

Written evidence submitted by Medway Council [OSG 021]

1. Background and introductory commentary

- 1.1 This evidence is submitted to the Parliamentary Select Committee by Medway Council's Statutory Scrutiny Officer and has been the subject of consultation with the following Members of the Council:

Councillor Alan Jarrett, the Leader of the Council
Councillor Rupert Turpin, Cabinet Member for Business Management (which includes responsibility for Democracy and Governance)
Councillor David Carr, Chairman of the Business Support Overview and Scrutiny Committee (which has a coordinating role for Overview and Scrutiny)
Councillor Vince Maple, Leader of the Labour Group and designated Opposition Spokesperson for the Business Support Overview and Scrutiny Committee
Councillor Roy Freshwater, Leader of the UKIP Group and designated Opposition Spokesperson for the Business Support Overview and Scrutiny Committee

- 1.2 Medway Council is a unitary authority, situated in Kent in the south-east of England, providing all local government services for more than a quarter of a million people. Medway is made up of the towns of Strood, Rochester, Chatham, Gillingham and Rainham and more rural areas, including the Hoo Peninsula.

The Council is made up of 55 Councillors representing 22 wards. The current political make-up of the Council is:

- Conservative 38
- Labour 15
- UKIP 2

- 1.3 The Council's constitution was recently reviewed having been adopted in September 2001. It is based largely on the modular constitution issued by DETR in December 2000. The Council operates a Leader and Cabinet form of governance with four politically balanced Overview and Scrutiny Committees:

The Business Support Overview and Scrutiny Committee
The Children and Young People Overview and Scrutiny Committee
The Health and Adult Social Care Overview and Scrutiny Committee and
The Regeneration, Culture and Environment Overview and Scrutiny Committee

- 1.4 There was a thorough review of the Overview and Scrutiny function in Medway in 2012 when Members agreed to make no fundamental change to the arrangements, which are operating on the basis of multiple cross-party Committees with fixed life Task Groups; a structure adopted by the majority of local authorities. The Medway structure was found to be less elaborate than many models in other local authorities providing scope for a balanced range of activity across the four main scrutiny roles. The review identified some

areas of further work to strengthen the role of Overview and Scrutiny including building member capacity in performance monitoring, scrutiny of partners (particularly health), taking evidence and public engagement. Since then Medway has been shortlisted for a national Good Scrutiny Award for its Task Group work on Fair Access to Credit, a link to which is provided at the end of this document. Medway's Overview and Scrutiny arrangements have also been acknowledged by OFSTED, following its recent Inspection of children's social care, as having a clear role and providing positive impact.

- 1.5 The Council's constitution has also been kept under continuous review since 2001 and was the subject of a root and branch overhaul in 2016 to identify any amendments or updates required to bring the document into line with legislative requirements and to improve presentation. This exercise involved an update to the Council's Overview and Scrutiny rules, a link to which appears at the end of this document for ease of reference. Importantly we have simplified the wording of the terms of reference of our Overview and Scrutiny Committee and have now expressly given them a remit to review and scrutinise the operation and effectiveness of alternative models of service delivery.
- 1.6 Set out below is evidence and commentary which we hope will assist the Parliamentary Select Committee in its deliberations. Our recommendations for change are highlighted in bold throughout.

2. Are scrutiny committees in local authorities in England effective in holding decision-makers to account?

- 2.1 In Medway, as part of the induction programme following each local election, all Councillors are offered training on how Overview and Scrutiny arrangements work and the statutory framework for holding decision-makers to account together with an interactive scrutiny skills session.
- 2.2 All Members of the Council receive the agendas for Cabinet meetings in full and budget and performance monitoring information is regularly provided to Overview and Scrutiny Committees. There is a culture of doing as much business as possible in open session in Medway. Provisions enabling the Cabinet and other Committees to go into closed session (thereby excluding the press and public) are used sparingly, as are the provisions for executive decisions to be taken urgently. Business programming is rigorous with adequate time usually built in for pre-decision scrutiny of forthcoming Cabinet decisions. Each Cabinet member attends the relevant Overview and Scrutiny Committee(s) annually to be held to account. It is established practice to hold the relevant Cabinet Members to account and to scrutinise associated individual progress reports in considerable detail.
- 2.3 There are other well established and wide-ranging provisions to ensure that the activities of the Leader and Cabinet can be fully and rigorously scrutinised on an ongoing basis. These include a well-used facility for pre-decision scrutiny of forthcoming Cabinet decisions, the statutory facility for Members to be able to bring items to Overview and Scrutiny Committees, the Council's

