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

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This document is also available in Welsh.

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Summary report

Summary

- 1 This review explored with each of the 22 councils in Wales how 'fit for the future' their scrutiny functions are. We considered how councils are responding to current challenges, including the Well-being of Future Generations (Wales) Act 2015 and how councils are beginning to carry out scrutiny of Public Service Boards. 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. These included those issued to councils as part of 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. These were developed and agreed by scrutiny stakeholders in Wales following our previous National Improvement Study **Good Scrutiny? Good Question?**
- 5 During January 2018 we carried out document reviews, interviewed key officers and ran focus groups with councillors to understand their views on Denbighshire County Council's (the Council) current scrutiny arrangements. In particular we reviewed how the Council is approaching and intending 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 the Council's overview and scrutiny function is responding well to current challenges, however limited capacity to support scrutiny

may hinder future progress, and there is scope for cabinet members to contribute more actively to scrutiny discussions. We came to this conclusion because:

- a. the Council creates a supportive environment for scrutiny, but limited capacity to support scrutiny may hinder the ability of the scrutiny function to deal with future challenges;
- b. the overview and scrutiny function is well planned, takes a balanced approach to using pre- and post-decision scrutiny and is developing ways to more effectively engage members of the public in scrutiny; and
- c. the Council evaluates the effectiveness and impact of the scrutiny function, but there is scope for cabinet members to take a more active role in scrutiny discussions.

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
P1 Review the adequacy of support arrangements, in terms of both the amount and type of support that overview and scrutiny committees may need.
P2 Cabinet members should routinely present reports and respond to questions from overview and scrutiny committee members about the Council's policies and decisions, in accordance with statutory guidance ¹ .

¹ National Assembly for Wales, **Guidance For County And County Borough Councils In Wales On Executive And Alternative Arrangements 2006**, July 2006, Paragraph 2.4.4

Detailed report

The Council's overview and scrutiny function is responding well to current challenges, however limited capacity to support scrutiny may hinder future progress, and there is scope for cabinet members to contribute more actively to scrutiny discussions

The Council creates a supportive environment for scrutiny, but limited capacity to support scrutiny may hinder the ability of the scrutiny function to deal with future challenges

- 9 The Council clearly defines the role of overview and scrutiny in its constitution and annual overview and scrutiny reports. Role descriptions for chairs and members of committees clearly set out the responsibilities of councillors in the overview and scrutiny function.
- 10 The Council has three overview and scrutiny committees, supported by task and finish groups when needed. Overview and scrutiny committee members also carry out scrutiny work outside the formal committee structure. For example, representatives from each overview and scrutiny committee sit on service performance challenge groups, taking an active role in reviewing and challenging service performance. Overview and scrutiny committee members also help develop and monitor Council policies through their roles on various internal groups and programme boards. These less formal activities complement and feed into formal scrutiny, with committee members providing regular feedback at committee meetings. They also help raise the profile and value of scrutiny among officers, while providing committee members with greater insight into the workings of the Council.
- 11 Both officers and councillors view the overview and scrutiny function as effective and having a valuable role in the Council's governance arrangements. Cabinet members told us that overview and scrutiny helps to strengthen decision making at the Council by providing useful insight and challenge. Overview and scrutiny committee members also felt their role was valued, and both cabinet and scrutiny committee members could cite several examples where scrutiny had added value.
- 12 The Council provides a comprehensive induction programme for new councillors and has a councillor development programme for ongoing training. Internal and external trainers provide the training, for example the Welsh Local Government Association. As part of the 2017 induction councillors received an introductory session on scrutiny, as well as training on chairing overview and scrutiny committees. The Council ran a training course on examining education data in

early 2018, and has scheduled a session on effective scrutiny questioning later in the year. Councillors are positive about the training, although not all sessions were well attended.

