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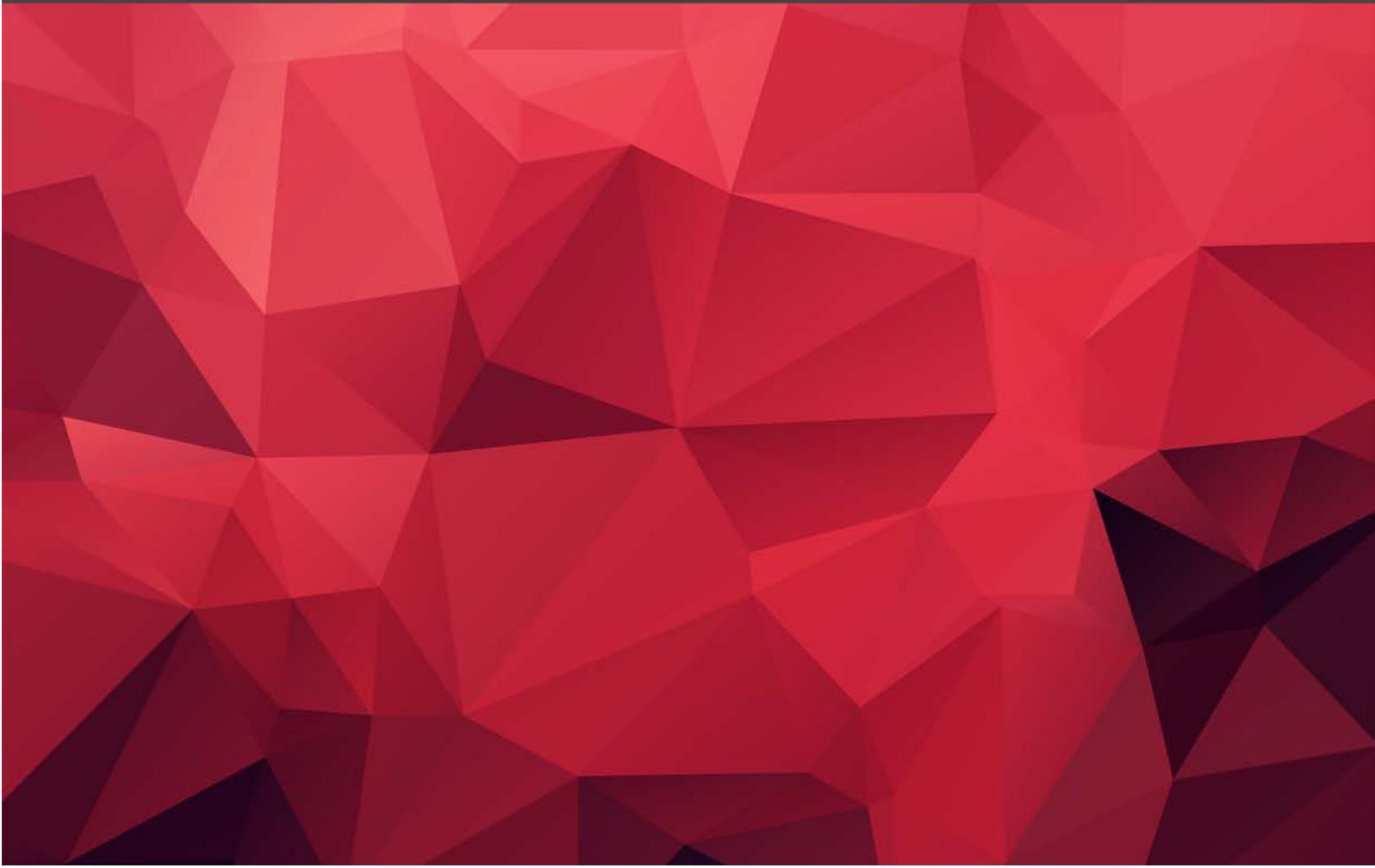
Archwilydd Cyffredinol Cymru  
Auditor General for Wales

# Overview and Scrutiny: Fit for the future? – Merthyr Tydfil County Borough Council

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The team who delivered the work comprised Katherine Simmons, Justine Morgan and Colin Davies under the direction of Jane Holownia

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# Detailed 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 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 During October 2017 and November 2017 we undertook document reviews, interviewed a small number of key officers and ran focus groups with key councillors to understand their views on Merthyr Tydfil County Borough 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 In this review we concluded that the Council is beginning to respond to weaknesses in its overview and scrutiny arrangements, but further work remains to

make it better placed to respond to current and future challenges. We came to this conclusion because:

- The Council is beginning to respond to weaknesses in its overview and scrutiny arrangements, but scrutiny committees are not effectively holding the Cabinet to account;
- Scrutiny activity is not always well planned and the Council should consider how its scrutiny function can work differently and engage the public more effectively in its activity in order to be better placed to respond to current and future challenges; and
- The Council cannot demonstrate the effectiveness of overview and scrutiny activity as it does not evaluate its impact effectively.

