

Communities and Local Government Committee

Oral evidence: Overview and scrutiny in local government, HC 369

Monday 30 October 2017

Ordered by the House of Commons to be published on 1 November 2017.

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Members present: Mr Clive Betts (Chair); Bob Blackman; Helen Hayes; Kevin Hollinrake; Andrew Lewer; Fiona Onasanya; Mary Robinson.

Questions 44 - 107

Witnesses

I: Councillor Mary Evans, Chair of Scrutiny Committee, Suffolk County Council; Councillor Sean Fitzsimons, Chair of Scrutiny and Overview Committee, Croydon Council; Councillor John Cotton, Lead Scrutiny Member, Birmingham City Council.

II: Jennette Arnold OBE AM, Chair, London Assembly; Ed Williams, Executive Director, Secretariat, London Assembly; Susan Ford, Scrutiny Manager, Greater Manchester Combined Authority, Councillor Peter Hughes, Chair, Overview and Scrutiny Committee, West Midlands Combined Authority.

Written evidence from witnesses:

– [Add names of witnesses and hyperlink to submissions]

Examination of witnesses

Witnesses: Councillor Mary Evans, Councillor Sean Fitzsimons and Councillor John Cotton

Chair: Good afternoon and welcome to this second evidence session the Committee is having in our inquiry into overview and scrutiny in local authorities. Thank you very much for coming to give evidence to us this afternoon. Just to begin with, I will ask Committee members to put on record any particular interests they have that may be relevant to this inquiry. I am a Vice-President of the Local Government Association.

Andrew Lewer: I am a Vice-President of the Local Government Association.

Kevin Hollinrake: I employ a councillor in my office.

Helen Hayes: I also employ a councillor in my office.

Bob Blackman: I am a Vice-President of the Local Government Association.

Q44 **Chair:** Those are our particular interests relevant to the inquiry. Would you just say who you are and the organisation you are representing today? That would be a useful start.

Cllr Cotton: Good afternoon. I am Councillor John Cotton from Birmingham City Council. I am the lead scrutiny member, and I also chair the authority's Health and Social Care Overview and Scrutiny Committee.

Cllr Evans: Good afternoon. My name is Mary Evans. I chair the Suffolk County Council Scrutiny Committee and also the county's Flood Risk Management Scrutiny Sub-Committee.

Cllr Fitzsimons: Hello. I am Sean Fitzsimons. I am a Councillor in the London Borough of Croydon. I am the overall chair of scrutiny. I chair the Streets and Environment Scrutiny Sub-Committee and I also sit on all the other scrutiny committees in my role as the overall Chair.

Q45 **Chair:** We have had quite a lot of written evidence. We have also started taking oral evidence, and one thing that has come out from that evidence is concerns that very often the scrutiny function in local authorities is not really properly resourced. In terms of your own local authority, do you feel you have sufficient resources to do the job you are given to do?

Cllr Cotton: Every conversation in local government now starts with an argument about resources. Certainly if I look at what has happened in Birmingham, we have seen a two-thirds reduction in controllable budget and a two-thirds reduction in staff over that time, and that has played out in terms of the resource that has been available to scrutiny. We have seen a reduction in terms of the support staff and the budget that has been available to support that scrutiny work, but of course the extent of



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the issues that we are still trying to scrutinise, as the biggest local authority in the country with a city of 1 million people and all the diverse challenges that sit within that, have not gone away. It has become a far more difficult task to undertake with fewer staff and less resource to support that degree of activity.

Cllr Evans: I would say, "Yes, but". Yes, we are adequately resourced, but it depends upon the fact that we have two extremely dedicated and experienced scrutiny officers who are working at full stretch. As an add on to the change in local government funding, we are a distance away now from a lot of the council work in that we procure an awful lot, and it takes more effort to then try to get some of the people who are contracted to us to come in to give evidence to scrutiny. Yes, we are functioning, but we are at full stretch.

Cllr Fitzsimons: Yes, it clearly does make a difference where the level of resource is, but it is too easy to put the blame on scrutiny not being at its best because we do not have the right officer or the right amount of resource in place. To me, it is clear that it is the power relationship between scrutiny, the executive and the officers. That really is the focus of where strengths and weaknesses are. You could have a very well-resourced scrutiny with officers who know their subject, but if you cannot get the chief executive or the executive director of a department to feel that you have a legitimate role, you can bang your head against the wall for as long as you like. For me, resources would come if we had that power balance right, rather than starting to look at resources first. Yes, resources are useful and I certainly could do with more in my borough, but ultimately it is more about the legitimacy and the status that scrutiny has that is much more of my concern than the level of resource.

Q46 **Chair:** We will probably come back to the issue of status, but in terms of resources, recognising that local government has had significant cuts across the board since 2010, has scrutiny had bigger cuts than other functions? That is what has been said to us; that generally it is an easy option. Along with, perhaps, member support, the executive looks after itself and makes sure everybody else gets the cuts.

Cllr Fitzsimons: My experience is yes. In 2010, I became a councillor for the second time around. I had been chair of scrutiny up to 2006. I took a four-year leave of absence involuntarily and it was noticeable that, when I came back in 2010, that was the excuse to cut back resources. However, it is about whether political groups and political leadership decide to put more in. In 2014, when my group took majority control, we put more resources in, but I know that cutting back resources is the easy option. What is likely to happen in some cases, having talked to other colleagues, is that maybe the officers are not as senior as before, or have less expertise. Effectively, it is all about how much you are going to pay your staff, and if you have two younger people they can be really



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enthusiastic, but they may not know their way around the structure of the council.

From my experience and talking to other people, there has been quite a lot of support for scrutiny and a lot of leaders will say, "We are supporting you", but the level of resources overall has gone down and that restricted focus has made a difference.

Cllr Cotton: Just looking at the figures here, if I look at staffing for scrutiny in Birmingham, if we go back to 2010-11, we had 19.4 full-time equivalent staff. We are now working with 8.2, so there has clearly been a substantial reduction and we have seen a similar reduction in the number of committees and so forth. I have to be careful in what I say with regards to the balance between executive and scrutiny, because until relatively recently I was also a member of the executive, so I know that colleagues on the cabinet side have seen a reduction in the resource that was available to them as cabinet members. However, it does come back to this issue that, if you value something, you have to invest in it. There is a danger that as we see the cake overall decrease in size, we tend to look to what the challenges are in frontline service delivery and we are not investing in that really vital role of holding to account, of managing performance and of asking the difficult and challenging questions that need to be asked, which are very pertinent when you are trying to reduce budgets on the scale that we are.

Cllr Evans: The reductions in our scrutiny function and our scrutiny resourcing are broadly in line with the other reductions in our budget. We have managed to maintain a reasonable level, but it is at full stretch, as I say.

Q47 **Chair:** One way of helping can be to get outside expert help and guidance. How far are you able to do that in terms of your scrutiny function?

Cllr Evans: We do not tend to use it, but we have a small budget where we can invite in outside witnesses from anywhere around the country if we wanted to and needed them. We have had people from across the country: we had some from the charity sector; we had some very good witnesses who came into Suffolk to talk to us about domestic violence. We will pay for them to come and see us. We will talk to other councils about what their experience is and the budget will run to that.

Q48 **Chair:** They are witnesses, though. Do you have advisers from outside?

Cllr Evans: No. We will go to the Centre for Public Scrutiny and people like that, but we do not have a specialist adviser coming in.

Q49 **Chair:** Do none of you use universities, for example, which may have experts you can call on?



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Cllr Evans: The University of Suffolk gets involved and supports us a bit, but that is more about supporting the executive and we will go to it with questions.

Q50 **Chair:** One issue that is of interest, Mary, which you raise there, is the issue of contracts. A lot of authorities are putting work out to contracts now and what we have heard sometimes is the excuse is, "That is commercially confidential." You cannot ask questions or the contractor will refuse to come in and ask the questions that would have been there to be asked if it had been part of the local authority that was delivering the service. Have you had that sort of problem?

Cllr Evans: We have done quite a lot of work. We had a task and finish group that did a lot of work on procurement and contracting, and we are asking that, in future, when the council signs any contracts, those people who are making the contract are aware that we could well expect to see them in front of scrutiny at some point. They cannot sign a contract with the authority and expect never to be put on the spot and be accountable.

Chair: They have to come to you.

Cllr Evans: That is what we are asking. Whether that will happen, of course, in every contract I do not know at this stage, but that is one of our key recommendations.

Q51 **Chair:** Has the authority accepted that?

Cllr Evans: It is still up for negotiation, but that is what we are asking for.

Q52 **Chair:** Are there any issues in Birmingham or Croydon?

Cllr Cotton: We have tended to be able to engage with outside providers and to get them in to that scrutiny environment. Of course, some of this has had to happen in private session, particularly with some of the issues around our highways PFI contract, where there have been some external issues around that also. A number of those sessions have had to take place in private rather than public. Obviously, that becomes a bit of an issue because scrutiny should be a public-facing thing, so there are some challenges there.

