Agenda Item No. 8

BRISTOL CITY COUNCIL
Overview and Scrutiny Management Board
22nd April 2015

Report of: Max Wide, Strategic Director, Business Change
Title: Centre for Public Scrutiny Review
Ward: Not applicable
Officer Presenting Report: Max Wide, Strategic Director, Business Change
Contact Telephone Number: 0117 3574133

RECOMMENDATION

Members are asked to consider for approval the attached action plan in response to the recommendations in report from the Centre for Public Scrutiny. This action plan builds upon the comments received at OSM on 26th February and Full Council on 17th March.

Summary

The Centre for Public Scrutiny worked with Bristol City Council to review the Scrutiny function as part of the constitutional changes adopted in 2014. Whilst there is consensus that Scrutiny is now performing much more effectively, the new arrangements are still embedding so OSMB agreed to recommission the organisation to do further work to maintain the right direction of travel.

The report details the findings of the Centre for Public Scrutiny, following the review conducted in January 2015, and includes comments from the OSMB meeting on 26th February 2015.

The significant issues in the report are:

The significant issues are detailed in a summary of the recommendations which are summarised in Appendix A.

Policy
1. Not applicable.

Consultation

2. Internal

The report was informed by a broad range of Member and officer interviews.

3. External

One Member of the public was interviewed by the Centre for Public Scrutiny (CfPS).

Context

4. The CfPS conducted their first review of Scrutiny arrangements at Bristol City Council in 2014. Officers and the Chair of Overview & Scrutiny Management (OSM) jointly commissioned the CfPS to conduct an evaluation of progress to date, to ensure the Scrutiny function in Bristol continues to develop.

Proposal and Next Steps

5. The CfPS makes a total of 10 recommendations, which include changes to the Constitution; adopting additional best practice Scrutiny approaches; and training. A summary of these recommendations is included in appendix A and in the full report (appendix C pages 3-4).

OSM members discussed the findings of the report on 26th February 2015 and Full Council on 17th March. OSM and Full Council were broadly supportive of all recommendations.

Other Options Considered

6. Not applicable.

Risk Assessment

7. Not applicable.

Public Sector Equality Duties
8b) An Equality Impact Assessment does not need to be completed in relation to the report at this stage.

Legal and Resource Implications

**Legal**

Two of the recommendations within the report relate to the city Council’s Constitution. These are to be adopted into the work being undertaken by Legal Services on revisions to the Constitution.

(a) Revenue  
Not applicable.

(b) Capital  
Not applicable.

**Land**  
Not applicable

**Personnel**  
Not applicable

**Appendices:**

Appendix A – The Centre for Public Scrutiny Review Recommendations summary and action plan.

Appendix B – Summary of Full Council discussion

Appendix C - The Centre for Public Scrutiny Review – Full Report – February 2015

Appendix D – The appendices to the Centre for Public Scrutiny Review Full Report.

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**Background Papers:**

None
The Centre for Public Scrutiny – Implementation Plan

Please note this table sets out the proposed action against each recommendation based upon OSM and Full Council. It does not provide a commentary from those meetings against the recommendations.