## Proposals for improvement

### Exhibit 1: 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.

Proposals for improvement	
P1	The Council's scrutiny committees should ensure that where appropriate Cabinet members rather than council officers are held to account for the efficient exercise of executive functions in accordance with statutory guidance <sup>1</sup>
P2	The Council should ensure that the minutes of overview and scrutiny committee meetings are recorded in sufficient detail to provide a transparent record of discussions
P3	The Council should review the level and type of scrutiny support required to enable the scrutiny function to respond to current and future challenges.
P4	<p>The Council should improve the development of scrutiny forward work programming through:</p> <ul style="list-style-type: none"> <li>• Ensuring that overview and scrutiny committees take ownership of forward work programmes and committee agendas; and</li> <li>• Reviewing its arrangements for planning and undertaking scrutiny activity, and consider different ways of working that best suit the topic area and desired outcome.</li> </ul>

<sup>1</sup>National Assembly for Wales, **Guidance For County And County Borough Councils In Wales On Executive And Alternative Arrangements 2006**, July 2006, Paragraph 2.1.8

### Proposals for improvement

- |    |   |
|----|---|
| P5 | The Council should strengthen arrangements for engaging the public in overview and scrutiny activity.                       |
| P6 | The Council should put in place arrangements for evaluating the effectiveness and impact of overview and scrutiny activity. |

- 9 The following proposals for improvement from our **Good governance when determining service changes** report, issued to the Council in February 2017 also remain applicable.<sup>2</sup>

### Exhibit 2: good governance proposals for improvement

#### Good governance proposals for improvement

The Council's governance arrangements could be strengthened by introducing greater transparency through:

- |    |  |
|----|--|
| P1 | Publishing a Cabinet forward work programme that includes details for forthcoming service change proposals to be determined; and   |
| P2 | Ensuring that scrutiny committees have the opportunity to determine if they wish to scrutinise proposed service changes, including sufficient time in decision making processes to enable meaningful consideration of proposals. |

<sup>2</sup> Auditor General for Wales, **Good Governance when determining service changes**, Wales Audit Office, February 2017

# Detailed report

**The Council is beginning to respond to weaknesses in its overview and scrutiny arrangements, but further work remains to make it better placed to respond to current and future challenges**

**The Council is beginning to respond to weaknesses in its overview and scrutiny arrangements, but scrutiny committees are not effectively holding the Cabinet to account**

- 10 The Merthyr Tydfil County Borough Council Scrutiny Guide 2017-18 clearly defines the role of overview and scrutiny committees in the Council.<sup>3</sup> Both the Council's scrutiny web pages and constitution set out the role of scrutiny as:
- Holding the Cabinet to account - acting as a watchdog and check and balance on the decision making of the Cabinet, individual Cabinet members, and Senior Officers of the Council;
  - Policy Review and Development - checking to see whether existing policies are effective; and helping to shape new ones;
  - Reviewing and scrutinising the performance of the Council and helping to drive improvements in services;
  - External scrutiny - reviewing or investigating matters of particular concern either within the Council or within the Community.
- 11 One of the roles of overview and scrutiny members is "to hold the executive to account for the efficient exercise of executive functions – especially the performance of the executive as measured against the standards, objectives and targets set out in the policies and plans which it is implementing". In practice, we found little evidence of this role being undertaken by the Council's overview and scrutiny committees. At overview and scrutiny committee meetings, committee members generally direct their questions to officers rather than Cabinet Members and, Cabinet members do not generally present reports or answer questions on decisions and policies relevant to their portfolio. There is therefore limited evidence of Cabinet members being held to account. The Council might find it helpful to revisit the Guidance for County and County Borough Councils in Wales on Executive and Alternative Arrangements (2006), which states: 'overview and scrutiny committees are able to require officers to attend to answer questions about and discuss the discharge of executive or non-executive functions. The

<sup>3</sup> Merthyr Tydfil County Borough Council, **Merthyr Tydfil CBC Scrutiny Guide 2017-18**, May 2017

executive and overview and scrutiny committees should always bear in mind that it is for the elected executive to answer questions about its policies and decisions.'