Cllr Evans: I should add that none of our private contractors, so far, has refused to come to see us. We see our highways contractor and our social care contractors; they come willingly.

Cllr Fitzsimons: It is about the effectiveness of why you would want to bring a contractor in to a session that is most likely to be what we in Croydon would call a "part B"—other places probably call it something else—closed session just at the moment of the letting of the contract. That is one of the fundamental problems with the key decision framework that we work to. It is only when the major recommendations can go to cabinet that you can say, "I am unhappy with that and I will bring it in."



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My experience, particularly in my local authority, is that the failure of the authority, at the time, to engage in scrutiny early on in the process so that we could help shape the outcomes meant that a decision had been taken by the relevant cabinet member, and really it allowed itself to drift into party political flag-waving, to say, "We are just not happy with the letting of this contract." If we had been allowed to look at it six months or a year beforehand, we may have been able to have had some influence for the betterment of the service. I have found that contractors are quite keen to talk, but what it again goes back to is how comfortable the executive is having their decisions challenged, when they may have done 18 months or two years of private work on it and they think they already have the answer.

Q53 Kevin Hollinrake: Councillor Cotton, you talked about the number of officers in scrutiny, and Councillor Fitzsimons you talked about the calibre of some of those officers involved in scrutiny. What about other factors, such as impartiality? We have heard evidence in this inquiry that officers can be advising the executive on a particular scheme and also then advising the scrutiny committee on the same issue. Do they have the right balance in terms of freedom and independence in being able to advise scrutiny?

Cllr Cotton: Certainly in Birmingham they have. We have an independent scrutiny officer function, so they are not shared; they are not dancing to two masters, as it were. We have that independent support in the work that we do. Obviously, the concern will be that as budgets and resources reduce, we have to be quite robust in defending the independence of that advice that we receive as a set of scrutineers.

Cllr Evans: It is the same for us. Our scrutiny officers are independent; they are not directorate-based. They are based in the members' area, so they are not answerable to anybody but us.

Cllr Fitzsimons: You have to trust your officers and you also have to understand that they will have careers outside scrutiny and some go on to work in the House of Commons. We need to make certain that they do not become part of the rock-throwing contingent, and that they are not seen as part of the group of officers supporting councillors who are making life difficult. I believe officers can be impartial, but they need to network and to network strongly within the council. If you really want to know what is going on in a department, you need an officer advising you in scrutiny who has those contacts within that highways department, as well as being good with the figures and being able to produce a report. You need impartiality, but you also need great networking skills.

Q54 Kevin Hollinrake: In Croydon, do you have you a shared resource or are they totally isolated?

Cllr Fitzsimons: I should know, and I believe that they are my resource, but then I see them occasionally turning up at other committees providing services. The two or three main officers spend most of their



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time doing scrutiny work, but as in any democratic services, if you have a licensed committee that needs someone to service it, they will help out.

Q55 Kevin Hollinrake: If the officers were advising the executive and scrutiny, would you be uncomfortable with that situation?

Cllr Cotton: There is an important role to be played by independent advice to scrutiny. That is not to say that there is not a dialogue that needs to take place with those officers who are serving the executive and, indeed, that happens. We have people come and give evidence to our scrutiny committee meetings and there is a very robust and constructive dialogue that takes place there. However, you do need independent support to the committee, so you know that you are undertaking those duties effectively.

Kevin Hollinrake: So you would be uncomfortable.

Cllr Cotton: Yes, I would be uncomfortable with that situation.

Cllr Evans: I agree with John.

Cllr Fitzsimons: I am a bit more relaxed.

Q56 Kevin Hollinrake: What about the public? Can the public help in terms of scrutiny? We have heard some evidence from certain local authorities that involve the public in scrutinising decisions and policy. Do you think that is a good idea?

Cllr Evans: We have had some very effective members of the public co-opted as scrutineers on, for example, children and young people's scrutiny and the police and crime panel. They bring their own backgrounds and experience. On the police and crime panel—he has now left the county—we had somebody who ran the Town Pastors in Ipswich, so he could really challenge sometimes the evidence we were getting from the police on what was happening on the streets. He was there with the Town Pastors and could say, "This is what we have seen." They can bring a different perspective and it is very valuable.

Of course, they carry on serving through election periods, so if you start again after an election with a new committee you will have those co-opted members carrying on and bringing the history of what was done previously with them.

Cllr Cotton: We engage the public, but we do not engage the public as much as I would like in an ideal world. That, again, is partly around the constraints on time and resource. That said, we have engaged members of the Birmingham public on a number of inquiries. There was some very good work that happened a couple of years ago around a review of cycling policy in the city, which was basically nominated by members of the public. We webcast all our meetings and that has driven a degree of engagement through social media. To some extent, our scrutiny committees get more attention and focus through that route because



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they are available in a more accessible format than people having to turn up to the council house, sit in the public gallery and listen to the meeting. In an ideal world, yes, you would like to do a lot more in terms of public engagement.

Cllr Fitzsimons: The voice of the person receiving the service is key. It is clear that that sometimes gets forgotten in what the point of scrutiny is. You have to hold the executive to account in post-decision and pre-decision scrutiny, but hearing the voice is something we have tried in Croydon. I do not know whether we have had complete success, and in some cases we have had no success. For example, we are very keen to get young people involved, so we gave over our scrutiny committee to a group of young people from the local college. They could go through the two-hour experience of drawing up a work plan and some questions on a subject of their choice that they were interested in. We were surprised that they chose housing as their subject. They were 17 or 18 and they were worried about where they were going to live next, and they made some really good recommendations. If we do call-ins of key decisions, one of the first questions I will ask an officer is, "Who can we get who is going to be affected by that decision? Can they come along and talk to it?"

During 2014, when there were major cuts across lots of councils, there were many times when we had people in the room telling us what the impact was. As things have slightly calmed down and those cuts that really cause angst have slightly reduced, the need for that has reduced. However, the voice of the service user and, as we may come across when we look at children's social care, the voice of the social worker are things that we need to work much harder on.

Q57 **Chair:** Councillor Fitzsimons, you have mentioned the issue of chief executives and their attitude. Was that because there is a problem with your chief executive?

Cllr Fitzsimons: No, my current chief executive is a significant improvement. I have been a councillor since 1994. I have sat on committee structures and I worked on the constitution that the council even today sits under. I was an advocate to move away from committees to scrutiny. I had been a vice-chair of a housing committee where we had manipulated the agenda to the benefit of the majority group, and I wanted a place where the scrutiny would move away from a whip system to where the talents of the councillors would allow us to challenge what was going on in the council.

What I have found is that the concentration of power over the years, across many councils, towards a model where you may only have two or three very senior executive directors—in the old days, you may have had eight or nine directors, each running a service area—combined with the leadership model, has meant that those strong-willed individuals who do believe that they know best, both at chief executive and at leadership level, crowd out the chance for scrutiny, in some cases, to have a true



voice. They may not even mean to do that, but if you put iron filings on the table, the moment you put a strong magnet in the middle of it all the iron filings will line up to the centre. That concentration of influence and power into the overseeing chief executive model, which has a small group of people, reflected in the political structure, has reduced the influence of ordinary councillors, but also has meant that officers naturally look to what the leadership is doing rather than being respectful of what the councillors have a view of.

Cllr Evans: That is not really an image I recognise, but I have been lucky to serve in an authority where we had a very inclusive chief executive who valued scrutiny. I feel the role of scrutiny and the importance of scrutiny is valued and recognised in the authority, so I do not feel that I am having to fight for airspace or attention. If we want to see somebody, they come and see us.

Cllr Cotton: Equally, that has been my experience in Birmingham as well.

Q58 **Helen Hayes:** Is the training offered to scrutiny chairs and committee members good enough, in your experience?

Cllr Evans: We have just gone through the county elections, so we have had a new team come in and there was quite a lot of induction training. The Centre for Public Scrutiny offered some training for chairs, which I took advantage of. During the four-year cycle that slips up a bit and you might have membership of the committee change and you do not necessarily keep up with the training, so it is something we need to look at.

As a rule, for the last three years—and whether we do it again next year depends on whether we need it or not—at our pre-meeting for our budget scrutiny we had an accountant with local government experience come to talk us through the budget papers, so we were really on top of things. We will do it again this year and then review whether we need that workshop again. It is there, but councils also have to sign up to do it and they are all busy and so on. On the whole, it is there and quite well used.

Cllr Cotton: We have been working quite closely with the Centre for Public Scrutiny. We offer training courses through INLOGOV, which is the institute at the University of Birmingham, and we make use of the LGA activity as well. One of the interesting challenges for us in Birmingham will be that in 2018 we move to all-out elections every four years. There is the potential for a new cohort of members to be joining at that point, so we are in the preparation stages now of how we equip that new cohort of members with those skills and how we deal with a very different environment, potentially. We are moving from elections on a one-third basis on an annual rota to that four-year cycle, which does offer some potential advantage in terms of the stability of membership of scrutiny



committees as well, so you can invest, perhaps, on a more sustained basis in that training and development.