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Proposed Action</th>
<th>Proposed Lead</th>
<th>Proposed Timeframe</th>
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<tbody>
<tr>
<td>1 Consider opening up Public Forums at Full Council meetings only to cover any issue of public concern rather than solely items relating to the published agenda</td>
<td>Requires alteration to the Council Constitution and to be incorporated into any work to revise the constitution</td>
<td>Monitoring Officer</td>
<td>Anticipated changes to the constitution to be signed off at the Full Council AGM – May 2015</td>
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<td>2 The process for enabling scrutiny to access ‘exempt’ or ‘confidential’ information should be updated, and then clearly summarised and circulated to ensure all members are aware of their obligations under their oath of office</td>
<td>The code of conduct for members to recirculated to all members with an accompanying briefing note setting out the specifics of ‘need to know’ and confidentiality for members</td>
<td>Monitoring Officer</td>
<td>May 2015 to align with the induction for new members</td>
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<td>3 Training should be provided to incoming Lord Mayors and key democratic services staff in council procedures and effective council administration, minute taking etc. as important elements of local democracy and accountability</td>
<td>• Existing training programmes to incorporate recommendations for 2015. • A review of training be carried out in 2015/16 in order to prepare for the all-out elections</td>
<td>Democratic Services, Member Development Officer, Learning &amp; Development team</td>
<td>Existing training to be delivered in May. Preparation for all-out elections to be completed by April 2016.</td>
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<td>4 Scrutiny Commission remits and allocation of items to Commission agendas should be overseen and managed by members, led by the Chair of OSM, and the process to be followed when an issue could fall under the remit of more than one Commission should be spelt out in more detail in the Constitution to avoid confusion</td>
<td>• Constitution (section OSR 20) should be amended so that in future OSMB manage the scrutiny work programme and only seek guidance from the Proper Officer in the event of a dispute. • The work programme setting and future agendas to reflect OSMB management of the work programme. • A briefing on the role of OSM to be incorporated into the briefing for</td>
<td>Scrutiny Service Manager</td>
<td>As per recommendation 1.</td>
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19th June 2015
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<tr>
<th>Recommendation</th>
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<td><strong>5</strong> Emerging good practice in different elements of the approaches taken by different Commissions should be shared and adopted by other Commissions, notably around relationship-building with officers, a focus on longer-term policy development and use of briefings to take information items off agendas</td>
<td>• The Scrutiny team to produce a tool-kit of best practice with input from CfPS. • Informal OSMB meetings to be established to facilitate more collaborative working between Members.</td>
<td>Scrutiny Service Manager</td>
<td>• June 2015 for use in the first formal scrutiny occurrences in the new municipal year • May 2015</td>
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<td><strong>6</strong> Strategic Directors should engage more directly with Commission Chairs and both officers and members should ensure there are open and mutually respectful channels of communication and expectations</td>
<td>Meetings (informal and formal) to be diarised as early as possible to ensure regular engagement with Strategic and Service Directors</td>
<td>Scrutiny Service Manager, Democratic Services, Executive Office</td>
<td>May 2015</td>
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<td><strong>7</strong> An open agenda, World Café approach should be taken to the work planning event for next year, to enable members to take a lead in determining scrutiny priorities, while taking into account the wider objectives of the Council, and avoid any suspicion that officers are seeking to influence it</td>
<td>• CfPS be invited to facilitate the workshop • Members to be provided with information in advance of the meeting to help with the setting of the work programme including: forward plans, recommendations from outgoing chairs/leads, key milestones/topics highlighted by senior officers. • All information at the workshop to have a clear audit trail of origin.</td>
<td>Scrutiny Service Manager</td>
<td>19th June 2015 April, May &amp; June in preparation for 19th June 2015</td>
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<td><strong>8</strong> In developing their work programme, members should seek a balance between ‘overview’ and ‘scrutiny’ and to do less but do it better and do it differently, and once agreed, the work programme should be actively monitored by OSM and Chairs held to account</td>
<td>• To be reflected in the work programme setting and pre-briefings • Consideration to be given to terms ‘Overview &amp; Scrutiny’</td>
<td>Scrutiny Members &amp; Service Manager Scrutiny Legal Services</td>
<td>June 2015 May 2015</td>
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<td><strong>9</strong> Bristol should consider how it can best support its members on the West of England Joint Scrutiny Committee to pre-</td>
<td>OSMB chair to write to all WoE counterparts to encourage exploration of joint working</td>
<td>OSMB Chair</td>
<td>April 2015</td>
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| plan lines of enquiry at meetings and encourage reflection on how best to scrutinise effectively as more regional and strategic collaboration develops between authorities and others | • Scrutiny team to work with counterparts to share best practice & information  
• Scrutiny team to ensure regular pre-briefings for members of joint scrutiny and Scrutiny to attend meetings | Scrutiny Service Manager  
Scrutiny Service Manager | May 2015  
Ongoing post 2015 election |
| A mix of new skills and techniques development and individual coaching is recommended for the scrutiny staff team development | • CfPS providing 3 days of training for scrutiny officers  
• Regular training and review of training requirements | Scrutiny Service Manager | Training session held 8th April / 22nd April / May |
| Terms of reference for Scrutiny Commissions to be reviewed to ensure alignment with Directorates (a few discrepancies and duplications) – as suggested by the chair of OSM (26th Feb) | • Terms of Reference to reviewed annually as suggested best practice. Any changes to follow agreed Legal procedures. | Legal Services & Scrutiny Service Manager | May 2015 |
| Assistant Mayors should have a continuing role in helping to strengthen the scrutiny function, e.g. by contributing to the discussion about items which could be included in scrutiny work programmes | • Propose chair of OSMB attend Executive Board with Assistant Mayor’s and Mayor to discuss the role of Cabinet Members in scrutiny and outputs be raised with Party Group Leaders | Scrutiny Manager to set up | June 2015 (post-election) |

Additional recommendations from OSM & Full Council

Captured by Ian Hird, Democratic Services – circulated at OSM planning.

Full Council – 17 March 2015

Centre for Public Scrutiny report

Summary of comments from members during the debate:

Cllr Pearce (introducing the report as Chair of the OSM Board):

- Generally supportive of the CpFS recommendations.
- Stressed that recommendation 3 (around ensuring training to incoming Lord Mayors and Democratic Services staff) was not intended to be a criticism of the current Lord Mayor, or of Democratic Services Staff.
- It would be important to ensure that arrangements were put in place to ensure that any constitutional changes (agreed as necessary in light of the CfPS report) could be agreed at the Annual Council meeting in May.
- Assistant Mayors should have a continuing role in helping to strengthen the scrutiny function, e.g. by contributing to the discussion about items which could be included in scrutiny work programmes.
- Need to ensure there is improved forward planning and “horizon scanning” in setting scrutiny work programmes.

Cllr Goulandris:

- Strongly supported recommendation 1 around opening up the scope of public forum items at Full Council meetings, so that petitions, statements and questions can be about any issue of public concern affecting the city.
- Today’s Full Council meeting had been a good example of how the public could engage with Full Council about an issue of concern.