petition scheme and the provision enabling Cabinet decisions to be called in for review before implementation. A report of Overview and Scrutiny activity is presented to every meeting of the full Council for debate which provides an opportunity for all Members to question Overview and Scrutiny process and progress.

- 2.4 Overview and Scrutiny Committees are also uniquely placed to invite and take on board the views of residents, service users and other stakeholders on matters of importance to them and to convey those views to the Leader and Cabinet and decisions makers in partner organisations.
- 2.5 The statutory powers available to Overview and Scrutiny Committees in relation to health services, the Community Safety Partnership and Flood and Coastal Erosion Risk Management Authorities also provide capacity to hold a wider range of decision-makers to account.
- 2.6 Certainly the statutory and constitutional framework provides non-executive members with extensive access to information and mechanisms for “holding to account” and Medway recognises the importance of its Member Development programme in supporting Members to build their capacity to effectively question and challenge the activities of the Leader and Cabinet and other decision-makers.
- 2.7 Much depends on the capacity and appetite-of non-executive Members to do this together with the prevailing political climate in each local authority. It is interesting to note the comment from the Centre for Public Scrutiny (CfPS) in its 2014-15 annual report that, when a comparison was made between the political and organisation culture to party control, it was found that councils with a single party in majority control had a more positive culture towards scrutiny. CfPS say it is unclear why that may be and speculate that it is because the Executive, in those authorities, engages with scrutiny from a position of political security, making it easier for non-executive members of whatever party to effect change. Certainly in Medway there is positive engagement by members of all political persuasions in Overview and Scrutiny arrangements.

3. The extent to which scrutiny committees operate with political impartiality and independence from the executive?

- 3.1 It is an established principle that all Members of Overview and Scrutiny Committees have a responsibility to provide constructive challenge to the decision makers and to be independently minded. There has been extensive discussion within the local government family about the capacity and willingness of non-executive Members who are also members of a large majority group to play a politically impartial and independent role in Overview and Scrutiny Committees.
- 3.2 It is important to acknowledge that party politics and party groups are the basis of our system of local government and therefore there will always be

differing (and sometimes polarised) points of view across the political spectrum on Council strategy, policy and budgetary priorities.

- 3.3 Overview and Scrutiny Committee Members will engage in private party group meetings in their capacity as Councillors and may be either pre-disposed to support the direction of travel set by the Leader and Cabinet (if they are members of the majority group) or to support another point of view aligned to a particular party line if they are members of an Opposition Group.
- 3.4 We think this is a reality in Overview and Scrutiny arrangements and entirely legitimate as long as it does not amount to pre-determination. In other words, as long as Members keep an open mind, examine the relevant evidence and take into account officer advice and the views of stakeholders on any issue.
- 3.5 Government guidance issued under the Local Government Act 2000 recommended that whipping should not take place in relation to Overview and Scrutiny Committees although it was accepted this was a matter for political parties to consider both locally and nationally. In common with many other local authorities Medway includes a standard item on every Overview and Scrutiny Committee agenda asking Members to disclose if they have been whipped. There has never been a declaration of whipping from any Member of the Council regardless of political affiliation.
- 3.6 The views of our Overview and Scrutiny Committees are routinely presented to the Leader and Cabinet in relation to particular items that have been the subject of pre-decision scrutiny or call-in and fully reflect the balance of views expressed across the political spectrum. The Cabinet will always consider these views.
- 3.7 The Opposition Groups exercise a proportionate approach to call-in in Medway which provides capacity for Overview and Scrutiny Committees to focus on the development of policy and scrutiny of issues raised at community level often via petitions and Members items.
- 3.8 There is a facility for a minority point of view to be included in any recommendations from Overview and Scrutiny Committees to the Cabinet. This facility has never been used at the end of a Scrutiny Task Group in depth review. The Cabinet has a record of accepting 100% of Scrutiny Task Group recommendations which is a measure of the extent to which our Overview and Scrutiny arrangements are enabling Members to work collaboratively on a cross-party basis across a range of issues and are able to reach a cross-party consensus on the way forward in the interests of the local community.
- 3.9 We recognise that the existence of party politics in the system can be, but does not have to be, a barrier to effective and independent scrutiny. This is a complex issue. From a national perspective, it is worth noting that Grant Thornton recently highlighted the level of dissatisfaction with the scrutiny process as the main concern emerging from their Annual Review of Local Government Governance in 2015. Over 50% of respondents to a survey undertaken as part of the review did not feel that the cabinet and scrutiny