Cllr Fitzsimons: Training for some councillors is excellent, for those who understand the council already. You can go on a training course and someone says, "Try this technique or that technique" or "You need this type of preparation"; we are strong on that. Like Birmingham, we have a four-yearly cycle, and the issue is about engagement of the councillors in the first place. People who are engaged partly do their own training, because they are interested in what is going on and they work out what went well in one meeting—"Let us use that"—what did not go well, and you have discussions. For me, if I was doing scrutiny again for the new four-year cycle, as much as the training, I would also want to have some discussion with both political groups about how we engage people in the process. How do they feel that it is a worthwhile activity? Otherwise, it may seem like it is an awful lot of hard work with very detailed papers, but we are not really achieving. Those who do engage really enjoy scrutiny, but we need to get more backbenchers in there. For me, if I had more training on how to engage councillors that is what I would be looking for rather than what skills they need.

Q59 **Helen Hayes:** Across all of your committees, would you say that all of the councillors have the skills and the knowledge they need to be really effective at scrutiny?

Cllr Evans: Yes, and they all bring life skills into it as well. They have not grown up in a vacuum. They bring their own experience and they bring the experience of their residents and that is the bit where they get most passionate.

Cllr Fitzsimons: Indeed, some of the simpler questions are some of the most pertinent questions going. Someone coming in not knowing too much about a subject can almost get more from a session than someone who has drifted into data nirvana or something like that, where they are really drilling down and finding out why this figure does not match this other one.

Q60 **Fiona Onasanya:** As being part of scrutiny is like being a critical friend, how do you assist lay people, which are councillors, in doing that if the focus is not so much on training throughout the four years?

Cllr Evans: I am not quite sure I follow the question.

Fiona Onasanya: You were saying that when they first come in the training seems to be there, but it sometimes—not fizzles out; that is not the word you used—is not as much throughout the term.

Cllr Evans: We usually start each annual cycle with a workshop to look at our forward work programme, to see if something needs changing and how we want to focus during the year. At that point, we might look at whether we need to improve our questioning skills and things like that. There is that support, but the full induction programme is on the



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four-yearly cycle and maybe that is something we need to look at more as we go through the rest of the cycle.

Q61 Fiona Onasanya: I was just mindful when the response was given about them bringing life skills and things. That is fantastic but sometimes, as a lay person, you may not have the expertise that you require. Therefore, it would be good for them to feel that they could have—

Cllr Evans: Yes. I am sure then we could talk to people. If we have co-opted members who wanted more training, it could be arranged.

Cllr Fitzsimons: It is also subject-dependent. When we have a scrutiny review next week on the streets and cleaning, we have the cabinet member in for a question-and-answer session and then we are going to look at the new contract that is about to come in. I can assure you that every councillor will be knowledgeable about when the bins are emptied and what the frequency is. I spent the weekend at Warwick on a very good course from the LGA on children's social care. I came away from that with the view that, as a group of councillors—this is for Croydon, but I do not think the councillors who were there were representative across the country—the depth of knowledge that councillors need for social care is quite considerable if we are going to make a difference. Those councillors who sign up for that are going to have to commit themselves to quite a detailed and ongoing training programme. It is horses for courses, but there are a couple of areas where, from my own reflections, we just did not put enough training in and every council should really be looking at those two or three critical areas where people's lives are at risk, where additional training is the most important place that we need to put resources in.

Cllr Cotton: That is also why I make the point around the stability of membership of committees. It will be interesting for us, moving to the four-year cycle from the annual election cycle. I have had, on several occasions, a churn in membership. Chairing the health and social care committee, there is all that stuff around how the NHS works, SDPs and all those challenges within the adult social care framework, and you get members to a point where they are starting to have some expertise and then you have a turnover in membership and you are pressing the reset button and having to start again. Ensuring that we have some consistency in membership, so people have the time to develop knowledge and expertise and be able to contribute on an ongoing basis, is very important. That is a challenge for group leaders across the piece in the council.

Q62 Helen Hayes: Has your authority ever taken part in the LGA's peer review process?

Cllr Evans: Yes, and we have members of the authority who go and conduct peer reviews, including one who has done peer reviews on scrutiny.



Q63 **Helen Hayes:** Have you been peer-reviewed?

Cllr Evans: Not as a scrutiny, but in a previous guise when I was assistant cabinet member for highways, yes.

Q64 **Helen Hayes:** Some of you have mentioned the LGA already, but could you say a little bit about the support that your authority has received from the LGA in relation to its scrutiny functions? Have you received support, training or any input from the LGA?

Cllr Cotton: Individual members have accessed training courses through the LGA and we have taken part in that peer review process. Admittedly, I did that as a cabinet member, but as a scrutiny function we have been very much involved with peer review activity as well. There is a real strength in that peer review methodology. I have certainly found it very productive in Birmingham. When I talk to members of other authorities, it is quite a useful, constructive challenge process.

Cllr Evans: We have had more involvement with the Centre for Public Scrutiny than the LGA, but people do attend LGA courses.

Cllr Fitzsimons: My experience is slightly different. As I said, the LGA runs some really interesting courses, which I have attended. They outsource some of it to the Centre for Public Scrutiny. I am not particularly a fan of the way they do things, and their training has not really moved on for a long time. The skills training that a councillor has for a meeting about questioning-and-answering skills are good training sessions.

I remember going to do a training session with the London Borough of Richmond in 2006, and my challenge to the councillors who were doing scrutiny was, "How much backbone do you have?" and I just do not see that within the training. Are you willing to ask difficult questions? Are you willing, in your own political group, after you have done a scrutiny meeting, to have people say to you, "You were a bit harsh on the leader"? They do not get that self-reflective type training about, "What is your role? Are you really going to hold to account?"

I have looked at the agenda for the Centre for Public Scrutiny's conference in December, and I have looked at all the people who are going to speaking at it; it is Sajid Javid, council leaders and political people. You do not see any chairs of scrutiny on there. You do not see ordinary councillors leading the events. If you go along to LGA events, you may get, like I was, a chair of scrutiny, but ultimately the LGA is focused on the executive and their whole setup. Scrutiny, I believe, is an add-on, and that is just a reflection of the way it works, because the people who are influential in LGA are more likely to be council leaders and cabinet members than the ordinary scrutiny people. Individual training is good, but overall I do not think it is hitting the mark.

Chair: I have been invited to speak at that event as well.



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Cllr Fitzsimons: I know. Look at who is on the list. I went along to the first one. I said that 10 years ago. I have not been back since.

Chair: You are not coming to hear me then. Okay.

Q65 **Andrew Lewer:** As scrutiny chairs, do you see it as your role to keep party politics out of scrutiny?

Cllr Evans: Yes, I do see it as my role. We do it by involving the membership of the scrutiny committee at every point of an inquiry. As I think I said earlier, we had a workshop just after our elections in May to look at what our forward work programme would be. The membership together has picked the programme. We now, as a committee, scope the focus of that scrutiny, so we sit down after we have finished an inquiry, and at the end of that day's work we will have officers in to talk about what the next but one meeting is going to be and what the issues are that we really want to get the nuts-and-bolts answers on.

Q66 **Andrew Lewer:** Do you think that is easier to do in an authority with a large, built-in majority?

Cllr Evans: When I first chaired scrutiny, in 2015, we had a majority of only one. I wanted to work across the committee. I did not have the luxury of a large majority. We all worked together and the first thing I did was make sure that we sat together at a pre-meeting and planned how we were going to conduct that day's business. We try to be as open and transparent as scrutiny should be, so the membership is engaged and involved in every aspect of the inquiry. It is never down to the chairman and vice-chairman.

Cllr Cotton: You cannot ignore the fact that in the case of Birmingham, it is 120 members who are members of one political party or another. We are not 120 independents and it would be foolish to assume that party politics can be entirely removed. In fact, I think it would be a very negative thing if you were to do that, because that drives a lot of individual members' interest and activity.

In terms of the discharge of the scrutiny function, certainly we proceed on a very non-partisan basis. All of our full scrutiny reports go to full council. I can only recall one occasion in the last 15 years where we have had a minority report because there has been a partisan division. Frequently those reports are moved by the chair and seconded by a member from an opposition party. You then have collective ownership of those recommendations, because they are taken by full council. The scrutiny process draws its strength from the fact that we have those inputs from members across the piece. They are, as with colleagues here, involved in framing the work programme in taking those issues forward. There is a little bit of grit in the system, if you like, which comes from the party-political roots of members, which you do not want to remove entirely.