Cllr Hopkins:

- Generally supportive of the recommendations.
- Strongly supported recommendation 1 around opening up the scope of public forum items at Full Council meetings.
- Full Council also had a part to play in relation to scrutiny. Arrangements were being made, following a meeting of the present Lord Mayor with party group leaders and whips, to ensure that meaningful debate opportunities (to enable the wider Council membership to debate key areas of civic interest) were included as part of the planning of the 2015/16 Full Council work programme / agenda setting.
Cllr Malnick:

- Generally supportive of the recommendations.
- Need to ensure that the recommendations are fully taken on board in the constitutional review.
- In terms of scrutiny, the opportunity of utilising “small group” member work should be considered / further developed for particular areas.
- Improved definition and clarity around items which needed to be brought before scrutiny was welcomed.
- Need to look to develop opportunities for joint scrutiny with partners (e.g. explore the concept of a local public accounts committee).
- Need to ensure a greater climate of “trust” and mutual respect between the executive and scrutiny functions.

Cllr Mead:

- Commended the approach adopted by the Business Change and Resources scrutiny commission in relation to budget scrutiny as a good model.
- Need to be open to adopting “good practice” and encouraging cross-party working.

Cllr Martin:

- Strongly supported recommendation 1 around opening up the scope of public forum items at Full Council meetings - important to secure more effective engagement with the public.
- Expressed concern, as Chair of Place Scrutiny Commission, that the commission had not, in his view, been able to scrutinise some issues which they had identified as being within their remit as the year had progressed.
- Also supportive of recommendation 8 – particularly the importance of scrutiny’s role in terms of assisting policy development.

Cllr Lovell:

- Important to encourage cross-party engagement.
- Need to further develop the role of scrutiny in assisting policy development – this requires early engagement with scrutiny, to allow a genuine opportunity to “shape and influence”.
- Outcomes from the scrutiny process must be taken seriously / supported by decision makers.
The Mayor:

- Felt that the scrutiny function and role had improved in the last year.
- Looked forward to scrutiny engaging effectively / cross-party involvement in policy development.
- The inquiry day around employment and skills had been a positive experience and was a good model.

Following the debate, the Full Council

RESOLVED:

That the report recommendations be supported and that the points raised in the debate be used to help inform the OSM Board’s final response to the report and subsequent plans for implementation.
Background

A year ago CfPS was commissioned to carry out an external review of scrutiny at Bristol City Council following a governance review by its external auditors. We observed scrutiny meetings, held a focus group with non-executive members, and carried out a number of one-to-one interviews with members, officers and partners. The review resulted in twelve recommendations, and CfPS was further commissioned to help disseminate these recommendations and the findings of the review to all the political groups, with a view to helping the council achieve consensus on the best way forward. Since then there have been many changes in personnel, structures and approach, and the council has been using the recommendations to help focus the changes being made to improve overview and scrutiny.

The members and officers now responsible for overview and scrutiny in Bristol commissioned CfPS to carry out an evaluation of the progress made during the year since the original review was commissioned and to understand where the next steps for scrutiny in Bristol should lie. The aims for this evaluation are:

1. To examine the extent to which the recommendations from the 2013-14 review have led to the desired improvements in the effectiveness of scrutiny in Bristol, in relation to both policy development and holding the Mayor to account;
2. To review the impact on scrutiny arrangements of the new internal structure of the Council;
3. To consider how constitutional changes have impacted on scrutiny;
4. To consider what further changes may be needed to enhance the external facing aspects of scrutiny, including public involvement, engagement of partners and wider external scrutiny work;
5. To explore what the next steps for scrutiny in Bristol should be for the longer-term, in the light of best and emerging practice elsewhere, and taking account of national debates and recent developments around devolution and wider public service reform, for example the recent Greater Manchester Agreement;
6. To provide some personal and professional development support to the new scrutiny team to help them provide the best possible support to members in their scrutiny role.

Desired Outcomes

1. A healthcheck of progress since 2013
2. Whether any further constitutional amendments are required to facilitate scrutiny’s further improvement and development, to be fed into AGM 2015
3. Recommendations to further improve the work planning and forward planning processes used by scrutiny, building on the successful workshop held earlier in the year
4. Proposals to take scrutiny to the next level, including developing a more strategic, long-term and externally-focused approach
5. An effective and fully functioning team of scrutiny support officers

This document provides an interim report for discussion with scrutiny officers and OSM, and will be followed by a final report and recommendations and three-four days of staff development support.

Methodology

As before we used our Accountability Works for You framework to drive the questions we asked in the review, including replicating some of the questions we asked in our initial review last year to enable us to assess progress. We used these in semi-structured interviews with scrutiny chairs, Group Leaders and the Mayor, key officers and some external partners, and to inform a number of Commission meeting observations, both live and via webcasts. We also examined the new Constitution and other documents, and on the suggestion of one of the members, spoke to a member of the public who has been engaged with the Council and used the public engagement processes to contribute his views. Following discussion with Scrutiny officers, a suggested approach to staff development is set out at the end of the document, and will be followed up and delivered by Su Turner at CfPS, who is an accredited coach.