system provides all Members with real influence over decisions. The review concluded that this provided a worrying indication of the potential disengagement of many elected members from Council governance. A similar proportion of respondents raised concerns about the effectiveness of scrutiny committees at challenging the way that Councils do things. Separately, there is an emerging discussion in scrutiny networks about the capacity of information-provision, committee-based scrutiny to provide effective challenge and contribute added value to local authority activities, particularly in the current financial climate.

- 3.10 A clear challenge for local authorities is to ensure that Overview and Scrutiny arrangements provide an opportunity for engagement by back bench members in activity which generates revelatory findings and recommendations that make a real difference. In Medway the progress of Task Group recommendations agreed by the Cabinet are checked by Overview and Scrutiny after 6 months to ensure the intended impact is being achieved. There is however a less systematic approach to measuring the impact of Overview and Scrutiny activity more generally. In other words whether the activities of each Committee are making a real difference. This is an area for further discussion by our Members.

4. Are scrutiny officers independent of and separate from those being scrutinised?

- 4.1 In 2000 the Secretary of State made it clear that a formal separation of officer support between the Executive and Overview and Scrutiny was unnecessary and may, in any case, be unachievable in smaller local authorities. The Government guidance recommended that local authorities should simply consider whether some separation was appropriate.
- 4.2 It has always been the case that the Chief Executive and Senior Officers both advise the Leader and Cabinet and also support Overview and Scrutiny Committees in their deliberations, providing information and answering questions as required. The statutory guidance issued by the Government in 2000 envisaged a potential for conflict where Overview and Scrutiny Committees would be questioning the Executive's decisions which would have been based on officer advice. The concern was that this might discourage officers from pointing an Overview and Scrutiny Committee to fruitful lines of enquiry.
- 4.3 In 2002 a dedicated team of four Scrutiny Officers was established to support Medway's Overview and Scrutiny arrangements. This worked well in the early days when Overview and Scrutiny was a new local authority function. As a consequence of budget reductions, administrative support for Overview and Scrutiny Committees is now provided from within the Democratic Services Team by Democratic Services Officers on generic job descriptions. All these officers are talented people who have political and policy development skills as well as an in depth knowledge of the law of meetings and the constitution. For every in depth scrutiny review a lead officer from the relevant Council

Department is also assigned to work alongside the Democratic Services Officer to support Members.

- 4.4 There may often be a range of options and a difference of political opinion about the way forward on a particular matter but Overview and Scrutiny Committee Members are able to request factual information and advice from officers and are often supported in key lines of enquiry which may culminate in a range of alternative points of view being presented to the Cabinet. We feel the scope for emerging tensions and conflicts as originally envisaged has not materialised.

