

Wales Council for Voluntary Action

Supporting charities, volunteers and communities

11. Campaigning and influencing

11.14 Local Government Scrutiny



Introduction

The Local Government Act 2000 requires authorities to set up at least 1 overview and scrutiny committee. In most areas there is more than 1 committee and also, in most areas the word 'overview' has been dropped, so they are simply known as scrutiny committees. From 1 October 2009 there is also a duty under part of the Police and Justice Act 2006 for each local authority to have a crime and disorder scrutiny committee to look specifically at community safety issues.

What is scrutiny?

Scrutiny committees are really important vehicles for challenge, improvement and change within local authorities and there will 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 the committee 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.

How are scrutiny committees structured?

Scrutiny structures operate differently in each council area, from a traditional committee style approach, to more informal, participative approaches and structures and councils have been allowed to operate more or less as they want.

The importance of engaging with the scrutiny function

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

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. Many local authorities struggle with the fact that external bodies could not sit on a scrutiny committee because they would not have voting rights.

How to engage with scrutiny

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.

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

The establishment of these committees derives from different legislation and so they act in a slightly different way to other local authority scrutiny committees. Representatives of the police, probation, the Local Health Board and the fire service can be co-opted to these committees and will have voting rights at the discretion of each committee. Unfortunately, as the regulations currently stand, there is no provision for the co-opting of other external bodies, such as third sector bodies, but the Welsh Assembly Government will be looking to amend the regulations for Wales in due course.

However, that does not mean there is no role for the sector. As with other scrutiny committees, there should be opportunities to engage as expert witnesses and advisers and act as a conduit to citizens voices.

An interesting development with the crime and disorder scrutiny committees is the introduction of a mechanism known as “councillor calls for action” (CCfA). The CCfA gives councillors a new 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. There are a range of options available to committees in considering how to respond. They could, for example, instigate a review of policy, call members and officers to attend a meeting and answer questions or make recommendations to the executive. They can also require the executive to review a decision that it has made.

Councillors will of course continue to resolve issues informally, as they do now, but where they are not satisfied that real action has been taken to resolve the issue they have raised, they have the ability to ask the crime and disorder scrutiny committee to take the matter further. This provides scope for third sector bodies to work alongside their local councillors to raise crime and disorder issues that are important to them.

Developments in scrutiny

In all areas, there is a drive to improve the way that scrutiny is operating and this is currently being supported by grants from the Welsh Assembly Government's Scrutiny Development Fund. It 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.

In autumn 2009, once powers are secured from Westminster, WAG are likely to start to bring forward their plans to legislate for improvements in the way that scrutiny operates, which will include legislation to allow for co-option of external bodies with voting rights to scrutiny committees. This should improve the possibility of engagement for the third sector, particularly in those areas where it is believed that only elected members have the scrutiny mandate. It should also pave the way for changes to the regulations governing crime and disorder committees which currently prevent the co-option of third sector bodies. As Brian Gibbons said recently at an event on the progress of scrutiny, ‘..we work together, so we should scrutinise together..’

Further information

Voices for Change Cymru is a WCVA project supported by the Big Lottery Fund. There are now more opportunities than ever to make your voice heard and this project provides services to help third sector organisations influence policy and legislation at local and national levels.

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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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Produced by WCVA, County Voluntary Councils and Volunteer Centres.

Last Updated: 18/08/2009