

# COUNCIL 14<sup>th</sup> SEPTEMBER 2017

## QUESTIONS FROM THE PUBLIC

<b>P</b>	<b>01</b>	<b>Question from:</b>	<b>Nicolette Boater</b>
<p>In view of</p> <ul style="list-style-type: none"> <li>the concerns and findings of the March 2017 Communities and Local Government parliamentary select committee inquiry<sup>i</sup> into the effectiveness of local authority Overview &amp; Scrutiny arrangements;</li> <li>the erosion<sup>ii</sup> of B&amp;NES Council's Overview &amp; Scrutiny officer resource over the last 10 years and increased reliance<sup>iii</sup> on executive officers to fill the void;</li> <li>the failure of Overview &amp; Scrutiny, under both Conservative and Liberal Democrat administrations, to prevent of the order of £3m wasted expenditure on P&amp;R East;</li> </ul> <p>what assurance can the Council provide, and/or what changes will the Council be making to ensure, that going forward, its Overview &amp; Scrutiny arrangements are adequate and effective in holding the executive to account in the interests of the communities it serves?</p> <p><i>i - In response to the Select Committee's request for evidence on "The extent to which scrutiny committees operate with political impartiality and independence from the executive" and "whether scrutiny officers are independent of and separate from those being scrutinised", respondents highlighted the continuing importance but changing nature of Overview &amp; Scrutiny as financial challenge, greater commissioning of services and partnership working become more prevalent. Furthermore, noting local authorities' increasing "lack of specialist, dedicated officer support", the Centre for Public Scrutiny warned that there is a "tipping point...beyond which effective scrutiny becomes impossible...where only a fraction of an officer post is devoted to scrutiny support" (paragraphs 97 &amp; 107 of the CfPS evidence). <a href="http://www.parliament.uk/business/committees/committees-a-z/commons-select/communities-and-local-government-committee/inquiries/parliament-2015/inquiry6/">http://www.parliament.uk/business/committees/committees-a-z/commons-select/communities-and-local-government-committee/inquiries/parliament-2015/inquiry6/</a></i></p> <p><i>ii - This has fallen from 4 FTE in 2008 to just 0.6 FTE today, with the remaining officer assuming the Scrutiny Officer role defined by the 2009 Local Democracy, Economic Development and Construction Act, rather than being appointed on the basis of the strategic, policy, and decision-making skills the role demands. Critically for P&amp;R East, such an informed independent overview perspective was seemingly absent in the latter part of the 2011-15 administration. Failure to see the importance of transport issues or grasp the complexity of strategies and initiatives to tackle this, led to a failure to take the initiative in challenging the Executive of the current administration on the P&amp;R East issue. Instead it was left to the Cabinet at 12.11.15 Council to request its scrutiny and in so doing determine its purpose and scope. However by the time of the 31.3.16 scrutiny inquiry some £2.5m had already been spent developing the scheme!</i></p> <p><i>iii - In the absence of an appropriately skilled and empowered Scrutiny Officer guiding and supporting PDS Members, other statutory and/or senior executive officers have extended their policy and decision-making influence to that of Overview &amp; Scrutiny:</i></p> <ul style="list-style-type: none"> <li><i>Strategic directors set PDS Panel meeting agendas, determine the input from service officers and information made available to PDS Members, and often preside over the meetings themselves. Whilst a necessary and welcome contribution, this can impact on the rigour and impartiality of the resulting scrutiny. For example at the 23.11.16 Resources PDS Panel meeting, discussion of the escalating amount of public money being committed to the P&amp;R East project was confined to the "unexceptional" procedural issues arising from the "rejection" of an attempted Call-In on the subject, whilst discussion of the more strategic, feasibility or desirability issues of concern to community stakeholders were excluded.</i></li> </ul>			

- *The same service officers advising Cabinet, increasingly also lead on major scrutiny inquiries. For example the lead officer for the March 2016 Scrutiny Inquiry Day into transport solutions East of Bath was not a Scrutiny Officer but the same officer managing the P&R East project on behalf of the Cabinet. As alluded to in my 4.5.16 Cabinet statement on this subject, this resulted in issues being pre-framed, stakeholder participation being skewed towards P&R East supporters, and significant decision-making evidence and insights emerging from the inquiry being overlooked.*
- *The Overview & Scrutiny function has, since January 2015, been subsumed within the Strategy and Performance Division, thus eroding its distinctiveness and independence from executive policy-making. This has also allowed more direct, but less transparent, control of Overview & Scrutiny resource by the Executive. For example, further reduction in PDS resource was approved in appendix 4 of 2017-18 directorate plans as part of a continuing “consolidation of policy functions” without reference to the associated risk to the impartiality, independence and effectiveness of the Overview & Scrutiny function.*
- *The January 2015 corporate restructuring has also amplified the power imbalance between process-driven Democratic Services and policy-driven Scrutiny. This was, for example, apparent in the way the strictly enforced process for the February 2017 Call-In made rigorous or in depth examination of the multi-faceted and complex evidence of public speakers impossible.*

**Answer from:**

**Councillor Tim Warren**

The Council takes its responsibilities on Overview and Scrutiny seriously and invests heavily in the process, running 5 panels with regular meetings and inquiry days. Officers at all levels are aware of the differences between Executive decision making and Overview and Scrutiny. How the Council chooses to structure the support functions to this member function is an operational decision and we seek to be both efficient but also effective. The work is set out in the attached annual report which details how this works in more detail;

<https://democracy.bathnes.gov.uk/documents/s47658/Annual%20Report%202016-2017.pdf>