As the Council's constitution states: 'When asking Officers to give evidence before the Committee questions should be confined, so far as possible, to questions of fact and explanation and professional opinion relating to policies and decisions.'

- 12 At the time of our review in November 2017, one officer provided dedicated support for the overview and scrutiny function. Scrutiny members reported that the research and support they receive is valuable and effective, reinforced by regular engagement with the scrutiny officer. Since our review, vacancies have arisen within the performance, partnerships and scrutiny functions. As part of a broader evaluation of support services, the Council has decided to integrate the performance, scrutiny and partnerships functions into one team. This has the potential to strengthen links between performance and scrutiny, increase support capacity and remove the current risks represented by staff who are 'single points of delivery'. In merging these functions and in light of current and future challenges, the Council should also consider the type of support needed for its scrutiny activity in order to make best use of this support.
- 13 As part of our review, we also looked at the training available to scrutiny members. We found that the training overview and scrutiny committee members received included an introduction to scrutiny session and a session on chairing skills (committee and meeting management). The Council's performance team also held sessions for all members on the Well-being and Future Generations (Wales) Act 2015 and interpretation of data. Officers made specific reference to overview and scrutiny during the session on the Council's Wellbeing Objectives and overview of the WFG Act. In particular, the need for members to scrutinise Council activity through the lens of the five ways of working. The Council provided specialist training to overview and scrutiny members who are part of the Cwm Taf Public Services Board Joint Overview and Scrutiny Committee in co-ordination with Rhondda Cynon Taff CBC.
- 14 The Council informed us that it video records overview and scrutiny committee meetings to support member training, but despite recording these meetings it has yet to make use of them for this purpose. The Council has also taken the decision to delay live webcasting of scrutiny committees until 2018-2019 to enable new members to gain experience in their role on scrutiny committees. Following the May 2017 local government elections, nearly half of the Council's members were newly elected and many scrutiny members were new to the role of councillor.
- 15 We found that the use of a standard template (introduced in 2015) has made officer reports to scrutiny clearer. In our Annual Improvement Report Incorporating the Corporate Assessment Report 2014, we stated that 'the minutes of scrutiny meetings are not recorded in sufficient detail. As such it is difficult, from the minutes alone, to understand the rationale behind the recommendations made and

the outcomes achieved by scrutiny committees.<sup>4</sup> Our consideration of scrutiny minutes highlighted that this remains an issue. Some overview and scrutiny committee members also felt officer or Cabinet responses to questions, or committee meeting papers themselves were not provided in sufficient time for scrutiny members to fully consider them, ahead of committee meetings.

## Scrutiny activity is not always well planned and the Council should consider how its scrutiny function can work differently and engage the public more effectively in its activity in order to be better placed to respond to current and future challenges

- 16 Forward work programmes for all overview and scrutiny committees are published on the Council's website. These include the focus for each item and the role of scrutiny (usually to 'scrutinise and challenge'). Consideration of individual forward work programmes is a standard agenda item for each overview and scrutiny committee meeting. Each overview and scrutiny committee develops their work programme during their first session and through engagement with key officers. During meetings through the year, the scrutiny committee updates and adds emerging items to their work programme. In July 2017, the Chief Executive and Deputy Chief Executive presented to the Governance, Performance, Business Change and Corporate Services Scrutiny Committee on the Council's priorities and the main risks and challenges it faces. From this presentation, the Committee and the other scrutiny committee chairs had the opportunity to identify areas to be included in their work programmes for 2017-18. Similar sessions with key officers were held in most of the other scrutiny committees.
- 17 The Council has internal guidance on forward work programming, which encourages committee members to explore the outcomes they are seeking to achieve, what information they will require and how they would obtain it when selecting and planning topics for overview and scrutiny. The guidance also includes clear criteria for the inclusion of items on committee work programmes and ways in which overview and scrutiny activity could be undertaken.
- 18 Although members are well supported by internal guidance on developing their forward work programmes, we found little evidence to suggest that in practice committees undertake detailed planning when populating their work programmes. For example, scrutiny committees do not routinely clearly identify the intended outcome from overview and scrutiny activity or the most effective method to undertake scrutiny activity to achieve the intended outcome.
- 19 In common with many overview and scrutiny functions across Wales, scrutiny activity in the Council is largely focussed around formal committee meetings at

<sup>4</sup> Auditor General, **Merthyr Tydfil County Borough Council - Annual Improvement Report Incorporating the Corporate Assessment Report 2014**, Wales Audit Office, June 2015

which officer reports are considered. Alternative approaches to gathering evidence, and different perspectives from stakeholders relevant to specific topics are not routinely considered. Scrutiny committees also receive a number of reports that are 'resolved to be noted' with no clear output or outcome following consideration of those reports. The intended purpose and subsequent outcome of scrutiny activity is, therefore, often unclear.