We would like to thank the members, officers and others to whom we spoke for contributing their views openly and frankly, and to thank the Council for their assistance in arranging the interviews and other sessions for us. The structure of the report is as follows:

1. Summary of recommendations
2. Progress since 2013
3. Constitutional matters
4. Forward-planning and looking ahead:
   a. Share and learn from emerging good practice
   b. Further develop senior staff engagement with scrutiny
   c. Build upon the work-planning event
   d. Develop member capacity to engage city-wide and at regional level
5. Staff development
1. **Summary of recommendations**

1. Consider opening up Public Forums at Full Council meetings only to cover any issue of public concern rather than solely items relating to the published agenda;

2. Additional requirements to sign confidentiality agreements seem to us to be unnecessary but we recognise that Bristol in common with other councils is increasingly having to balance democratic processes with operating in a commercial environment, so the process for enabling scrutiny to access ‘exempt’ or ‘confidential’ information should be updated, and then clearly summarised and circulated to ensure all members are aware of their obligations under their oath of office;

3. Training should be provided to incoming Lord Mayors and key democratic services staff in council procedures and effective council administration, minute taking etc as important elements of local democracy and accountability;

4. Scrutiny Commission remits and allocation of items to Commission agendas should be overseen and managed by members, led by the Chair of OSM, and the process to be followed when an issue could fall under the remit of more than one Commission should be spelt out in more detail in the Constitution to avoid confusion;

5. Emerging good practice in different elements of the approaches taken by different Commissions should be shared and adopted by other Commissions, notably around relationship-building with officers, a focus on longer-term policy development and use of briefings to take information items off agendas;

6. Strategic Directors should engage more directly with Commission Chairs and both officers and members should ensure there are open and mutually respectful channels of communication and expectations;

7. An open agenda, World Café approach should be taken to the work planning event for next year, to enable members to take a lead in determining scrutiny priorities, while taking into account the wider objectives of the Council, and avoid any suspicion that officers are seeking to influence it;

8. In developing their work programme, members should seek a balance between ‘overview’ and ‘scrutiny’ and to do less but do it better and do it differently, and once agreed, the work programme should be actively monitored by OSM and Chairs held to account;
9. Bristol should consider how it can best support its members on the West of England Joint Scrutiny Committee to pre-plan lines of enquiry at meetings and encourage reflection on how best to scrutinise effectively as more regional and strategic collaboration develops between authorities and others;

10. A mix of new skills and techniques development and individual coaching is recommended for the scrutiny staff team development.

2. Progress since 2013

There was widespread although not unanimous agreement that matters had improved since 2013, and we found evidence of progress across a range of issues, including:

- Reports to commissions and OSM were generally felt to be of better quality, shorter and more focused although there were still some problems of late or poor quality reports that did not meet member expectations;
- Access to information was generally felt to have improved, notably around financial information in relation to budget scrutiny (which we found to be greatly improved since last year) and budget-building for party groups, but there is some confusion and consequently frustration around rights of access to ‘confidential’ information;
- The work planning workshop held in June last year was felt to have been a positive initiative and can be built upon next year to help continue to develop a more member-owned and forward-looking overview and scrutiny process;
- Processes and relationships seem generally to be settling down and bedding in, and most members seem to be committed to making Bristol’s system of governance work effectively in practice, regardless of their views about that system;
- There is emerging good practice in the work of some of the Commissions and a desire to develop a more longer-term strategic approach to overview and scrutiny’s work, but this is not yet consistently shared across all members and Commissions;
- The hard work and commitment of the scrutiny support officer team is widely recognised, as is the support of Service Directors which was acknowledged by Chairs and others as open and helpful to their work.

The above are positive developments, which, given the major changes Bristol City Council has undergone over the last 12-18 months, must be acknowledged and commended. The overall direction of travel in our view is a positive one, which can – and must – be maintained and built upon to go further in the next period. We do not believe a completely new approach is needed: rather it is about continuing to build positive relationships, improving communications and enhancing trust.
Inevitably there are some issues that still need addressing. In our view the most serious issues relate to trust, confidence and consistency of view and approach: between different political groups, between council members and the Mayor and between members and senior officers. It is unrealistic to expect there to be absolute agreement between everyone responsible for the governance of an authority, since there are politics as well as personalities involved. It is also important to stress that we are not seeking to attribute blame, as cause and effect are likely to be circular: a lack of trust in the administration’s approach may drive certain member behaviours in their approach to scrutiny, which in turn may cause a tendency to over-defensiveness and lack of trust in members from officers, which in turn further fuels suspicion about a lack of openness and reduces member trust etc. The key task for all involved is to personally reflect on their own behaviour to help create a virtuous cycle of mutual respect and trust, confidence and openness.

3. Constitutional matters

Overall, we feel it is too soon to radically amend the constitution again as the fact that we were able to see good practices emerging suggests that the constitution is not in itself a barrier to effective governance and scrutiny. The key challenge seems to us to be making it work effectively and consistently. A number of members expressed satisfaction that they were now getting timely written responses to questions, and most believed that the new system for members’ questions to the Mayor was working well. Others felt that there were still some delays in getting responses out, and found it frustrating that they did not see written answers in advance to enable them to plan their supplementary. If the purpose of Mayor’s Question Time with members is to hold him to account, the Mayor should be provided with briefings as aide memoires not full written answers. This requires a change in approach from the Mayor and the officers supporting him. If the purpose of the questions is for members to find out information about what the Mayor is doing, members would be better served by writing to the Mayor and receiving a written response, rather than expecting the Mayor to answer detailed factual or operational questions at meetings or using the session as an opportunity to try and catch the Mayor out on some detailed point. This requires a change in approach from members.