Cllr Fitzsimons: We need to be honest about our party politics. Croydon is a politically balanced authority. It has been 40-30, 38-32, 37-33 and so our politics are, shall we say, more robust than some other places because that is what happens. I would say that we are aware of party politics. We know that in the run-up to the elections things get a little bit more heated. When I chaired from 2002 to 2006, we were never split on any recommendation, even though there were two recommendations right before the election that were critical of the Labour group and that were, in their genesis, blatantly political. There was a point there, so we were willing, as Labour members, to agree to those recommendations even though, personally, one of them was an issue in my ward. However, you have to go along with it if you believe that scrutiny is a function of the backbenches and that you have to put aside your party loyalties in the short term.

My worry is that, as people have drifted away, over time, from what the original aspect of overview and scrutiny was, party politics have played a greater role. If I was looking at this issue, I would look at the political culture of each political party. In the Labour group, under the standing orders of the national party, the leadership is not appointed by the leadership of the Labour group, so I am independent of my leader, so I have a little bit of leeway. My two best chairs that I ever had from the opposition group were so good at scrutiny that they were sacked by their political leader when he was in power.

Within the Conservative group, chairs of scrutiny can be appointed effectively by the leader of the council or by the cabinet, and I do think the political cultures of the parties really influence it. It is not in the legislation, but the Labour Party changed its own rules for councillors' conduct as a result of the Act in the early 2000s and other parties need to update their rules in light of what local government is about.

Q67 **Andrew Lewer:** Adding to that, do you think that the call-in procedure is damaging to this impartiality-striving or efforts, and how realistic is this? I speak as someone who was a county council leader with a majority of one, and I had enough on my plate without my own scrutiny colleagues producing reports or voting against things that we were seeking to undertake. I just wonder how realistic this approach is and whether you think the particularly pointed political weapon of a call-in procedure assists perceptions of the executive to scrutiny or not.

Cllr Fitzsimons: Call-in is a political weapon. When I was in opposition, the majority group wanted to abolish, effectively, the role of the Labour group from scrutiny and my response to the chair at the time was, "If you try to abolish and take out the opposition's role in scrutiny, I will call every recommendation in for the next few weeks." They backed off.

Call-in can be a weapon and in the run-up to an election that is going to happen. A sensible leadership would try to get that subject into scrutiny many months beforehand, because councillors hate reviewing it once six months ago and having to do it a second time, because we have other



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things to do. It is an effective weapon for the opposition and it cannot be taken away. I am of the majority group now and I sometimes think, "Oh come on. We have looked at this subject. We know the reason for it", but it makes headlines in the paper that week. You just take the hit. It is something that you have to put up with.

Cllr Evans: Sean is right. In two and a half years of chairing scrutiny, we have had about three call-ins and, actually, the Conservatives have voted for them—or a majority of the councillors have voted for them—and the executive takes the hit. You can almost tell at the cabinet when something is debated that that gets called in. I was surprised at the last one, but once it was called in I pretty well knew which way it was going to go, and I think the cabinet members did as well. You just get on with it.

Cllr Cotton: If I reflect on the time when I was a cabinet member, my attitude to call-in always was that if I was not prepared to face off a call-in of a decision, I probably should not have taken that decision in the first place. It is a perfectly legitimate process for challenging executive decisions. The broader thing is the issue around what I suppose you would call pre-scrutiny and engaging members earlier on in some of those contentious policy issues, so you are drawing on the broader knowledge and expertise of members, so you do not then end up in a confrontational position at the end of the decision-making process. I would be very much averse to the idea that call-in should be watered down or taken away, because I think it is a legitimate process. If you are sat on the other side of the table, you should be prepared to take those challenges.

Q68 **Andrew Lewer:** Should scrutiny chairs be elected by all councillors? Should there be a kind of D'Hondt system instead, or should the system stay pretty much as it is?

Cllr Evans: What happens at Suffolk is the chair of scrutiny is nominated by the leader of the council and then voted for at the council's annual meeting. To my knowledge, full council has never thrown out the nomination and put somebody else forward, but technically I suppose that could happen. I like the idea we heard this morning in the roundtable discussion that there should be a move so that scrutiny should become more accountable to the full council, a little like select committees are accountable to Parliament, rather than accountable to cabinet.

Cllr Cotton: From my perspective, obviously I work under the same rules as the colleague from Croydon, in that I am elected by backbench members in the Labour group and then that is agreed by full council. There are many different ways you could play this through. Something that Andrew Coulson may have said here, but he certainly said in the workshop session that we had this morning, was around the missing bit of the 2000 Local Government Act and that it did not recognise the role of full council as a local parliament in the same way that select committees



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are the property of Parliament here. There has always been that issue of it perhaps being played by the executive, because you have not been able to sustain that independence.

Again, just speaking from Birmingham's perspective, due to the fact that everything reports through to full council we have been able to preserve some of that independence of approach, but from the conversations I have been having that certainly needs to be echoed in other authorities.

Cllr Fitzsimons: I have made my case that I believe you have to look at how groups decide themselves as much as how the council does. As has been mentioned, things happen behind closed doors of political groups and that includes the independent groups. If they meet as a group, they will agree a line.

In terms of legitimacy, it would not be such a bad thing to have in the council a formal appointment by all backbenchers. I personally would ban the executive and any large opposition group executive from voting. Croydon has 70, so in theory there should be 50 councillors who are not of the executive, who are not the opposition. If you could formalise that role, even if the various groups between themselves had discussions, it would give a status and a legitimacy, maybe even just for the officer class, that this person is the voice of the non-executive group. If I was going to make an amendment that I thought would play well across all councils, it would be to say, "We know there are political groups. We are going to take two groups out—it may be three—and we will just make the pure backbenchers the voters of the chair of scrutiny".

Q69 **Andrew Lewer:** Related to that is my supplementary, which is how genuinely able do you feel that you can operate independently from the executive? Is it realistic to expect people from the same political group to take this higher-and-above-politics type of approach to their scrutiny function?

Cllr Evans: I do it to the best of my ability.

Q70 **Andrew Lewer:** Do any of you ever feel that, on occasion, pursuing the higher calling of overview and scrutiny may be interfering with your political group's objectives in terms of delivering their services?

Cllr Evans: We are aiding and assisting the delivery of services and we are there for our residents.

Cllr Fitzsimons: I am quite happy to put the boot in occasionally.

Cllr Cotton: I also have a pair of boots that I am happy to use and no one has tried to stop me yet.

Q71 **Mary Robinson:** I am really interested in how you all navigate your way through this political dimension. You spoke about the need for compromise sometimes and the weaponising of the call-in. To what extent, when you are compromising, is that strengthening scrutiny or



weakening it?

Cllr Fitzsimons: As a chair, if you have a call-in, which may have come from your majority group, you are trying to think through how to get a set of recommendations that everyone can be happy with, because if you take that recommendation it gets to go, in most cases, to cabinet, unless you all decide that it will go to council because it is such a big issue. You may not even really agree with what the thrust of the debate is, but you do know that if you were in opposition you would probably be taking the same line. For example, a case I am thinking about is when the council brought in charges for green waste and the opposition were saying, "This is a tax on people who have gardens", and there are very good legitimate reasons. You just have to try to work out a form of recommendation that you can keep everyone on board with. It becomes an art more than a skill, I would say, of trying to get somewhere where the opposition feels that its voice has been heard. Some councillors who are really protective of the decision may be there. If you are a good chair and you believe that the voice of the opposition has to be heard and that there are occasions when something that you do not agree with still needs to be reviewed, it is about trying to finesse a recommendation on both sides. It does not always work. I have to say that very rarely have I had split decisions, apart from just before elections when the party politics overwhelmed it, but for most of the four-year period we normally get there. Sometimes you have to go away and think about a recommendation and be given the liberty to have a private discussion afterwards, but we get there.

Q72 **Mary Robinson:** Talking about that four-year period, if I may, could I then go to Councillor Cotton? You mentioned that you are entering into this four-year cycle now, when you have previously been every year. There is nothing more likely to galvanise people's political opinions than an election coming up for which they are standing. How do you deal with that on an annual basis?

Cllr Cotton: Our scrutiny reports going to full council rather than just being reported to cabinet or being sat on a shelf somewhere, bluntly, does drive that consensus-based approach to recommendations that has just been referred to. The evidence points to the fact that we have had one minority report in the space of 10 years; unsurprisingly, that was about bins. We have managed that potential tension fairly well, and I cannot think of the electoral imperatives really overwhelming the importance of robust, independent scrutiny in that time.

Q73 **Bob Blackman:** My background on a local authority was one where it was enshrined in the constitution that the chairman of scrutiny had to be from the opposition, which made for a very interesting way of doing things. Can I start, Councillor Fitzsimons, with you? As you mentioned in your earlier remarks, Croydon Council has been criticised by Ofsted about children's services. Without going into the issue of children's services in Croydon Council, just looking at the scrutiny elements of that, did your committee look at children's services at all during the period?