5. How are chairs and members selected?

5.1 Chairmen

- 5.1.1 The four Overview and Scrutiny Committees in Medway are chaired by Members of the majority group. The majority group also hold the Vice Chairman positions. The Medway Labour Group has argued that one or more of the Overview and Scrutiny Committees should be chaired by an Opposition Member.
- 5.1.2 The CfPS in its 2014/15 Annual Report confirmed there are a variety of ways in which councils decide on their Chairmen and Vice Chairmen. CfPS say there is no concrete evidence to suggest that when Chairmen are assigned politically proportionately scrutiny is more effective. This being said, the CfPS says evidence does suggest there is a relationship between how Chairmen and Vice-Chairmen are appointed and how positively scrutiny is viewed in the authority. CfPS evidence shows that the political and organisational culture towards scrutiny is most positive in authorities where the minority party holds the Chairmen positions and the majority party holds the Vice-Chairmen position. When this is reversed with the majority party holding all the Chairmen positions and the majority party hold the Vice-Chairmen positions, the CfPS data shows the highest reported rate of negative culture towards scrutiny at almost 40%. This has not been the experience in Medway although we have yet to explore the views of new Councillors elected in 2015 who have now had almost two years experience of the Council's current overview and scrutiny arrangements.
- 5.1.3 The decision about Chairmen and Vice Chairmen positions is a matter for local determination. Whilst the positions are held by the majority group in Medway the designated Labour and UKIP Opposition Spokespersons on our four Overview and Scrutiny Committees are routinely invited to the agenda planning meetings ahead of each Committee meeting and are able to influence the Overview and Scrutiny work programmes and to shape the key lines of enquiry on particular issues. This works well. Opposition members often identify important issues for scrutiny and have full involvement in the selection of topics for in-depth reviews. The Council recognises the important role played by opposition Members in Overview and Scrutiny by granting a Special Responsibility Allowance to the designated spokespersons of the largest opposition group.

5.2 Members of Committees

- 5.2.1 Once Committee seats have been allocated to party groups by full Council in accordance with the rules on political balance the membership of each Committee is notified to the Head of Democratic Services by the political groups. Each Group has its own process for deciding how to match Councillors to Committees. Regard is given to the particular interests and experience of each Councillor.
- 5.2.2 Our Overview and Scrutiny arrangements include a number of Committee places for non-voting co-opted Members (in addition to the places for statutory church and parent governor representatives on the Children and Young People Overview and Scrutiny Committee) as follows:

Health and Adult Social Care Overview and Scrutiny Committee:

Healthwatch Medway x 1
Medway Pensioner Forum x 1

Children and Young People Overview and Scrutiny Committee

Co-opted members with voting rights (on educational issues only) (4)

Roman Catholic Church representative x 1
Church of England representative x 1
Parent governor representatives - 2 x vacancies

Co-opted members without voting rights

School governor representative x1
Headteacher representative x 1
Teacher representative x 1
Healthwatch Medway x 1
Chairman of Medway Youth Parliament
Medway Youth Parliament Cabinet Member x 1

- 5.2.3 The Select Committee may wish to reflect on the difficulties experienced by Medway and other local authorities in filling the statutory places for parent governors on the Overview and Scrutiny Committee responsible for the scrutiny of education despite ongoing effort over several years. Medway has made representations to the Secretary of State requesting a change to the relevant legislation (The Parent Governor (England) Regulations 2001) to enable parent governors of academies and other non-maintained schools to also be invited to stand for election to these positions. However the Department of Education has stated it is unable to introduce regulations which will require the appointment of parent governors from academies or free schools and directed us instead to provisions in the Local Government Act 2000 enabling local authorities to create places for voting co-optees on Overview and Scrutiny Committees as a mechanism for appointment of a parent governor from an academy or free school. This is a disappointing

response and rather misses the point. **The legislation relating to parent governor representation on Overview and Scrutiny Committees covering education is out of date and it would be most helpful to local authorities if the qualifying criteria could be extended to enable parent governors at academies and free schools to stand for election to these positions.**

6. Are the powers to summon witnesses adequate?

- 6.1 The powers available to Overview and Scrutiny Committees to require information and attendance by witnesses at meetings is fairly limited.
- 6.2 However our experience has been positive. Invitations to a range of organisations to attend our Committee meetings or participate in Task Group evidence sessions over a number of years have invariably been accepted and constructive input has generally been provided.
- 6.3 Most recently the Regional Schools Commissioner has willingly attended the Children and Young People Overview and Scrutiny Committee to answer questions about performance in schools which have academy status. This is likely to be an ongoing dialogue subject to the capacity of the Regional Schools Commissioner to attend or be represented. **The Select Committee may wish to consider whether the powers available to Overview and Scrutiny to call for information and require attendance and a response to any recommendations should be formally extended to Regional Schools Commissioners.**