- 20 From July 2017, performance monitoring of the Council's Wellbeing Objectives was included in the 2017-2018 overview and scrutiny committee work programmes. Officers, engaging with scrutiny members, reviewed the arrangement after six months.<sup>5</sup> During its assessment, the Council identified the need to streamline the process of scrutiny committees' monitoring the Council's Wellbeing Objectives, improve the sharing of data and clarity of reporting. Scrutiny members highlighted to officers and to us as part of this review that they did not feel the arrangement chosen to monitor the Council's Wellbeing Objectives was an efficient use of scrutiny committee time. To respond to these concerns, the Council is re-considering their approach to monitoring the Council's progress in meeting their wellbeing objectives. In doing so, it should be mindful that any new approach that the Council adopts is developed in conjunction with overview and scrutiny committee members to ensure that they have ownership of their forward work programmes.
- 21 We published our **Good governance when determining service changes** report in February 2017 (see **Footnote 2**). Within it we issued a proposal for improvement that the Council's governance arrangements could be strengthened by introducing greater transparency through:
- publishing a Cabinet forward work programme that includes details for forthcoming service change proposals to be determined; and
  - ensuring that scrutiny committees have the opportunity to determine if they wish to scrutinise proposed service changes, including sufficient time in decision making processes to enable meaningful consideration of proposals.
- 22 Furthermore, the Guidance For County and County Borough Councils in Wales on Executive and Alternative Arrangements (2006), states that 'the Assembly will expect all authorities to:
- make publicly available a forward work programme of business to be considered by the executive, by overview and scrutiny committees and by the full council. It should be updated at least quarterly.
  - use means additional to the provision of papers at their offices to inform the public of matters being considered by the authority: in particular through publication of forward work programmes and agendas on the internet; through the local media; and through the provision of information to local

<sup>5</sup> Merthyr Tydfil County Borough Council - **Scrutiny Committee Work Programme, Report to Governance, Performance, Business Change and Corporate services Scrutiny Committee, January 2018**

voluntary and community groups and the business community for dissemination through their networks, if desired.’<sup>6</sup>

- 23 Although officers and councillors support and recognise the need for a Cabinet work programme, this has not yet been developed. Pre-decision scrutiny is an area where overview and scrutiny can add value. It is an opportunity to influence and improve decisions and can draw on a range of perspectives to inform decision makers. There are some examples where pre-decision scrutiny has been undertaken. However, the absence of a Cabinet forward work programme hinders Scrutiny Committees’ ability to include pre-decision items within their work programmes.
- 24 The Council has taken some steps to try to increase public attendance at scrutiny committees including producing a specific guide on public speaking. It has also been pro-active in recruiting co-opted members. There are active Youth Forum and Voluntary Sector representatives on most overview and scrutiny committees. The Council has also advertised for members of the public to become co-opted members to bring in fresh perspectives. The Council includes the application forms for co-optees on its website and this includes a role description setting out expectations. We observed the involvement and interaction of co-opted members within scrutiny committee and this arrangement is valued by the Council. However, Scrutiny members and officers recognise that public involvement in the overview and scrutiny process could be improved. Scrutiny committees rarely proactively seek the views of the public or service users as part of their work or to inform the planning of their work.
- 25 As part of our review we considered how councils are beginning to undertake scrutiny of Public Service Boards. The Cwm Taf Public Services Board (PSB) Joint Overview and Scrutiny Committee held their first meeting in December and scrutiny of the PSB is at an early stage of development.

## **The Council cannot demonstrate the effectiveness of overview and scrutiny activity as it does not evaluate its impact effectively**

- 26 In our ‘National Improvement Study Good Scrutiny? Good Question?’ report in May 2014 (see Footnote 1), we recommended that councils 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.
- 27 The Council has reviewed its overview and scrutiny function several times in the past. The most recent review was in 2014-2015, with an update on progress included in the Scrutiny Annual Report 2015-16. A number of changes to

<sup>6</sup> National Assembly for Wales, **Guidance For County And County Borough Councils In Wales On Executive And Alternative Arrangements**, 2006 (2006 No. 56)

processes were made as a result of these reviews and it is positive that the Council sought to identify and address areas for improvement within the scrutiny function.