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Do you therefore bear any responsibility for the service failure that appears to have occurred?

Cllr Fitzsimons: Personally, I do bear responsibility. Any councillor of a council that has failing services who says they do not is wrong. We are corporate parents and every councillor and every officer had a personal responsibility. As a senior councillor, I have more responsibility than the average councillor. I had chaired Children and Young People Scrutiny Sub-Committee for two or three years in opposition and, looking back, we were raising concerns about workforce issues, which were about three-quarters of the problems, and we were getting reassurances.

A week or two ago, we had an all-members meeting of the council to look at where we are and what we are doing with the improvement plan, and I was asked to speak at that. I did a presentation and I am going to read out one page on, "Why did we fail?" This is me, as the chair of scrutiny: "We did not know what good looked like. We were not demanding enough of senior officers. We were too ready to accept reassurances. We lacked the appropriate data. We were deaf to the voice of the child and the frontline worker. We did not have enough training and support for councillors and officers on the issue of child safety".

For someone who has done scrutiny, on and off, for 15 or 20 years, I feel a very strong, personal responsibility. As I said, I went to a training course this weekend. There were many other councillors, of all types, from rural to town, and I do think that children's social services and adult social care is of a different standard. I, and many councillors, think that the level of scrutiny should be consistent across all our services, and that was a mistake. I know what went wrong. What do we do to put it right? We need to do a lot more work.

Whether you are in a failing authority or not, every councillor probably has to spend a significant amount more time making certain that the children in their care are safe, and we just did not put the time in. If you do not put the time in, you are not going to understand the basics of how the social worker works and how the front door of your council works. You just cannot pick that up from a few papers, just like I do not believe that you should sack everyone within the department because they failed, because I think it could be systemic rather than individuals.

Even though I am not the chair of the Children and Young People Scrutiny Sub-Committee now, I sit on that committee and I think we just have to work very hard. That means doing more visits. A criticism of the current structure from the leader of the opposition was that the old committee structure, for all its failings, gave you a level of knowledge, because of the paperwork but also because you did formal visits. People did visits to care homes, they did visits to this and that, and through osmosis you picked up a lot of stuff.

I am an advocate for scrutiny, but one of the failures of scrutiny is that all this concentrating on deep-dives on one thing, picking out the



important subjects, is that you lose the totality of what is going on in the council, because we just do not have the information. The delegation issue within councils is that when I was a councillor in 1994, we would have seven, eight, nine, 10 or 12 items on the agenda, and whether I thought that some of what we were doing was useless, I learnt from that.

One of the issues for me in scrutiny is how I bring back some of the good things about the committee structure, which was that there were things in place that allowed people to learn about subjects, and bring back visits and things that councillors really used to have in their role, but bring the questioning skills that we potentially can through scrutiny. We have a chance in the council to review our constitution, but one of the things I would say to people who want to be councillors in Croydon is if you want to do social care, you have to do a lot more work than turn up to six or seven meetings a year.

Q74 **Bob Blackman:** Obviously, I do not want to go into all the details of the children's services failure, but how will you use scrutiny to look at not just this service but other potential services that could be similarly affected?

Cllr Fitzsimons: Earlier I mentioned the strong leader model and the concentration of power in the chief executive. If you read Ofsted's report on common weaknesses that was produced last October or November, consistently across many councils we see lack of oversight, line of sight from top to bottom, lack of the correct data and a lack of proper supervision for frontline staff. Scrutiny cannot do it alone. We are as much a symptom of the problem as the cause of the problem. We have to get councils right. We must have officers who are willing to have open and honest conversations with their senior managers. Councillors must be able to get into that conversation loop so we can trust what we are being told.

I have heard evidence saying that you should not potentially trust your safeguarding children board. We must get to the stage where we create councils with a basis of trust, which is based on good evidence that things are going well. If we end up with this confrontational attitude that we have to mistrust what they are saying, it might produce some short-term improvements, but in my experience we need to change the systems of councils, not just improve what we do as a committee.

Q75 **Bob Blackman:** Can I move down the Panel? Obviously, you are not facing the same sort of problem that Croydon is, but how do you make sure that your local authority is not facing similar challenges through the scrutiny process?

Cllr Evans: Of course, that is one of the things that stick to the back of your mind when you become chairman of a scrutiny committee. In the two biggest scandals in recent years in this country—Mid Staffs and Rotherham—you know that in both cases the reports found scrutiny wanting and lacking.



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You do not sit in the chair of a scrutiny committee and forget that; it is always at the back of your mind. What we are now doing is getting the headline information from the quarterly performance management reports of the entire council. We are going to get them from our budget scrutiny. We see that as a canary in the mine. That should show us where there may be areas where we really need to look.

We are working more closely with the corporate programme management office, and they want to work more closely with us, because they see that we can shine a spotlight where it needs to be shone. However, it is very difficult.

Q76 Bob Blackman: Are you looking at it with a systematic approach? Are you looking at all departments constantly? Is that the approach?

Cllr Evans: Yes. We have a health scrutiny committee, which tends to pick up more of the practical day-to-day work of the adult social services, but we are so aware of this.

As county councillors, one of the mandatory bits of training we have is to recognise our roles and responsibilities as corporate parents. Again, you do not become a county councillor and sit in the office for very long without realising that you have a responsibility.

Cllr Cotton: Some of the stuff around children's services is quite familiar from a Birmingham perspective. Obviously, we have had some quite publicised issues with the improvement journey that children's services has been on.

Certainly, scrutiny to some extent played the "canary in the coalmine" role over parts of this. I recall reports from the previous administration in Birmingham that started to flag up a number of the issues around children's social care, which needed to be taken forward by the executive.

Certainly, the scrutiny committee in Birmingham has played a really important role on that improvement journey, which has been recognised by Ofsted, in terms of challenging performance and driving forward things like the corporate parenting agenda. It has been very active in that regard. There are things that have happened there that other scrutiny committees are now able to learn from.

We have also tried to strengthen our approach to horizon-scanning. Perhaps traditionally, at the start of the municipal year every scrutiny committee would go off and draw up its own work programme, with the five things it wants to do. Instead, we have tried to join that process up. Again, what are the big headline challenges the council faces? How can each of those individual committees address those so we are not just shooting off in five different directions?

Certainly, the other thing I have been trying to strengthen from a health and social care perspective is to get a focus on performance. Again, I am conscious I have mentioned budget reductions several times, but when



you are looking at the scale of reductions we are looking at and the impact that has on frontline care services, the need to have access to that information and the impact it has on individual's lives and care outcomes is absolutely crucial. As a health scrutiny committee, we are trying to focus our activity very much on, "What is the practical outcome for vulnerable individuals in Birmingham?"

Q77 Bob Blackman: Looking at a slightly different aspect, though you might consider this as part of it, what obstacles are there, in your role as a scrutiny committee, looking at external companies that supply services to local authorities, or partners or third-sector groups supplying services as well? This is not necessarily in children's services but across the council. Are there obstacles there? Have you actually overcome them in some shape or form to do the job of scrutiny?

Cllr Cotton: If I look at it from my perspective of the health and social care agenda, I have not found any particular substantial obstacles there. Some of this is just down to the soft power, if you like, of relationships and investing time into building good connections with CCGs, hospital trusts and voluntary and third-sector organisations. We have done that fairly effectively. We have an honest and open dialogue. I am able to sit down with people and say, "You do understand the committee is going to be asking you some robust questions", and they understand the other side: that that is how that plays out. You have to invest your time and energy into building those relationships.

Certainly when it comes to the hard-headed commercial activities, as I mentioned earlier on, we have had issues around the commercial confidentiality of information and having to do certain things in private session.

Cllr Evans: We have not had too many obstacles. We did briefly have a point where officers were reluctant to discuss the financial implications of the highways contract, but I found that our contractor was also supplying another country where all the information was readily available, so I said, "What is good for X is good for us", and the figures came forth quite quickly.

Cllr Fitzsimons: I would say that the smaller the organisation the better they are at coming along. The most difficult one I ever dealt with was probably the Metropolitan Police. Borough commanders do not think we have any legitimacy. Sometimes, you can see they are thinking about other things. As someone who has sat on a riot review panel, led by a judge, to get someone there was an effort. They may want to come and talk about a certain thing, but the moment you ask them anything specific it is like, "I cannot talk about it".

Policing is a really difficult area, and it is actually within our remit. The fire brigade has been quite a useful organisation, and they are quite keen. The ambulance service is desperate to turn up. Nobody ever wants to talk to them, it seems. For us, hospitals have been very



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positive. The PCT and the CCGs look towards Whitehall, and many of them find the process of local scrutiny a real pain. You really do have to work hard.

I heard some evidence where people were saying health scrutiny works well. I have a bit of a question mark about whether that is the case. As I said, some private contractors come in. A lot of the charities are desperate to get in. If you really want to understand what is going on, organisations such as Mind are the people who can give you good insight.