There was some feeling that the process for attempting to manage the volume of Public Forum business had become too restrictive, while acknowledging that previously it had gone too far the other way. We heard good examples of the public being able to use the Public Forum facility at Commission meetings to bring evidence to councillors’ attention in relation to matters that they are scrutinising, for example a local group campaigning on the impact of welfare reform asked a question on this during the budget scrutiny process and that Commission will be discussing this issue in more depth at a future meeting to follow up the concerns raised. Similarly a concern about delays in implementing local transport schemes was raised during Public Forum at a Scrutiny Commission; this was taken up by the Scrutiny Commission concerned and the Mayor responded positively by allocating some extra resource to clear a backlog of local schemes.
We remain of the view that Public Forums at Scrutiny Commissions should be used for this purpose ie to inform effective scrutiny rather than as an open opportunity to ask questions about what the Council is doing on any issue. Similarly in relation to Cabinet meetings, we feel questions should be related to the items for decision on the agenda as Cabinet is a business and decision-making meeting. There is a case, however, that the provision for Public Forums at Full Council could be opened up to a more open opportunity for the public to ask questions on whatever is of concern to them, without being related to items already on the agenda. This would also remove some of the time pressure on all sides as the public currently only have a few days to put questions in after the publication of the agenda, and the Council then has very limited time to pull together responses.

An active member of the public was referred to us by the Chair of Place Scrutiny Commission during the review and this useful conversation emphasized the importance – raised by others – of getting agreed processes to work properly and in a timely fashion. The role of Full Council was raised by a number of people and, although this is not directly related to overview and scrutiny, it is nonetheless an important part of the wider process of public and democratic scrutiny of the Council. We have not observed Full Council meetings so cannot comment directly, but would simply recommend that – if this is not already done – training is offered to incoming Lord Mayors in chairing and managing these major meetings and in use of the Council procedure rules, and that feedback is gathered from attendees at public meetings on how they have found the Council’s processes to use. Keeping minutes and records of questions and answers in a timely and accessible fashion is an important element of democracy and accountability, and this distinguishes the Council’s meetings from the more informal Q&A sessions that the Mayor holds elsewhere – important though these open forums are as well. We have not explored this fully as it was beyond our remit but would simply recommend that – if this is not already the case – key democratic services staff should seek appropriate training and qualifications in minute-taking and standards of record-keeping. The Association of Democratic Services Officers can provide advice on this matter, and it would also be worth investigating how the Council’s newer forms of public record and engagement such as webcasts can be integrated into more traditional forms to ensure public accessibility.

An issue came up a number of times relating to how the council handles confidential and exempt information and what members’ rights are in relation to access to this information, and we reviewed the provisions of the Constitution in relation to these rules. We believe that the Constitution as drafted is not out of step with other councils’ provisions, although there is some variety in how different councils approach this issue and some examples are attached in the Appendix for Bristol to consider. We acknowledge that Bristol, in common with other councils, is increasingly operating in a commercial environment, and the process for provision of information to members as part of the process of democratic scrutiny may need to be reviewed to ensure the council is still able to operate effectively. Members and officers would benefit from
a clear summary of these provisions, once reviewed, being circulated and the process for handling requests for exempt information from Scrutiny Commissions being spelt out in more detail.

We do not believe that signing additional confidentiality agreements adds a great deal to the process. Members should be able to review exempt or confidential documents so long as they can demonstrate a ‘need to know’ in relation to a matter which they are scrutinizing, and if necessary, the ‘managed access’ provision can be adopted. Where a matter is particularly sensitive, we would recommend simply reminding members of the agreement they have all already signed in the declaration of office around upholding the code of conduct and constitution to maintain confidentiality. We would also draw Bristol’s attention to the innovative approach taken by Cambridgeshire in 2013-14 when scrutinizing a major controversial NHS commissioning programme to access and publicly scrutinize anonymized bids to enable questions to be asked and public confidence to be maintained through adopting processes that are as transparent as possible within the constraints of live negotiations which we understand can move fast.

There was also frustration expressed with the process of deciding which scrutiny body should consider an issue, where it could potentially fall under more than one Commission remit. Scrutiny is a member-led function, and decisions about which body should consider a particular item, where it could potentially fall under more than one Commission remit, should be agreed collectively between the Chairs of the Commissions and the Chair of OSM. Where there is disagreement, the Chair of OSM should rule, but the aim should obviously be to reach consensus over such matters. This will require an amendment to OSR20 in the constitution which does not currently spell out the process in detail. It will also require the Chair of OSM and Chairs of the Commissions to meet more frequently, on an informal agenda-planning and coordination basis, than the quarterly full meetings of the OSM Board. Examples of how other councils approach this issue in their constitutions are set out in the Appendix.

