

Detailed report

The Council is revising its overview and scrutiny function but arrangements need further strengthening to enable scrutiny to meet current and future challenges

The Council is revising its overview and scrutiny arrangements but it has more to do to help scrutiny to meet current and future challenges

- 9 The Council is strengthening the role of overview and scrutiny but the new arrangements for overview and scrutiny committees are still temporary and remain subject to further review. The Council state that the transformation of its overview and scrutiny function over the last two years has been the biggest change to the Council's governance and democratic arrangements since 2001. The Council recognises that scrutiny does not have a clearly enough defined role in the Council's governance arrangements. External support has been engaged to help strengthen the overview and scrutiny function by developing a vision for scrutiny. The Council see the vision as needing to, 'establish clear expectations of the role of the scrutiny function, and a shared understanding of the unique contribution it can make towards improved citizen outcomes, better decisions and higher quality democratic engagement.'¹ A final report on this review is due to be considered by Council in July 2018.
- 10 Plans to strengthen scrutiny's contribution to regional collaborative arrangements, and its approach to meeting the expectations set by the Well-being of Future Generations (Wales) Act 2015, are at an early stage. The Council has established a dedicated Partnerships Committee which it hopes make it well placed to address these issues.
- 11 The Council has chosen to establish separate committees that look at pre-decision (the Policy and Pre-Decision Overview and Scrutiny Committee) and post-decision scrutiny (the Corporate Overview and Scrutiny Committee). The Council describes this clearly in its 'Guide to Scrutiny in Pembrokeshire'. However, the workload of different overview and scrutiny committees appears imbalanced. The Services Overview and Scrutiny Committee has a large remit. The Council has a separate Partnerships Overview and Scrutiny Committee with a clear role to examine the work of the Public Services Board and other collaborative arrangements. Committee members felt it was early days for this committee and the current

¹ Pembrokeshire County Council - **Strengthening Scrutiny Arrangements in Pembrokeshire County Council**, Report to Democratic Service Committee, 24 November 2017

workload was light and not well understood. The Council recognises this committee is less well developed. A report presented to Cabinet in March 2018² more clearly defines the Council's strategic partnership arrangements. The Council hopes the report will help the Partnerships Overview and Scrutiny Committee to develop a risk-based forward work programme for reviewing individual partnerships.

- 12 Before each overview and scrutiny meeting a pre-meeting is held. The intended purpose of these pre-meetings is not clear to all committee members. Members of overview and scrutiny committees reported that attendance at pre-meetings is only the Chair, Vice Chair, director and scrutiny officer and the meetings are not open to the wider committee membership. To aid clarity and transparency there is a need to define the intended purpose and operation of the pre-meetings and communicate this to committee members.
- 13 The roles of overview and scrutiny Chairs, Vice Chairs and members of overview and scrutiny committees is set out in internal guidance documents. However, the role of Cabinet members and officers in overview and scrutiny is not included in these guides and these roles are less clear. There is a lack of collective understanding amongst scrutiny members of how and why to invite Cabinet members to overview and scrutiny committees. Committee members were also unclear whether officers or Cabinet members should present reports and answer questions at overview and scrutiny committee meetings. Overview and scrutiny committees currently tend to hold officers to account. During our fieldwork we only observed a few examples of Cabinet members presenting reports, taking questions and being held to account at the committees. All Cabinet members said they were keen for overview and scrutiny committees to hold them to account for their portfolio responsibilities. Committee members and Cabinet members also told us that the method for feeding back overview and scrutiny committees' views to Cabinet and for Cabinet to respond to scrutiny committee recommendations was unclear.
- 14 Reports to committees generally include a useful summary on their front cover. Where members have identified a lack of information in reports they are able to seek the necessary further information. However, the purpose of some reports submitted to scrutiny is unclear. A number of reports simply ask the committee 'to scrutinise the report' rather than specifically outlining the purpose of the report in relation to the overview and scrutiny role of the committee. For example to consider a report on policy change and suggest any potential alterations for cabinet consideration.
- 15 Reports to overview and scrutiny committees (except for cover reports about Notices of Motion) are not checked by legal services and this presents a potential risk to the Council. Reports are going into the public domain, as a formal part of the

² Pembrokeshire County Council – **Strategic Partnership Governance and Performance Arrangements, Report to Cabinet, 19 March 2018**

Council's decision making, without the Council satisfying itself that reports meet relevant legal requirements.

- 16 The Director of Development is the manager of the scrutiny support service but statutory responsibility for the function sits with the Head of Legal and Democratic Services. There is potential that greater clarity of roles and responsibilities would strengthen accountability and the support provided for overview and scrutiny. Committee members were positive about the support that they received from scrutiny officers. However, they had concerns about whether this support would be preserved in the future. There has been a reduction in scrutiny support over the last three years. At the moment there is the equivalent of 1.5 full time officers supporting scrutiny (officers supporting scrutiny have a dual role, also supporting partnership working, including the Public Services Board and a range of partnerships that support the Council's engagement with other public sector partners, the private sector and voluntary and community sectors). Committee members and officers expressed concerns about the resilience of the scrutiny support function, for example if there were any long-term absences within the team. Democratic services officers compile the papers for the overview and scrutiny meetings and take the minutes. Webcasting of overview and scrutiny committees means two democratic service officers attend each committee (one taking the notes and one to manage the webcasting equipment). The Council is looking at a more advanced system that will need only one democratic services officer to attend meetings, carrying out both roles. There are cost implications to making this change.