Q78 Kevin Hollinrake: Councillor Evans, you mentioned a couple of the biggest issues we have seen in terms of scrutiny failures—Rotherham, Mid Staffs and also Croydon.

I asked you a question earlier about public engagement and public consultation. There could be a requirement, for example, to consult the public on the scrutiny committee's topics of review or on the actual evidence the scrutiny committee were considering. Would that be something they could advise on or require you to consider? Would that have brought these matters to air more quickly? Could the public have helped in terms of venting or attenuating these problems?

Cllr Evans: One would hope so, but of course I have only read the reports. I do not know how much councillors were hearing and how much they were being reassured and how much they wanted to be reassured. Certainly, members of the public contact us and we do listen to what they say. That might well guide where we focus and what we do.

Q79 Kevin Hollinrake: There is no formal requirement to do that at the moment.

Cllr Evans: No.

Q80 Kevin Hollinrake: Would it help if there was?

Cllr Evans: When you are chairing a scrutiny committee or you are a scrutiny councillor, you will not turn anybody away. If they come to you saying, "I have a concern", you want to find out what they are talking about.

Q81 Kevin Hollinrake: Councillor Fitzsimons, you were very clear and honest about the failures you had seen. Would this have potentially have helped?

Cllr Fitzsimons: No, we have been driven too much by public concerns sometimes. We have always had the facility—and we are not the only one—where we have a scrutiny email and people can put suggestions in. We get public questions. If someone turns up to our committee, we try to let them ask a couple of questions.

If we put it out to the public, I can guarantee what they are going to ask about. They are going to ask about trees, street cleaning and, for some reason, teenage pregnancy, which always appears at the top of the list;



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Croydon actually has a very good record on reviews and turning that around. My concern would be that children's services would probably end up towards the bottom of the list of the public's concerns.

As you know, we spend 60% to 70% of our money on social care, but the public is interested in how often their bins are collected.

Q82 Kevin Hollinrake: There will be some people who have a specific interest and some specific knowledge that might be very useful to scrutiny.

Cllr Fitzsimons: Yes. I just want to make clear that the problems in Croydon are of the type that about a third of local authorities have had. It is nowhere near, say, a Rotherham or what has happened in other authorities.

I mentioned the voice of the child and the frontline worker. The thing we should have picked up more is that we should have walked the floor. Councillors, particularly backbench councillors, should walk the floor of their offices. We would pick up much more from there than anywhere else. That is one of the things we need to get better at. If you have an information centre, you need to sit in the front entrance and just listen to what people are saying and talk to frontline staff. If I could do one thing, that is what I would do.

Chair: Thank you all very much indeed for coming to give evidence to the Committee this afternoon.

Examination of witnesses

Witnesses: Jennette Arnold OBE AM, Ed Williams, Susan Ford and Councillor Peter Hughes

Q83 Chair: Thank you for coming. If you could just begin by going down the table and saying who you are and the organisation you are representing today, please.

Ed Williams: Chair, I am Ed Williams, Executive Director of the Secretariat for the London Assembly.

Jenette Arnold: Good afternoon. I am Jenette Arnold and I chair the London Assembly. I am the Labour member for the GLA constituency of London North East. I chair our education panel and I am a member of several committees, such as economy and environment, just to name two.

Cllr Hughes: I am Peter Hughes. I am chair of the Scrutiny Management Board in Sandwell but I am also the chair of the Overview and Scrutiny Committee at the West Midlands Combined Authority.



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Susan Ford: I am Susan Ford of the Greater Manchester Combined Authority. I am a scrutiny manager, but I am also the statutory scrutiny officer.

Chair: Thank you all for coming this afternoon to be with us. I will just begin with Jenette Arnold, because you have a slightly different arrangement for scrutiny in London and you have been going for longer, as well, than the other combined authorities. What lessons have you learned that you can pass on to the combined authorities that have now been set up, in terms of how to do scrutiny?

Jenette Arnold: We are a separately elected body. We are elected every four years alongside the Mayor of London. There is a mayoral mandate for four years, and then there are 25 members. Their elected mandate is scrutiny of the Mayor. We have what we call the GLA family, which includes activities of the police, the fire service, the London development agency and mayoral development agencies.

You will see that we have been learning and changing over the last 16 years. I would say we are a much more robust body than we were, say, eight years previously because we have taken on learning. We set out to make sure that the centrepiece of our work, which is detailed scrutiny, is evidence-based, well resourced and is disseminated as widely as possible.

We have two tracks: the first track is to follow the Mayor, i.e. we ensure mayoral accountability; and the other track we have is about any issue of public concern to London. I would say the combined authorities should look and see the clarity that we have. This is what good scrutiny looks like: it is separate; it has its own officers; it has its own budget; and there is money that is required to do that work.

That is where I will start. I have already said this to Peter, because we invited him for lunch at City Hall.

Q84 **Chair:** But of course there is a difference: you are directed elected.

Jenette Arnold: We are directly elected.

Chair: Does that fundamentally alter scrutiny in terms of what you can do compared to what other people can do?

Jenette Arnold: Yes. We are elected by about 45%, I believe, last time around, of the eligible electorate. I am very proud that over my term of office I have seen my majority increase and it now stands at over 110,000.

I believe that is because of what I have shown through the work I have done in terms of scrutiny and holding the Mayor to account on behalf of Londoners and, of course, my constituents. I have shown this is something of value and it is something that should be done well.

Q85 **Chair:** The combined authorities, then, are very new. You are just starting out. If we had you back in four years' time, how would we know



your scrutiny had been effective?

Cllr Hughes: Part of scrutiny is not just the questioning and scrutiny aspect of it; it is also that we are adding value to the work of the combined authority. As you have just said, it is in the very early stages at the moment. We feel that we can actually add value to some of the policy decisions that are being taken or being formed by actually taking specific pieces of work and drilling down and calling upon evidence from the local authorities beneath us to add value to the work of the combined authority itself.

As the work develops, there will be times where it will be necessary for us to look more closely at some of the investment decisions that are taken, particularly. As it stands at the moment, it is still very early days. We are still forming in terms of task and finish groups and what-have-you. The work is over the hill.

We also need to be able to question the Mayor, his decisions and what part he is taking as part of the combined authority. To me, overview and scrutiny is as much about relationships and the relationships you build with the executive—in this case with the Mayor—and how that relationship actually pans out in the end. We should not be adversaries in this domain. We should be actually trying to work things through.

Call-ins, which you mentioned earlier, are a sign of failure, for instance. I would very much hope we would be able to avoid that by working with the Mayor and the board to the combined authority.

Susan Ford: Success would be having a very positive relationship between the Mayor, the executive, the scrutiny panels and officers, trying to enable them to understand the value that scrutiny can bring, and, in particular, sense-checking what might cause issues in particular districts and bringing that kind of wealth of in-depth knowledge that scrutiny members bring in with them.

The scrutiny function also has a duty to the public to try to simplify some of what can be seen as a very complicated governance arrangement. Having different governance arrangements across different devolved areas has not helped. Mayors in different city region areas have different powers, so there is a duty to members of the public.

There is also a duty to broaden the engagement in terms of thinking about things like younger people and the way in which elected members actually engage with their constituents. We have to support them to be able to make devolution governance and decision-making intelligible.

Q86 **Chair:** We heard from the previous panel that scrutiny can be important in looking at decisions before they are finally made, as opposed to scrutinising them after they have been made and perhaps before mistakes have been made as well.

In both the cases of the West Midlands and Greater Manchester, we have



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heard that the mayors are interested in getting extra powers and talking quite openly about where they want to see devolution go in the future. How far are they engaging with scrutiny in that process, or how far are you, as councillors and officers involved in scrutiny, starting to look at those issues?

Cllr Hughes: In terms of housing, we have modelled our task and finish groups in relation to the commissions that were already undertaken by the combined authority board before the Mayor even came into power.

For instance, on the land task and finish group, we have carried out an interview with the board member responsible for that portfolio. We have drawn out specific areas, relating to housing particularly, that we wish to drill into. Hopefully, we will be able to feed into any cause the Mayor is going to make in terms of devolved responsibility in terms of housing, which is one of the key issues that he is looking at over the next 12 months in Devo 3, I believe.

In relation to the others, the Mental Health Commission was a key strand of the West Midlands Combined Authority. We are working with the working group related to Housing First. We have done literacy research and also primary research with providers of the Housing First model, with a view to putting to the board suggestions as to how the Housing First model can be rolled out.

These are the types of things that we are doing. For us as an overview and scrutiny committee, we are faced by what was a juggernaut of work that was already on-stream. There was no way we could have any pre-decision scrutiny. The work was already underway and well on its way. What we have had to do is look at various issues that have come out of these commissions and try to see how we can add value.

It will be as the policies develop that we can begin to scrutinise and call things in to be looked at and scrutinised. However, it is very early days. I would imagine it is the same for Manchester.