- 13 The Council has reviewed its training provision in light of some key future challenges. For example, it has run several awareness-raising sessions with councillors on the Well-being of Future Generations (Wales) Act 2015 and how to scrutinise with the Act in mind. The Council has also developed a well-being impact assessment tool, and councillors have received training on it. The Council uses the tool widely, and it has updated the scrutiny report template to include the main conclusions of any well-being impact assessment. In addition, the Scrutiny Chairs and Vice-Chairs Group has been monitoring the Council's efforts to embed the Well-being of Future Generations (Wales) Act 2015's goals and principles.
- 14 However, councillor training on the Public Services Board has been limited and scrutiny members would benefit from training to prepare to scrutinise regional working. The 2017 councillor induction programme included a session on the role of the Public Services Board but so far there has been no training focused on Public Services Board scrutiny. The Council is developing a choices paper with Conwy County Borough Council to explore future arrangements to scrutinise the joint Conwy and Denbighshire Public Services Board. The paper will go to Scrutiny Chairs and Vice-Chairs Group early in the new financial year. The Council intends to provide Public Services Board scrutiny training for councillors after arrangements are agreed. Meanwhile, the Council's Partnerships scrutiny committee is responsible for scrutinising the Public Services Board.
- 15 Following a successful pilot, all three overview and scrutiny committees have adopted pre-committee meeting briefing sessions. The pre-meetings help committee members to prepare for the committee meeting and to develop questioning strategies. Officers and committee members were supportive of the arrangements and scrutiny chairs commented that it had helped raise the quality of questioning and remove ward focus.
- 16 Committee members spoke highly of the support they received from officers. However, the Council has only one Scrutiny Coordinator. This limits capacity to carry out independent research and analysis. The Scrutiny Coordinator supports the three committees as well as providing administrative support to scrutiny task and finish groups. This support is supplemented by officers from relevant services, who also provide support to task and finish groups.
- 17 It is not yet clear what impact changes to the scrutiny of the Public Services Board will have on the Council's current capacity to support scrutiny. But an assessment of the support needs will be part of the Public Services Board scrutiny options paper currently being developed. The Council has previously assessed the level of scrutiny support needed as part of its budget setting. However, the future challenges of regional scrutiny and the Council's plans to increase the scrutiny function's focus on public engagement are likely to place further pressure on existing support capacity going forward. So the Council needs to consider whether

the amount and type of scrutiny support it currently has is sufficient to meet future challenges.

The overview and scrutiny function is well planned, takes a balanced approach to using pre- and post-decision scrutiny, and is developing ways to more effectively engage members of the public in scrutiny

- 18 Each overview and scrutiny committee has a well-defined forward work programme, and the Scrutiny Chairs and Vice-Chairs Group meets regularly to review and update the programme. The Scrutiny Chairs and Vice-Chairs Group ensures that scrutiny work links with the Cabinet forward work programme and also reviews scrutiny topic request forms that can be submitted by Councillors, officers or the public. Overview and scrutiny chairs feel that committee members own, and take the lead on developing, the forward work programmes. For example, the number of topic requests put in by members is increasing. The forward work programme is a standing agenda item at each committee meeting and created reasonable discussion at the meetings we observed. Updates on the work programme were also provided at these meetings, and committee members were also encouraged to submit topic request forms.
- 19 The Scrutiny Chairs and Vice-Chairs Group follows a structured process to filter and prioritise scrutiny topic requests. Topics are added to the forward work programme if they are a matter of public interest, linked to corporate priorities, or if there are clear opportunities for scrutiny to have an impact. After the group approves a topic, the Scrutiny Chairs and Vice-Chairs Group consider the intended outputs and decide on the scope, extent and method of scrutiny activity. Topics that don't get on to the agenda are referred elsewhere, for example to Member Area Groups², or are followed up with a relevant officer.
- 20 Overview and scrutiny committees carry out their prescribed roles in a balanced way, involving a mix of both pre- and post-decision scrutiny. The Council favours pre-decision scrutiny for contentious issues as it helps to ensure that decision-making takes account of a broader range of views. Overview and scrutiny committees use post-decision scrutiny to monitor the implementation of policies and assess the impact of budget cuts.
- 21 The Council has arrangements to ensure that overview and scrutiny committees are aware of the work of audit, inspection and regulation. The Chair and Vice Chair of the Corporate Governance Committee sit on the Scrutiny Chairs and Vice-

² The Council has six Member Area Groups (MAG) which allow councillors to meet regularly to discuss local issues and engage with local communities. Issues of a local nature which are not suitable for discussion at scrutiny committees can instead be discussed at MAG meetings. Conversely, issues raised at MAG meetings which may have county-wide relevance can feed into scrutiny committee work programmes.