There is scope to improve scrutiny practice and the training provided for members

- 17 Overview and scrutiny committee members identified that planning committee work could be improved and the work of committees informed by a wider range of evidence. However, they did give examples of positive practice. How the work of the waste review task and finish group was undertaken was given as a positive example of scrutiny, that had added value to the decision making process.
- 18 Each overview and scrutiny committee has agreed a forward work programme, and these are available on the Council's website. The Chairs and Vice Chairs hold a planning meeting at the start of the municipal year and the forward work programme is also a standard item at each overview and scrutiny meeting. There is a Cabinet forward work programme to which overview and scrutiny committee members have access. However, links between the Cabinet forward work programme and overview and scrutiny forward work programmes could be stronger. There are standard items on the forward work programme covering key Council functions for example: performance monitoring, budget and draft improvement plan. Officers and councillors add agenda items to overview and scrutiny meetings and while committee chairs have declined to include items,

ownership of the forward work programmes and agendas by the committees could be stronger.

- 19 The number of Notices of Motion going to overview and scrutiny committees is disrupting work plans and limiting the time available for committees to carry out their prescribed role. Chairs of overview and scrutiny committees strongly believe this practice is impacting negatively on the time available for the committees to do their work effectively. In one case an extra committee meeting was arranged to deal with the number of Notices of Motion.
- 20 Members of overview and scrutiny were unclear on how the committees drew on the work of audit, inspection and regulation. There were some examples of overview and scrutiny committees considering items from external auditors and internal audit. However, awareness by overview and scrutiny members of the Wales Audit Office work in 2014 on scrutiny was limited.
- 21 Overview and scrutiny committee members highlighted the lack of public involvement in scrutiny as an issue. Involving the public is seen as a challenge by the Council. There is a standard agenda item for public questions or correspondence at every meeting but the Council are not receiving many questions from members of the public. The Council has adopted Participation Cymru's 10 Principles of Public Engagement. The Council already webcasts all of its overview and scrutiny meetings which has improved transparency and enables people to view committee proceedings without attending the Council offices.
- 22 From our observations and fieldwork we have identified some opportunities to improve scrutiny members' contribution. Specifically: improving member attendance at committees, and better member preparation for and engagement in the meetings. However, we observed that councillors newly involved in scrutiny are adding vitality and energy to the scrutiny role.
- 23 The Council has sought to improve its induction process for councillors by involving them in designing the programme. Training on overview and scrutiny was available to all councillors as part of the induction programme but only 38% of councillors attended the session. There has been little specific training for Chairs and Vice Chairs of scrutiny committees, improving the provision of training for them could improve the effectiveness of overview and scrutiny committees. The new councillors we spoke with as part of this review were positive about the training they had received. However, some recognised that it would take time to fully understand their role on scrutiny committees and the technical subject matter considered by them. Where councillors had identified the need for further training, for example in understanding schools' data, it had been provided. Councillors felt they would benefit from further training in preparing for key likely future challenges, for example: Well-being of Future Generations (Wales) Act 2015, Swansea Bay City Region and regional working. The councillor induction programme did include training on the Well-being of Future Generations (Wales) Act 2015 but only 27 of the 60 councillors (45%) attended.

The Council does not evaluate the impact of overview and scrutiny and cannot demonstrate its overall effectiveness

- 24 There are few examples of overview and scrutiny contributing to policy decisions. However, two positive examples are the waste review and the alternative models for leisure services.
- 25 In response to several reviews of its scrutiny function the Council has produced a scrutiny action plan. Updates on the action plan have been presented to the Democratic Services Committee. However, some key actions in the plan remain outstanding. The overview and scrutiny committee members we met with were unaware of the action plan. The Council's testing of the most recent changes to the scrutiny structure introduced in September 2016, has been extended until April 2018. The Council will be undertaking a further review of its overview and scrutiny arrangements and has engaged an external consultant to help make improvements.
- 26 Annual reports from overview and scrutiny committees were not written last year, we were informed that this was because the Council was testing its new overview and scrutiny arrangements. However, the Council's scrutiny guide states that, 'From 2014, Overview and Scrutiny Committees will produce annual reports, which will review the work of the Committees over the previous year'³. The Council continues to say that it hopes as the scrutiny function in Pembrokeshire develops, 'that more qualitative and cost-based approaches to measuring the impact of scrutiny can be explored, which will then be reflected in future annual reports.' The Council has not yet developed these approaches and because there is no formal method for evaluating the impact of overview and scrutiny the Council cannot demonstrate the overall effectiveness of its arrangements.

³ Pembrokeshire County Council – **Guide to Scrutiny in Pembrokeshire**, from Pembrokeshire County Council's website, November 2017

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, Care and Social Services Inspectorate Wales, 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, Care and Social Services Inspectorate Wales, 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.	Councils.
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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