Susan Ford: Yes, it certainly is the same. There is a wealth of topics the committee will want to get involved in. One of our committees is particularly looking at the Northern Powerhouse and devolution; I think that is a week on Friday. The Mayor is going to be attending that session. They are particularly keen to get ahead of it.

There are potential issues from an officer point of view in terms of my understanding about the slightly sensitive and potentially competitive element of devolution, when one is brokering deals. How do you rehearse things in public before perhaps the deals have been secured? There is also the potential difficulty around the importance of keeping individual districts on board on well. There is the district dimension and the different values and ideas that districts want to bring with them. It is an incredibly complex balancing act. Let us see how we go on and how the system emerges or develops.



Cllr Hughes: In the West Midlands, there was a distinct collaborative process to get it to being a combined authority in the first place with leaders working across political boundaries. There was already a will to make it happen. The imposition of a Mayor has just changed the dynamic slightly. Every leader in the West Midlands would have preferred not to have had a Mayor foisted on us, and that is the truth. We had no other choice. We have to work with the situation, and we have to work alongside him. I have had a very positive meeting, both with him and with his chief of staff. I would hope that scrutiny can work alongside him. If things start to go off track, it will become adversarial. By its very nature, that is what scrutiny does. We will start to question it if things start to go awry.

Q87 **Mary Robinson:** Susan, you rightly said there are lots of different representations here between the London Assembly, GLA and the CLAs. They are all very different. How does that translate itself then into the support that scrutiny would get? What is the officer support or the officer resource available to each of you?

Cllr Hughes: We were very lucky to go down to the London Assembly. This is where the comparison starts and ends, really. It was good to actually go down and witness Question Time. On discussing the issue with Assembly members and staff, it became quite clear that the amount of support they receive was considerable—nearly 30 staff.

The regulations for the combined authority actually state “a scrutiny officer”, as it stands at the moment. This has been the case for the last 18 months. The combined authority scrutiny chair, whether it is me or anybody else, is supported by a part-time person who is lent out from our own authority. That is the case across all of the other issues. Effectively, the West Midlands Combined Authority is run on the basis of good will and people, chief executives and directors, giving up their time. That is exactly the same with scrutiny.

At the moment, we have a person who is lent, with no financial refund to Sandwell, to the combined authority. That has not yet been formalised.

Q88 **Mary Robinson:** Is that the sum total of the officer resource?

Cllr Hughes: That is the sum total. In relation to the task and finish groups, with a background in scrutiny myself, what I have tried to do over the last 18 months—I said relationships were key—is to build up relationships with the constituent and non-constituent authorities. The chairs of the task and finish groups have been supported by scrutiny officers within their own councils. What we have is a “beg, steal or borrow” situation. It is totally on good will.

The other thing is, whereas an Assembly Member in London does it as a separate job, mine is overlaid on my local authority responsibilities. I am already a chair of scrutiny at Sandwell. This is another layer. It is layer upon layer, and it is voluntary.



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Susan Ford: I would agree with Councillor Hughes. The Greater Manchester Combined Authority has committed to having quite a rigorous committee structure. We went from one scrutiny committee for the combined authority to three thematic ones. With that obviously comes increased workload.

Currently, I am the person who oversees those committees, though I am not doing the governance and democratic services support to it. The combined authority was very fortunate in that we had an incredibly strong research and intelligence element that was the former New Economy, which has now been incorporated into the combined authority structure. We do well on research and intelligence, so we are incredibly fortunate there.

Additionally, the chief executive is very clear that scrutiny is a vital part of officers' jobs. It is their staff's responsibility to ensure that scrutiny gets timely reports. That is part and parcel of an individual thematic lead or their officers' jobs.

In terms of actual elected members, there is a bit of a squeeze on members' time. You do have to be mindful that they are quite often very active within their own councils and this is another layer. They do need support, because they are busy people.

Jenette Arnold: Can I just come in here and touch on the number of roles elected members have? As a London Assembly member, I have my constituency role, which is full-time. It is London North East, which covers three boroughs: Hackney, Islington and Waltham Forest. I listen to the news to find out what is happening in my boroughs sometimes before I get out of bed. That is a full-time job.

I then have my scrutiny role in the London Assembly. It is different, because before I was a constituency member I was—I do not know what term you want to use—a list member. A list member is a London member but can be more proactive, because they do not have that constituency demand. On the London Assembly, we do have different ways of working.

Q89 **Mary Robinson:** Do you have quite a substantial budget?

Jenette Arnold: I go back to what I said to start off with. I also sat in on the last panel. I hate this idea that scrutiny is just adversarial or causing people a nuisance or what-have-you. There is a requirement for scrutiny within political life. Someone has to hold the executive to account. You hold the executive to account. Is that any different in terms of an assembly or a combined authority? I really do not understand the thinking from Parliament that there can be an authority of the scale and size of Manchester—and others—but they cannot see the need for it to have scrutiny arrangements similar to the London Assembly. As I say, this is £16 billion-worth of spend. Are we



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really not going to scrutinise that with full-time members? This is what we do. I just want to bring Ed in here.

- Q90 **Mary Robinson:** Thank you for that. This is where I am trying to get to: the amount that is being spent on scrutiny in the London Assembly and the amounts and the way it is being spent in terms of officer resources elsewhere. Ed, I would be happy to hear your view on this, but I would also like to get then an answer from each of you, if I may. Is it sufficient? Is what you have sufficient?

Ed Williams: The Assembly's budget is 0.5% of the Mayor's budget, so just over £7 million a year. That is supporting members in a range of functions that the chair just outlined. There are 140 or 150 meetings a year and 50 outputs a year. It is a very busy world with a lot of scrutiny activity going on all the time.

- Q91 **Mary Robinson:** Is it sufficient?

Ed Williams: The GLA's responsibilities collectively keep on growing. We keep hitting a ceiling. I do not want to give a definitive answer, but, yes, it is okay for all time. At the moment, it just about meets members' needs, but we are always under pressure.

- Q92 **Mary Robinson:** What would you say, Peter and Susan?

Cllr Hughes: I would say it is totally not sufficient at the moment. It is a borrowed resource. Councils are giving up a valuable person who could be doing other work with a financial backdrop that is lessening resources.

The combined authority is capital-rich and revenue-poor, as it stands at the moment. Everything is directed towards capital investment and infrastructure with no idea of any admin or backup support. I have rung the bell for resources in every available avenue, including the Mayor.

The scrutiny committee will be looking at resources: not just overview and scrutiny but resources in relation to the West Midlands and other organisations and combined authorities, including the London Assembly. Of course, they are not comparable, but we will be bringing a report to the combined authority board relating to resources, and scrutiny will be one of them.

Susan Ford: My personal view is that there is a considerable overhead in establishing the three new committees: training members up and giving them the support they need as the new committees get off their marks. There is certainly a time pressure, personally, at the moment.

There are also cultural issues within the organisation. Once scrutiny is more effectively bedded in, once the work programmes are really teased out and we have a much clearer idea about where the committee's focus is going to be, things will get easier, but, yes, it is challenging.

Cllr Hughes: There is an added pressure upon chairs of scrutiny at combined authority level. The regulations have imposed a two-thirds



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quorum. With the committee there, I have to get 13 members there out of 19. They have to be representative of the seven constituent members. The first meeting that we held was actually inquorate, so any decisions we took on vice-chairs and chairs of task and finish groups had to be held over to the next meeting. The regulations that have been imposed in relation to quorum are absolutely ridiculous. It is not comparable with any other local authority set-up.

Q93 Mary Robinson: If you are not able to conduct your business, there is also a cost implication.

Cllr Hughes: Exactly, yes. We may have to bring people back in again.

It also follows through in relation to the call-in procedure. We are required to get five people to be signed up to a call-in and they all have to be from the seven mets. I feel a lot of the regulations are very restrictive in terms of timescale and what is expected.

Q94 Mary Robinson: Without the £2.2 million available to the London Assembly, can combined authorities deliver effective scrutiny?

Cllr Hughes: We will regardless. That is my intention; that is my aim. I have tried to get people around me who are going in the same direction.

We brought in a couple of things. One was a principle of scrutiny in the expectation we had of local authorities in terms of working with us. We set up lead members and lead officers within each local authority, including the non-constituent authorities, so there is that link there so they can actually provide support.

If we are doing a piece of work, for instance, about street homelessness, we have to ensure that we are actually able to call for evidence downwards, and that relationship is there. Each member of the scrutiny committee is expected to act as a link between the combined authority and the local authority. They are expected to report back upwards and downwards. This is a resource in itself.

Q95 Mary Robinson: With the resources that you have, you are working efficiently. Are you able to measure that in terms of your effectiveness?

Cllr Hughes: We are having to, I would say. The proof of the pudding will be in the eating, but I am determined. Obviously, I will always argue for additional resources. What we have is not enough. However, we will do what we can with the resource we have.