4. Forward-planning and looking ahead

There are a number of key steps we would recommend to help Bristol move forward and take overview and scrutiny to the next level.

a. Share and learn from emerging good practice
b. Further develop and enhance engagement by senior officers
c. Build on the work planning event to develop a genuinely member-led scrutiny work programme
d. Develop the capacity for overview and scrutiny to engage with City-wide and regional issues
a. Share and learn from emerging good practice

We observed and heard about a number of approaches developed over the last year which demonstrate that scrutiny in Bristol is developing positively. Other colleagues could learn from these approaches, which may in turn help address some of the frustrations that some have raised. An area of significant improvement on last year – both reported to us and our observations – is around budget scrutiny. We believe that efforts over the year by both members and officers, notably the new Chair of Business Change and Resources Scrutiny Commission, have helped build relationships of trust and confidence between members and officers such that the officers in finance feel able to have honest and open conversations with members in the agenda planning meetings and to share plans and information at an earlier stage. As a result the budget scrutiny process seems to have been more coherent and robust. We believe that an approach to scrutiny which emphasizes both elements of the ‘critical friend’ aspect of scrutiny and does not seek to be overly confrontational pays dividends in the long run and will enable scrutiny to be more effective.

A number of colleagues also reported on the benefits deriving from the approach taken by the Neighbourhoods Scrutiny Commission to examine issues which are not due for decision for another year or so, such as the future shape of libraries provision and developments in South Bristol. This approach, consciously spending less time on issues which are coming up for decision now or where the decision has already been taken, and focusing instead on future issues, enables members to have a greater influence on policies and plans at an earlier stage – which was what all members said was their objective during this and our previous review. We strongly recommend that other Commissions take this approach when developing their work plans for next year.

Finally, we commend the approach that has been developed by the People Scrutiny Commission and the officers supporting that department to distinguish between issues on which members need briefing and those where genuine scrutiny is required. In the case of the People Scrutiny Commission this approach has been born of necessity, due to the wide remit of the Commission and the difficulty of including all the issues in which members are interested on the agenda of Commission meetings. However, we think that all Commissions must seek to differentiate between those issues where members wish to have more information and those issues which have been identified as a priority for scrutiny as part of the work plan. The more proactively officers can identify issues about which members ought to know and offer opportunities for members to find out about them – whether through the proposed Policy Member Briefing sessions, offers of site visits or links to further information – the less members will feel that they have to demand that a report comes to a Scrutiny Commission.

The other side of the last point is that members must continue to develop their approach to scoping scrutiny inquiries and requests for items to come to Commissions, explaining exactly
what information they are seeking and the purpose for which they are seeking it. It is clear to us that most officers value clear direction from members as to the information they require, the reasons why they require it and the format in which they would like to receive it, and this will minimize the risk of poor reports coming to scrutiny. Clarity about the aims and purpose of the scrutiny inquiry will also help others get involved and will help scrutiny evaluate its impact and effectiveness. Examples of how other councils scope and prioritise items for scrutiny work programmes are attached in the Appendix.

In terms of practice, we would note that from our observations of different Commissions, there is sometimes a stark difference in the approach and tone of Place Scrutiny Commission meetings compared with other Commissions. It is not unusual for there to be variation between different overview and scrutiny committees in councils, depending on context, remit and the approach of different chairs. However, we would urge all members to keep their personal behaviours and style under review, and to consider which approach to overview and scrutiny is ultimately likely to achieve better outcomes for residents.

b. Further develop and enhance engagement by senior officers

There was positive feedback from members about the support and commitment of Service Directors across a range of directorates to attending and positively contributing to work planning meetings, being open and honest with members about developments and plans, and providing reports to Scrutiny Commissions. However, members were less familiar with all Strategic Directors, having had less contact with them, and were less able to speak with confidence about their attitude to member scrutiny and willingness to make it work effectively. From our conversations we believe that Strategic Directors are committed to serving the whole council, but there is at least a perception amongst some members that they are more attuned to the Mayor’s views and wishes than those of elected councillors. **We recommend that Strategic Directors get more consistently engaged with scrutiny, identify opportunities to work with Scrutiny Commission Chairs on a regular basis and ensure the principle of unified officer support for the whole council is seen to be maintained.**

Alongside our earlier recommendation about all members taking a constructive and non-confrontational approach to scrutiny, we would like to see senior officers being less cautious and more forthcoming in relation to scrutiny’s requests for information. One example which we heard about was when the Business Change and Resources Commission held a questioning planning session to plan their lines of inquiry and the kinds of information they wished to draw out as part of preparing for budget scrutiny (exactly in line with good practice as recommended by CfPS). Unfortunately some mis-communication about expectations around how the information members wanted was to be gathered meant that there was some disappointment in the outcome. A similar complaint was made after the work planning event earlier in the year: while members generally welcomed the event as a positive and inclusive step forward, there
was some unhappiness that the final outcomes in terms of the work plan as drawn up by officers did not seem to reflect what members thought had been agreed.

These both seem to us to be issues more of communication and perception than anything else, but unless addressed there is a risk that the perception will be one of officers seeking to influence and limit scrutiny’s work programme and information-gathering. We believe that greater direct engagement by Strategic Directors with relevant Chairs of Scrutiny will help dispel such perceptions and ensure that good lines of communication and honest, mature relationships on both sides are established and maintained, enabling members to take on their leadership role with confidence.

c. Build on the work-planning event

As we have said earlier, the work planning event last year was viewed positively overall by members and it should be repeated and built upon to generate a work programme for 2015-16 and beyond. We would recommend taking a more fully open-agenda, World Café style approach to encourage and enable members to take the lead in identifying and prioritizing the long list of issues that should be considered by the Commissions, based on input from the administration re the Council’s other planned work. When members then come to short-list and choose the final elements of the work plan, proponents of a particular issue or topic should be asked to explain how it will contribute to the Council’s wider objectives, why it is a priority, what scrutiny’s consideration of the issue aims to achieve and what format might be used to carry out the work. This should enable members to prioritise effectively, and to seek a greater balance in their work programme between overview and scrutiny. As previously mentioned there are examples of feasibility criteria for prioritisation in the Appendix.