7. The potential for local authority scrutiny to act as a voice for local service users

- 7.1 Medway has a tradition of routinely involving and listening to service users and key stakeholder groups in Overview and Scrutiny Committee activity principally through the creation of non-voting seats on Committees for particular groups as set out above and also by inviting particular groups and individuals to attend meetings to share their experiences across a range of issues as appropriate.
- 7.2 Whilst generally there is a low level of interest by the general public in the activities of Overview and Scrutiny Committees we have had high levels of interest and engagement in Overview and Scrutiny by the public and interested stakeholders on single issues. For example, when a controversial Cabinet decision is called in to Overview and Scrutiny or where the subject of a petition is reviewed by Overview and Scrutiny.
- 7.4 Overview and Scrutiny Members are uniquely placed to invite the public and interested stakeholders to share their experiences and views when a particular issue is the subject of in-depth review by a Task Group or a Committee. Themed meetings, round table evidence sessions, one-off stakeholder events and focus groups with more vulnerable groups such as young carers have been used in Medway to capture the views of the public.

- 7.5 The Council has been recognised as an expert practitioner in the handling of petitions which we regard as an important mechanism for local people to voice their concerns to the Council. There is a provision for petitioners to refer a petition to the relevant Overview and Scrutiny Committee if they are dissatisfied with the initial officer response and to attend and make representations to the Committee. On several occasions this has resulted in action to address the concerns raised by petitioners.
- 7.6 Medway carefully reviewed the findings of the independent inquiry by Robert Francis QC into the care provided by Mid Staffordshire NHS Foundation Trust between January 2005 and March 2009 and in particular the criticisms made of the associated Overview and Scrutiny arrangements. The creation of seats for Healthwatch Medway on our two Overview and Scrutiny Committees undertaking health scrutiny is a measure of the importance attached by Medway members to listening to the patient voice.
- 7.7 An example of listening to the voice of local service users in this context is the support provided by Medway Overview and Scrutiny members to the families of two mental health service users who had raised concerns about the validity of data underpinning a proposal to reduce the number of acute mental health inpatient beds from 160 to 150 across Kent and Medway. These concerns had been dismissed by the NHS but as a consequence of the use of the powers available to Overview and Scrutiny a review was undertaken culminating in an admission of flaws in the data and a revised proposal to increase the number of beds from 160 to 174.
- 7.8 Our template for the scrutiny of any proposals for a substantial reconfiguration of the health service (under regulation 23 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013) includes a requirement on the relevant NHS body or health service provider to provide evidence of consultation with patients and service users and the extent to which their views have been taken into account.
- 7.9 It is important, however, to recognise that Overview and Scrutiny is only one mechanism for local authorities to engage with the public and at any one time engagement events commissioned by the Leader and Cabinet may be running across a range of service areas. Overview and Scrutiny should complement rather than duplicate these activities.

8. How topics for scrutiny are selected?

- 8.1 The four Overview and Scrutiny Committees in Medway are each responsible for their own work programmes with the Business Support Overview and Scrutiny Committee having a role to provide guidance and leadership on the development of the scrutiny function for all the Committees, including guidance on priorities for scrutiny activity.
- 8.2 Overview and Scrutiny Committee work programmes are organic rather than fixed on an annual basis. There is a member level agenda planning meeting for each Committee meeting so that the Chairman, Vice Chairman and

opposition Spokespersons can identify key issues of concern and shape the priorities for scrutiny activity. Often items for work programmes will originate from officers but many are suggested by Members.