Chairs Group. This arrangement promotes regular conversation and flow of information between the Council's scrutiny and corporate governance functions. Corporate Governance Committee routinely considers audit and inspection reports, and national reports of the Auditor General for Wales and reports from other inspectorates are also reported to overview and scrutiny committees at officers' request.

- 22 Scrutiny of the Public Services Board is currently undertaken through the Council's existing overview and scrutiny committee structure. In March and December 2017, the Partnerships scrutiny committee considered the Public Services Board's well-being needs assessment and draft well-being plan. The Council intends to contact Public Services Board members annually to find out whether they intend to introduce or consult on any plans or strategies that year. Scrutiny Chairs and Vice-Chairs Group will then decide whether to include them in the committees' forward work programmes. Future arrangements for the scrutiny of the joint Conwy and Denbighshire Public Services Board will become clearer in May 2018 following consideration of the options paper noted above.
- 23 The committee meetings we observed were generally well run, with most committee members contributing to discussions. The Council was concerned about scrutiny attendance levels under the previous administration, it is positive to see that committee member attendance has improved since May 2017. Our review identified the average attendance across all three committees was about 76%, up from 61% over the preceding six months. The level of challenge at meetings varies but we saw examples of robust and well-informed debate. Effective chairing of the meetings helped to ensure that debate and questioning was focused and arrived at clear conclusions. Less experienced scrutiny committee members told us they have benefited from the recently introduced pre-meetings, which help to refine lines of enquiry in preparation for the main meeting. Committee meetings usually include between two and four main agenda items; this reflects the Council's policy of limiting the number of reports considered at any one overview and scrutiny meeting to a maximum of four, plus the Committee's own work programme report. This policy was introduced to facilitate detailed and effective debate on each topic.
- 24 Overview and scrutiny committees are largely informed by officer reports. The reports presented to scrutiny are comprehensive, but some members commented that some reports can be lengthy and time-consuming to read. Scrutiny committees also make use of other sources of evidence. For example, task and finish groups carry out more detailed scrutiny and produce well-evidenced findings that contribute positively to policy development. External bodies also attend scrutiny meetings to provide information or to respond to concerns or queries raised by members; recent examples include North Wales Police, Betsi Cadwaladr University Health Board, and British Telecom.
- 25 The Council tries to engage the public in scrutiny activity and is actively exploring ways it can improve public involvement. The public can access information on how to get involved in scrutiny on the Council's website and in its scrutiny annual report.

The Council has also produced a useful leaflet for members of the public attending scrutiny committee meetings. This explains the role of scrutiny, how residents can involve themselves, and includes a scrutiny topic request form. Agendas for scrutiny committee meetings are available on the Council website and are promoted on social media. Many councils webcast some or all of their scrutiny committee meetings and make them available to view online; the Council has not done this until recently. As well as demonstrating openness and transparency, webcasting meetings makes it easier for the public to observe meetings. It is therefore encouraging that the Council began webcasting selected scrutiny committee meetings, it considered of higher public interest, in March 2018, although the Council currently has no plans to webcast all committee meetings.

- 26 The Council told us that public interest in scrutiny's work is increasing. In 2016-17, more members of the public attended scrutiny committee meetings than in previous years, thanks in part to several high-profile issues on the committee agendas. The public were also invited to give evidence to inform a scrutiny task and finish group review of the impact of recent budget cuts. However, both members and officers recognise they could do more to improve public involvement in the scrutiny process. Scrutiny Chairs and Vice-Chairs Group are exploring ways to raise the profile of scrutiny among the public. They will work with the Council's new Public Engagement Officer in 2018 to develop a new approach to public engagement.