It is important for a balance between overview and scrutiny to be explicitly sought since most members and officers acknowledge that the inquiry days and more in-depth ‘overview’ type work represent the best opportunity for members to make a genuine impact on policy. Yet despite this, from our observations and conversations, too much focus sometimes appears to be placed on ‘scrutiny’ and critiquing the Mayor’s administration in relation to current or past proposals. A number of people with whom we spoke – members as well as officers – expressed a wish to get more of a balance and to broaden out the focus of their work beyond solely looking at what the Mayor is doing. We would endorse this. It is important that the Mayor is held to account, but overview and scrutiny members can do a great deal more to help improve outcomes for the citizens of Bristol if they look beyond this element of their role and seek to influence a range of agendas across the city.

A number of members and officers reflected on the size of the Commission work programmes, notably for the People Commission, and for the small scrutiny support team there seems to us to be a real risk of trying to do too much and lacking the time to do it in sufficient depth. Ten
meetings per Commission per year in effect means two meetings per month for officers to plan, organize and follow up. We would reflect back strongly what a number of members said was their ambition: to do less but do it better. We would also add, do it differently. For example, to help manage the workload in the People Commission, perhaps different members could take the lead on different areas eg Health, Children’s and Adults’ Services. Other authorities have carried out successful scrutiny reviews of services with just 2-3 members working as an informal task group with minimal officer support to go and see how services are working on the ground, talk to service users and the public and review evidence from elsewhere (for example Cheshire West and Chester’s review of adoption services in 2013). Bristol has some excellent and committed members and we feel sure they could take on this more independent, self-starting role in scrutiny.

Once a work programme has been agreed, it is important that members continue to oversee and manage it. This task falls primarily to OSM and the Chair of OSM in particular to lead. We recommend that OSM take a more proactive role in collectively overseeing the Commissions’ work programmes, adjudicating where there are differences of opinion, and ensuring follow-up and impact from scrutiny’s work. Chairs should be held to account by OSM for delivery of their work programme and securing objectives from their work. We think that this will also help OSM further develop its titular role of overview and scrutiny management.

d. Develop the capacity of members to engage with city-wide and regional issues

At the risk of stating the obvious, it is important to remember that Bristol is operating in a fast-changing environment for cities and local government more widely, with two city devolution deals agreed and a number of others in discussion. City regions are recognized as engines of growth for the UK economy, and cities like Bristol need to be looking at national and international opportunities for growth and development and considering what their citizens need to make the most of these opportunities for themselves and their families and communities. From our discussions with members and officers, we know that Bristol’s councillors and Mayor are very alive to these issues, and we would like to see thought being given now to how the Council can best support its members to take part in these discussions in the future. For example, how will Bristol’s members on the joint West of England Scrutiny Committee be briefed and supported to ensure the LEP and other strategic leaders’ groupings are both held to account and take into account the issues that matter to Bristol residents? While it is early days, we did not see evidence of strategic pre-planning of lines of inquiry to be followed by Bristol’s representatives on the joint scrutiny committee and would recommend that Bristol supports its members to do this, and to seek to ensure that the joint committee itself adopts an effective and strategic work programme. Much of this pre-planning could be done electronically and need not involve significant additional resources or extra meetings.
We understand that moves towards closer strategic collaboration in the region are under discussion and would draw Bristol’s attention to the attached paper (Appendix A), a version of which is being actively considered for adoption in Greater Manchester and has also been shared with Sheffield City Region. We believe that the difficulties which other joint scrutiny committees have experienced in developing effective ways of working at strategic level point to the need for a different way of thinking about member accountability and governance in the future. CfPS would be happy to work with Bristol and other colleagues in the region as and when discussions develop further.

5. Staff development

The scrutiny team are a relatively new team and are keen to develop their skills in supporting effective scrutiny, including developing their awareness of different techniques for carrying out overview and scrutiny work and being able to ask for advice in handling particular projects and pieces of work. There were three-four days in our original proposal for staff support. We suggest that one day of this is used for Su Turner or a CfPS Expert Adviser to come and work with the team to develop their understanding of CfPS’s return on investment technique for carrying out in-depth scrutiny reviews. This offers a way of measuring the ‘return’ achievable from implementing scrutiny recommendations, but also incorporates innovative ways of engaging with stakeholders, involving the public and service users and scoping scrutiny reviews in an inclusive way. We suggest that the remaining two-three days are used to provide coaching support to individual team members, following 1-2-1 discussions with each of the members around their needs and any current challenges, which can take place as part of the development day. This support can also be used to help the team prepare for the work planning event. The support will include:

- Sign-posting towards good practice, depending on the issues that are most relevant at the time;
- Reviewing and commenting on draft agendas and reports;
- Observing and providing feedback following agenda-planning meetings (if time allows)

Centre for Public Scrutiny
February 2015

Attached: Appendix on lessons and examples from other councils

Paper on Governance and accountability models for devolution
Appendix D – Bristol review of Overview and Scrutiny February 2015

How other council constitutions deal with matters falling within the remit of more than one scrutiny committee

Leeds

Gives responsibility for adjudicating to the statutory scrutiny officer in consultation with Scrutiny Chairs:

“Matters within the terms of reference of more than one Scrutiny Board

The Scrutiny Officer, after consultation with Scrutiny Chairs, shall arrange for any matter to be dealt with, where it falls within the terms of reference of more than one Scrutiny Board.”