- 8.3 In depth scrutiny reviews are undertaken by small cross-party Task Groups of five Councillors, often on cross-cutting issues. Medway has moved from a model of multiple Task Groups running at any one time to a more systematic process for selecting review topics and a limit of up to three Task Groups a year running successively. The quality and depth of reviews has improved as a consequence of this shift. **Note:** At the end of this document there is a link to a report to our Business Support Overview and Scrutiny Committee setting out the process for selection and prioritisation of topics.
- 8.4 We were particularly proud to be shortlisted for a national good scrutiny award in 2013 for the work of our Task Group in reviewing Fair Access to Credit. This took place at the time of a national UK cross-party campaign to end “legal loan sharking” and at a point where Medway had the highest level of debt in Kent and the South East, with 36,000 people per year seeking help from Medway’s Citizens Advice Bureau. Jo Swinson MP, Minister for Employment Relations and Consumer Affairs at the time, welcomed the report and stated that it had added to the Government’s knowledge base of debt and would be carefully considered as a useful addition to the development of national policy in this area.

9. Support given to the scrutiny function by political leaders and senior officers, including the resources allocated (for example whether there is a designated officer team)

- 9.1 In common with other local authorities Medway is experiencing an unprecedented reduction in resources and capacity. However, political Leaders and senior officers continue to recognise the value of the scrutiny function and there has been no reduction in the size of the Democratic Services Team since 2011. New and creative approaches to scrutiny work continue to evolve in response to shrinking capacity elsewhere across the organisation. It is arguable that a more systematic approach to the selection of topics for in-depth scrutiny work and the rigorous prioritisation of scrutiny work programmes is driving up the quality of outcomes from scrutiny activity.
- 9.2 Examples of new ways of working have included a shift to round table evidence sessions by Task Groups bringing together key stakeholders and expert witnesses instead of a longer series of one to one interviews to gather evidence. This has been instrumental in galvanising discussion and the identification of gaps between organisations. We have also used themed meetings and recently hosted a one off large stakeholder event to gather evidence for a Task Group looking at street clutter which meant the whole review was completed in a much shorter timescale and more Overview and Scrutiny members could be involved.

9.3 It is clear that with some creativity and commitment local authorities can deliver effective overview and scrutiny outcomes against a backdrop of austerity.

10. What use is made of specialist external advisers?

10.1 Medway has occasionally commissioned advice from external experts to support the in depth review of particular issues by Overview and Scrutiny.

Examples include:

- expert opinions provided by Doctor Michael Clark from the Health Protection Agency and Michael Bell from EM Radiation Trust to inform the work of the Health and Adult Social Care Overview and Scrutiny Committee when reviewing the health implications of mobile telecommunications base stations.
- independent advice from James Fitton of Mental Health Strategies when Medway's Overview and Scrutiny Members were contesting the basis for a major reconfiguration of acute mental health inpatient beds across Kent and Medway.

10.2 On both occasions the expert opinions assisted Overview and Scrutiny to an informed and well argued position on the issues of concern. However, in the current financial climate the commissioning of expert advice where there is an associated cost cannot be undertaken lightly.

11. The effectiveness and importance of local authority scrutiny of external organisations

11.1 **We believe that scrutiny of external organisations is taking on a heightened significance given the increasingly complex arrangements for the delivery of public services and the fragmentation of lines of accountability. Devolution, the creation of Combined Authorities, Joint Ventures, Shared Service arrangements and Local Authority Trading Companies have all generated a need to clarify and establish models of best practice for the relationship between all these entities and Overview and Scrutiny. The Select Committee may wish to call for some national or sector lead guidance to assist local authorities to get this right.**

11.2 The powers available to Overview and Scrutiny in relation to health have also taken on a new significance with the increasing pressures facing the NHS and emergence of Sustainability and Transformation Plans. It will be important for NHS bodies to factor in time to properly consult with Overview and Scrutiny when reconfigurations generated by the STP process start to emerge. Overview and Scrutiny will only be effective if sufficient time is allowed. There may also be an increase in referrals to the Secretary of State of contested proposals for substantial service reconfigurations which could represent a surge in workload for the Independent Reconfiguration Panel and a consequential bottleneck.