The Council evaluates the effectiveness and impact of the scrutiny function, but there is scope for cabinet members to take a more active role in scrutiny discussions

- 27 Scrutiny committee members regularly provide challenge in committee meetings. While cabinet members regularly attend scrutiny meetings and introduce reports, officers usually provide the detail of reports and answer questions from the committee. Although experienced portfolio holders often take a more active role in presenting information and responding to challenge, there is scope for this approach to be adopted more consistently, in line with statutory guidance³.
- 28 Both members and officers provided us with examples of scrutiny providing solutions to recognised problems. They highlighted the work of scrutiny task and

³ "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 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. When officers appear to answer questions, their contribution should, as far as possible, be confined to questions of fact and explanation relating to policies and decisions....." National Assembly for Wales, Guidance For County And County Borough Councils In Wales On Executive And Alternative Arrangements 2006, July 2006, Paragraph 2.4.4

finish groups as being particularly valuable. A recent example involved a review of the Council's in-house care services by a task and finish group. Following a detailed service review, the group made recommendations about commissioning care services from external partners. Although the recommendations were accepted, the group was asked to do further work prior to implementation. Members also told us about the impact that overview and scrutiny had on proposals to charge blue badge holders using Council car parks. The proposals were subsequently modified to provide badge holders with additional parking time, following input from the overview and scrutiny committee.

- 29 The Council is active in seeking to improve its scrutiny function and regularly evaluates its effectiveness. The Council carries out an annual survey based on the characteristics of effective scrutiny. The results inform the Council's annual scrutiny report. Any issues highlighted then feed into a scrutiny improvement action plan⁴. This plan highlights actions taken to improve the scrutiny function through regular monitoring. Work to strengthen public engagement and to further develop scrutiny of external bodies, such as the Public Services Board, is scheduled for spring 2018.
- 30 Officers and councillors showed awareness of the future challenges the scrutiny function faces. They described continuing decreases in public spending and increased focus on regional working as key challenges. However, the Council considers its current scrutiny structure is adaptable enough to meet these future challenges. For example while it awaits Welsh Government guidance on regional scrutiny it continues to explore how a joint approach (with Conwy County Borough Council) to Public Services Board scrutiny could work.

⁴ The Council initially developed the action plan in response to our 2014 national improvement study, *Good Scrutiny? Good Question*.

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'	<p>Environment</p> <ul style="list-style-type: none">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. <p>Practice</p> <ul style="list-style-type: none">iii) Overview and Scrutiny inquiries are non-political, methodologically sound and incorporate a wide range of evidence and perspectives. <p>Impact</p> <ul style="list-style-type: none">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
What does good scrutiny seek to achieve?	What would it look like? How could we recognise it?
2. Democratic decision making is accountable, inclusive and robust. ‘Better decisions’	<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.
3. The public is engaged in democratic debate about the current and future delivery of public services.	<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 programing to : <ul style="list-style-type: none">• provide a clear rational for topic selection;• be more outcome focussed• ensure that the method of scrutiny is best suited to the topic area and the outcome desired; and• align scrutiny programmes with the council's performance management, self-evaluation and improvement arrangements.	Councils
R4 Ensure that scrutiny draws effectively on the work of audit, inspection and regulation and that its activities are complementary with the work of external review bodies.	Councils, Staff of the Wales Audit Office, CSSIW, Estyn
R5 Ensure that external review bodies take account of scrutiny work programmes and the outputs of scrutiny activity, where appropriate, in planning and delivering their work.	Staff of the Wales Audit Office, CSSIW, Estyn

Recommendation	Responsible Partners
R6 Ensure that the impact of scrutiny is properly evaluated and acted upon to improve the function's effectiveness; including following up on proposed actions and examining outcomes.	Councils, Welsh Government, Welsh Local Government Association
R7 Undertake regular self-evaluation of scrutiny utilising the 'outcomes and characteristics of effective local government overview and scrutiny' developed by the Wales Overview & 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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