- 28 The Council's Annual Scrutiny Report 2016-2017 includes a list of work undertaken by each overview and scrutiny committee for the previous year, but this report is descriptive rather than evaluative. For example, the report does not include any detail on whether overview and scrutiny committee recommendations were accepted, or what impact they had if accepted and implemented. In the context of the current and future challenges the Council faces, there is an opportunity to re-evaluate the impact of its overview and scrutiny function to improve its effectiveness.
- 29 During our review, we asked members and officers to provide examples where scrutiny has had a positive impact. Officers and members gave some examples where overview and scrutiny was perceived to have a positive impact, such as fly tipping, litter and waste and the ongoing challenge provided by the Learning and LAESCYP (local authority services for children and young people) Scrutiny Committee to schools and the Council's provision of education services. The Council has a number of task and finish groups in progress, which scrutiny committee members valued. However, the vast majority of overview and scrutiny activity in the Council is undertaken during formal committee meetings, where we found limited evidence of impact.
- 30 The 2017 Association for Public Service Excellence (APSE) report Accountability and Scrutiny – The issues for local government in a changing political environment, found that one of the main barriers to scrutiny adding value was a lack of creativity. Whilst the Council has reviewed its scrutiny arrangements, scrutiny activity continues to be undertaken largely through formal committee meetings. The Council would benefit from exploring different and more creative ways of undertaking scrutiny activity to make the most effective use of available resources.

# Appendix 1

## Outcomes and characteristics for effective local government overview and scrutiny

Exhibit 3: outcomes and characteristics for effective local government overview and scrutiny

Outcomes	Characteristics
<p><b>What does good scrutiny seek to achieve?</b></p>	<p><b>What would it look like? How could we recognise it?</b></p>
<p><b>1. Democratic accountability drives improvement in public services. 'Better Services'</b></p>	<p><b>Environment</b></p> <ul style="list-style-type: none"> <li>i) Scrutiny has a clearly defined and valued role in the council's improvement arrangements.</li> <li>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.</li> </ul> <p><b>Practice</b></p> <ul style="list-style-type: none"> <li>iii) Overview and Scrutiny inquiries are non-political, methodologically sound and incorporate a wide range of evidence and perspectives.</li> </ul> <p><b>Impact</b></p> <ul style="list-style-type: none"> <li>iv) Overview and scrutiny regularly engages in evidence based challenge of decision makers and service providers.</li> <li>v) Scrutiny provides viable and well evidenced solutions to recognised problems.</li> </ul>

Outcomes	Characteristics
<p><b>What does good scrutiny seek to achieve?</b></p>	<p><b>What would it look like? How could we recognise it?</b></p>
<p><b>2. Democratic decision making is accountable, inclusive and robust. 'Better decisions'</b></p>	<p><b>Environment</b></p> <ul style="list-style-type: none"> <li>i) Scrutiny councillors have the training and development opportunities they need to undertake their role effectively.</li> <li>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.</li> </ul> <p><b>Practice</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>iv) Stakeholders have the ability to contribute to the development and delivery of scrutiny forward work programmes.</li> <li>v) Overview and scrutiny meetings and activities are well-planned, chaired effectively and make best use of the resources available to it.</li> </ul> <p><b>Impact</b></p> <ul style="list-style-type: none"> <li>vi) Non-executive Members provide an evidence based check and balance to Executive decision making.</li> <li>vii) Decision makers give public account for themselves at scrutiny committees for their portfolio responsibilities.</li> </ul>
<p><b>3. The public is engaged in democratic debate about the current and future delivery of public services.</b></p>	<p><b>Environment</b></p> <ul style="list-style-type: none"> <li>i) Scrutiny is recognised by the Executive and Corporate Management team as an important council mechanism for community engagement.</li> </ul> <p><b>Practice</b></p> <ul style="list-style-type: none"> <li>ii) Scrutiny is characterised by effective communication to raise awareness of, and encourage participation in democratic accountability.</li> <li>iii) Scrutiny operates non-politically and deals effectively with sensitive political issues, tension and conflict.</li> <li>iv) Scrutiny builds trust and good relationships with a wide variety of internal and external stakeholders.</li> </ul> <p><b>Impact</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>

# Appendix 2

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

Exhibit 4: 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 programing to : <ul style="list-style-type: none"> <li>• provide a clear rational for topic selection;</li> <li>• be more outcome focussed</li> <li>• ensure that the method of scrutiny is best suited to the topic area and the outcome desired; and</li> <li>• align scrutiny programmes with the council's performance management, self-evaluation and improvement arrangements.</li> </ul>	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

Recommendation	Responsible Partners
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 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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