- 11.3 Medway has concern that insufficient weight will be attached to any concerns it may raise in relation to any forthcoming proposals for substantial health service reconfigurations which affect both Kent and Medway. In these circumstances the relevant NHS body or health service provider will be required to consult the Joint Kent and Medway Health Scrutiny Committee where Medway has only 4 seats compared to the 8 seats for Kent County Council (KCC) Members.
- 11.4 Medway has reserved to itself the power to make a referral to the Secretary of State of any contested reconfigurations affecting Kent and Medway which have been the subject of consultation with the Joint Kent and Medway Health Scrutiny Committee. However experience has shown that the Secretary of State will attach significant weight to the views expressed by the Joint Committee even where a proposed change impacts more heavily on Medway residents and Medway members wish to contest the change but have been out-voted by KCC members.
- 11.5 We will be opening a dialogue with Kent County Council on this issue to seek to re-balance the membership of the Joint Health Scrutiny Committee. There are examples in other areas where two or more Unitaries and Counties have set up Joint Health Scrutiny Committees with equality of representation.
- 11.6 **Whilst this a matter for local determination and negotiation, Medway would find it helpful if the Select Committee were to call for national guidance which states that best practice is to have an equality of representation on Joint Health Scrutiny Committees, irrespective of population size, in view of the weight attached by the Secretary of State to the position taken by Joint Health Scrutiny Committees where health service reconfigurations are contested.**

12. The role of scrutiny in devolution deals and the scrutiny models used in combined authorities

This has not been applicable in Kent and Medway to date. It is helpful that Overview and Scrutiny networks are capturing the learning and experience elsewhere in the country and we can draw on this at any time.

The recent publication by the CfPS of its guidance, "Governance and Devolution – Charting the Way" is welcomed.

13. Examples where scrutiny has worked well and not so well

- 13.1 In summary, the experience in Medway has shown that Overview and Scrutiny is most effective where Members work together to undertake in-depth reviews outside of the formal Committee arena in small cross-party Task Groups. Additionally Overview and Scrutiny has an important role to play in capturing and conveying the views of the public and key stakeholders to the Leader and Cabinet and other decision-makers on matters of local concern.

- 13.2 Whilst there is scope for party politics to compromise the independence and degree of challenge presented by non-executive members in local Overview and Scrutiny arrangements we think the same could be said of national government as our system of democracy is based on the existence of political parties. The reports of local authority scrutiny Task Groups and Parliamentary Select Committees show that elected politicians can deal with scrutiny in a balanced and open minded way whilst still maintaining an affiliation to a particular political party. There is a danger that too much emphasis is placed on the limitations of the system instead of celebrating the very real impact that thoughtful Overview and Scrutiny activity can have.
- 13.3 **We believe the current framework provides scope for highly effective overview and scrutiny at a local level although it would be useful to have a consolidation of the patchwork of legislative provisions for overview and scrutiny with some guidance on how the relationship between alternative bodies of service delivery and Overview and Scrutiny can best be reflected in the formal governance arrangements for these new ways of working. Otherwise there is a risk Overview and Scrutiny will be left behind.**
- 13.4 Another immediate challenge is to ensure that back bench members feel they are a part of a meaningful process which is delivering real impact and that overview and scrutiny arrangements are adapting at sufficient pace to secure the accountability of the proliferation of alternative models of service delivery in local government and engagement by Overview and Scrutiny in the design and delivery of transformational change.
- 13.4 Finally we believe that shrinking capacity across local authorities caused by austerity is generating a necessity for Overview and Scrutiny to work in more innovative and creative ways and has heightened the significance of careful prioritisation of work programmes and systematic evaluation of how the time and capacity available to Overview and Scrutiny is being used to maximise impact.

LINKS:

Medway Council's Overview and Scrutiny Rules

<http://www.medway.gov.uk/pdf/4.05%20-%20Overview%20and%20scrutiny%20rules%20%20%20.pdf>

Report on selection of topics for in-depth scrutiny reviews

<https://democracy.medway.gov.uk/mgconvert2pdf.aspx?id=29067>
<https://democracy.medway.gov.uk/mgconvert2pdf.aspx?id=29069>
<https://democracy.medway.gov.uk/mgconvert2pdf.aspx?id=29068>

Task Group report on Fair Access to Credit

<http://www.medway.gov.uk/pdf/Fair%20Access%20to%20Credit.pdf>

March 2017