

11. Campaigning and influencing

11.14 Local Government Scrutiny

Introduction

Local authorities are required by law to have at least 2 scrutiny committees, one of which must be a crime and disorder scrutiny committee. In practice, authorities have more than the minimum number. Technically they are known as “overview and scrutiny committees” but in most areas the word “overview” has been dropped and so they are simply known as scrutiny committees instead.

Scrutiny committees are really important vehicles for challenge, improvement and change within local authorities and there should be opportunities for third sector groups to get involved. No cabinet or board members are allowed to sit on scrutiny committees - instead they are made up of the backbench councillors. Committees do not have any actual decision-making powers but they do make recommendations to the full council.

So what do scrutiny committees do? There are 4 broad roles:

- Holding the cabinet or board to account. There are processes within each council whereby cabinet decisions can be ‘called in’ for scrutiny. This is why no cabinet members can sit on scrutiny committees, so that their decision-making can be examined objectively.
- Policy development and review where committees look at the impact of particular council policies.
- Driving up performance standards by monitoring their own services.
- External scrutiny of services provided in their area by other agencies.

Scrutiny structures operate differently in each council area, from a traditional committee style approach, to more informal, participative approaches and structures. Local government scrutiny is not yet as inclusive or citizen-focused as it could be, and many citizens still have little or no knowledge about the function, its purpose, or how to get involved. This has been recognised by the Welsh Government who are bringing in legislation in an attempt to open up the process and encourage the engagement of more external stakeholders (to include the third sector).

Engaging with scrutiny

When the purpose of scrutiny is properly understood ie. improving local decision-making, policy, practice and service provision, it becomes obvious that third sector organisations have an important contribution to make in terms of:

- providing expertise and front-line evidence about local service provision and the impact of local policies
- providing access to service users voices - often disenfranchised or 'hard to hear' voices
- helping councillors in their role by expressing a shared concern for the wellbeing of local communities, acting as a critical friend and suggesting solutions to problems
- helping to identify the local issues that need scrutinising

However, there are still many barriers to effective engagement of the third sector in scrutiny. These include the fact that the function is not very well understood, the role and value of the third sector is sometimes not well understood, the sector sometimes does not have the resources to get involved and the councillors sometimes think that it is their job alone as elected representatives to do undertake the scrutiny role. The new legislation referred to earlier is intended to help with some of these issues. It is hoped that over time this will lead to many more third sector groups engaging with scrutiny committees to help to review and change local issues that are important to them.

The starting point for engagement is to talk to your local County Voluntary Council (CVC) who will have links with the local authority. In some areas they will act in a representative role for the sector, sitting on committees and feeding in the sector's voice. In other areas the CVCs take on a co-ordinating role, supporting individual sector members to sit on committees and represent the voice of the third sector in their area. However, engagement is not all about sitting as members of scrutiny committees. Third sector groups could act as advisers on specific issues, or give evidence to committees as expert witnesses according to their area of expertise. Or you could suggest areas of concern (perhaps a particular service or a policy) that you would like to see scrutinised by the council. One way of getting an issue on the scrutiny agenda could be to lobby your local councillor.

Most councils have a scrutiny officer who you can talk to about engaging with the scrutiny committees. It is also worth visiting your council's website to find out more about how scrutiny works in your area. It might not be immediately obvious where to look when you reach the front page of the website, but try typing in 'scrutiny' or 'overview and scrutiny' into the search box on the front page and hopefully you'll be pleasantly surprised about what you can find out. Some councils even have an online form that you can complete to make suggestions about what the council should be scrutinising.

Crime and disorder scrutiny committees

Councils are obliged by law (the UK Police and Justice Act 2006) to have a crime and disorder scrutiny committee which looks at community safety issues. This committee has to meet a minimum of once a year and the regulations allow for certain bodies to be co-opted, but the committee will be able to decide whether or not the co-optees should have any voting rights. The bodies that can be co-opted are prescribed in the Police and Justice Act and they are: the police, probation, the Local Health Board and the fire service. It is disappointing that this list does not include third sector organisations or other external bodies at the moment, but the Welsh Government have

indicated that they would like to see this change in due course and will be looking for opportunities to change the regulations for Wales.

However, just because third sector bodies cannot sit as partners around the scrutiny table, it doesn't mean that there is no role for the sector. As with other scrutiny committees there should be plenty of opportunity for the sector to be involved as expert witnesses or advisers and acting as a conduit to citizens voices. The starting point for engagement is to talk to your local County Voluntary Council (CVC) who will have links with the local authority.

Local councillors have the right to raise matters of local concern with their council's crime and disorder scrutiny committee. The committee can then decide whether to use their powers to investigate the issue. So if you want your issue to be on the committee's agenda, you should lobby your local councillor.

Further information

Wales Council for Voluntary Action

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Disclaimer

The information provided in this sheet is intended for guidance only. It is not a substitute for professional advice and we cannot accept any responsibility for loss occasioned as a result of any person acting or refraining from acting upon it.

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