Manchester

No adjudication but committees must invite other committee chairs to their meetings where an item falls into their remit as well:

“Matters within the remit of more than one scrutiny committee

Where a scrutiny committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another scrutiny committee, then the committee conducting the review shall invite the Chair of the other committee (or his/her nominee) to attend its meetings when the matter is being reviewed.”

Lewisham

Constitution is silent on when items fall into more than one remit but gives strong oversight responsibility to overarching Business Panel to avoid such duplication:

“Work programme

(a) At the beginning of the municipal year, each select committee will draw up a draft work programme for that year. In doing so it will specifically take into account the views of members of that select committee who are not members of the largest political group. The select committee will submit the draft to the Business Panel for consideration normally by the end of May each year.

(b) The Business Panel will then consider the proposed work programmes of each of the select committees and devise a coordinated overview and scrutiny work programme which avoids duplication of effort and facilitates the effective conduct of business. The Business Panel may amend the work programme of any of the select committees but will not normally do so unless it is necessary to ensure the effective conduct of Council business. Once the Business Panel has approved the select committee work programme, the select committee will implement it.”

Access to information

Manchester
Spells out in detail what ‘need to know’ means under members’ additional rights to information, and when exercising these rights individual members have to sign a non-disclosure agreement (NB this does not apply to scrutiny).

“RIGHTS OF MEMBERS - “NEED TO KNOW”

25.1 In addition, Members will be entitled to access to documents and to attend the confidential part of meetings of Committees and subcommittees and public meetings of the executive (even though they are not a member of those bodies) where they can demonstrate a “need to know” in order to perform their duties as Members.

25.2 Subject to Rule 25.3 below, the circumstances where a “need to know” will be treated as arising will include –

(a) Where the matter relates to a sub-committee of a committee of which the Member is a member;

(b) Where the matter relates to a committee of the executive where the Member is an executive member;

(c) Where the matter is within the remit of a scrutiny committee of which the Member is a member:

(d) Where the full Council is required to approve the decisions or recommendations of committees, sub-committees or the executive;

(e) Where the matter has been delegated to a committee or subcommittee, but significantly affects the reputation of the whole Council;

(f) Where the matter relates specifically to a Member’s own ward;

(g) Where a member is minded to sign a requisition under Council Procedure Rule 9 in relation to the matter.

25.3 There will not be a “need to know” if a Member is acting in bad faith or in pursuance of a personal pecuniary or non-pecuniary interest or merely out of curiosity.

25.4 A Member wishing to see confidential or exempt Council, Committee, sub-committee or executive documents or to attend the confidential part of a meeting should make written application to the Chief Executive, setting out the reasons why the document and/or attendance at the meeting is necessary in order to enable the Member properly to perform his/her duties.

25.5 Where access to documents or a meeting is refused by the Chief Executive, there will be a right of appeal to the relevant body.

25.6 Where a matter or document is confidential or exempt, Members exercising the above rights will be asked to sign an agreement to preserve the confidentiality of the information.”

Approaches to choosing and prioritising items for scrutiny work programmes

South Cambridgeshire uses the following set of feasibility criteria (PAPER):

Public Interest: the concerns of local people should influence the issues chosen for scrutiny;
Ability to change: priority should be given to issues that the Committee can realistically influence;

Performance: priority should be given to the areas in which the Council, and other agencies, are not performing well;

Extent: priority should be given to issues that are relevant to all or large parts of the district;

Replication: work programmes must take account of what else is happening in the areas being considered to avoid duplication or wasted effort.

A number of councils (for example, Adur and Worthing) use the PICKET (Public Interest – Impact – Council Performance – Keep in context – Executive request – Timescale) methodology, which is broadly similar.

Gloucestershire County Council developed a ‘scrutiny on one page’ template: when a member wishes a scrutiny review to be carried out into a particular topic, they have to set out on one page how the proposed review will meet the following four principles:

1. Public interest – how the issue is in the public interest and gives a mandate for scrutiny to demand change;
2. Opportunity – how there is a realistic opportunity to change or influence policy through a scrutiny inquiry at this point in time;
3. Scope – setting out an appropriate scope for the proposed review, with emphasis given to a narrow and deep rather than broad and shallow approach;
4. Format – demonstrating that some thought has been given to the proposed format – one-off item, whole meeting, select committee-style inquiry, task and finish working group

There is more information and advice on whether and how to use feasibility criteria for prioritising items for work programmes contained in CfPS’s publication, A cunning plan? Devising a scrutiny work programme.