Susan Ford: As an officer, I would like to think that, yes, the committees are going to deliver effective scrutiny. The first seven meetings indicate they will.

The calibre of the members and the interest in post-devolution mayoral and combined authorities has meant that scrutiny is much more high-profile. Yes, you would always like to have more resources at your disposal, but that has not been an issue as yet. We will see.



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In meetings with my chairs, they are very concerned that their impact will be measured. They are mindful about what they want to achieve as chairs.

Cllr Hughes: Being the chair of scrutiny for 12 months prior to it becoming the combined authority scrutiny committee proper, I was concerned at the quality of member coming to the committee, so we devised a job description, which we sent to all leaders and chief executives, for what we expected of the person they were going to nominate for that position.

We would like to think that we have the quality of member that is expected of that job description. We happen to feel that there has to be a commitment from the leaders locally to do that, to add value to the combined authority's work.

Q96 **Mary Robinson:** Jenette, you have heard about the scarcity of resources or the way that local authorities are working with the resources they have. Does the London Assembly have more than it needs or just the right amount?

Jenette Arnold: Absolutely not, no. I have shared this with Peter. We sat in amazement when he told us about how he has to work. We should not run the risk of comparing an apple with a pear. The issue is not about scale. I could not get my head around thinking about how we could do our work as full-time scrutineers on less than we have. We could do less committee work, but how we set out to do a piece of work is not random. Every member cannot just come in and say, "I am going off to do this piece of scrutiny." There is a protocol. It has to be scoped. It has to be agreed. Each committee has to put forward its annual plan—it cannot spend money willy-nilly—and then it has to live within that plan. If it changes, it then would have to go to the oversight committee, for that committee, to hear why they want to do extra meetings.

We are very robust about how the £7.2 million is spent. Do not forget that £1.2 million of that goes to a statutory body, London TravelWatch, which has its remit in the GLA Act, which is to be mindful of Transport for London customers. When you divide that up, you have funding for members, member support to do their work as constituents and then the work that we do, such as evidence-gathering meetings. We have 10 Mayor's Question Times a year. We have two People's Question Times.

I can only say to Peter that if you were to take any aspect of the work that we do, you would have to have the resource. You can only go so far. You said it was borrowed. I regret that phrase having to be used about scrutiny. We have shown from the results of our work and the impact our work has had that scrutiny should be properly funded.

We have had a standstill budget since 2015 or before that—Ed will correct me—but we would have to do less if we were going to reduce our budget.



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Cllr Hughes: In terms of resource for Sandwell, which is my own authority, we have three scrutiny officers. They are stretched across the work they do. If you compare that with half a person for the combined authority, it just does not bear comparison.

Kevin Hollinrake: Just touching on that point, “properly funded” were the words you used. Of course, that mean funded by the taxpayer. That is where all this funding comes from. The work of the Mayor across the West Midlands is either work that has come from the local authorities that have been subsumed into his office possibly—it must have been something you were doing before, because there is no more work going on—or it is work coming from the central Government being devolved down to the local area. There can only be two sources of that work.

Cllr Hughes: The work that has developed is as a result of the devolution deals that have occurred within each combined authority. As Susan said, the type of devolution deal that Manchester had before we came on board was slightly different.

Q97 **Kevin Hollinrake:** My point is this. First, it could be work the local authorities were doing before they combined: transport, health or whatever else it is. It is work that was going on anyway—Susan, you are nodding your head—or is it new work and new devolved powers that have been taken by the local authority.

If it is work that was being done anyway by the previous individual local authorities, there is some scrutiny resource there by implication. That is work that could be scrutinised at a different level with a similar resource, rather than having to put new resource in, is it not?

Susan Ford: Yes, I suppose so.

Kevin Hollinrake: You are just scrutinising a different person for some of the same work.

Susan Ford: Yes, I suppose some of the work that we are doing in Greater Manchester is certainly things that Greater Manchester councils have decided to do more effectively together. However, much of it is additional in terms of its scale or ambition.

We are fortunate and we have a very good group of democratic services officers that meet across GM, so we can draw upon some local resource to help support us, certainly in supporting individual local members or around particular issues.

Q98 **Kevin Hollinrake:** Is it just reorganisation that we need rather than necessarily more scrutiny, which means more cost, which means more taxes? That is what I am saying.

Susan Ford: There are also different models of scrutiny that are not in operation around districts as well. For example, if a district is very politically balanced you get a different kind of scrutiny, in particular a lot



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more pre-decision scrutiny than maybe in others. There are different styles and cultures of scrutiny in existence, as well, within authorities.

Cllr Hughes: I am picking up on what you are trying to say.

Q99 **Kevin Hollinrake:** Please do. You are scrutinising my questions.

Cllr Hughes: The main thrust of the West Midlands Combined Authority was in relation to transport. There was already a strong transport function in place. In fact, what has happened is the West Midlands Combined Authority Board function and the mayoral function has been grafted on to what is a transport-related body.

In fact, that has been a major problem for scrutiny, because the people within transport do not know what scrutiny is. In terms of the finance officers and finance managers, they have never heard of having their budgets scrutinised. We are bringing a whole new ball game to them.

You are saying about doing additional work. We are doing work that is at a higher level, are we not? We are talking about the possibility of HS2. We are talking about extensions of metros. A lot of the work that has been undertaken so far or that is going to go on is transport-driven, whereas others things carried out by the West Midlands Combined Authority Board over the last 12 to 18 months relate to other areas of work, not least mental health.

Take the Land Commission, which was very problematic in terms of people's views about the recommendations that came out of that. We are having to draw out things that relate to the delivery of housing not just on a local-authority-by-local-authority basis but right across the West Midlands. That includes the non-constituent rural authorities. That actually dovetails into one of the Mayor's aims that he is not responsible for. As it stands at the moment, he is not responsible for housing, but he has got it in his forward plan.

We have to look at ways in which the level of housing that is required is going to be delivered. As a scrutiny committee we will be looking at ways to add value to that policy.

Q100 **Kevin Hollinrake:** Touching on another point, which is about duplication and conflict of interest, Councillor Hughes, in particular you have responsibilities in Sandwell in terms of overview and scrutiny and responsibilities in terms of the combined authority. Is there a conflict there? Are you able to have a different focus when you are scrutinising the combined authority compared to when you are working in Sandwell?

Cllr Hughes: The answer to that is yes. You are working at two different levels. The good thing about it is that you are able to see where at a local level you can actually provide resource upwards, and vice versa.

The issue about air quality, for instance, has been passed to the scrutiny committee at combined authority level from audit. It was brought up at



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audit. Now, at the moment Sandwell is going through a review of its air quality strategy. Some of the work that is happening at a local level can dovetail. That can feed in. The combined authority will have a responsibility for air quality. It will be a split responsibility. There is dovetailing that can occur, whether it is on housing provision, air quality or whatever.

Q101 Kevin Hollinrake: Jenette, can I ask you the same question? Obviously, you mentioned that you have constituency responsibilities and you have the overall strategic London priorities. Is there ever a conflict between the two? How does the London Assembly deal with this?

Jenette Arnold: No, because for instance one of my manifesto promises would be that I am urging the Mayor of London to build more houses, because within that constituency there is a shortage of housing. That fits in with the work of the Housing Committee, so I do not sit on the Housing Committee, but I watch what they are saying and I feed in evidence. I give evidence to them.

We also have what we call plenary sessions, where we then pick an issue. On that issue of housing, I would be able to speak as an Assembly member and bring in the evidence from my local constituency, and so would other members. That would then be on record; it is in public. That could then be used by the Assembly's Housing Committee as part of the evidence. I am not conflicted in any way. Whether I am urging the Mayor to do something or questioning his approach, I am quite clear as to whether it is a constituency priority or a London issue.

We also have 10 members of the Assembly who are councillors. When I speak to them, they are like you, Peter. They are quite clear about their responsibilities. They have two really super-onerous jobs. I am not doubly mandated; I am not that clever.

Kevin Hollinrake: I am sure that is not true.

Ed Williams: Alongside the political reality, the GLA Act prohibits the Mayor and the Assembly duplicating what the London boroughs provide through their services. There is a statutory bar to have a formal conflict.

Q102 Kevin Hollinrake: Is there ever a situation where something from the Assembly is looking at something that could reasonably have been dealt with by one of the constituent boroughs, for example? Has that happened in the past? Are the rules sufficient? Are there demarcation lines in place?

Ed Williams: Issues come up to do with the London boroughs. When we look at the Olympics, it may have an impact on the work of the London Borough of Newham. I have been working at the GLA for the London Assembly since 2000, and I cannot remember a time when a London Assembly member has had to recuse themselves from any activity.



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Jenette Arnold: In fact, what we get is pieces of joint work with the London boroughs, for instance on flooding. You will know that we had floods in many boroughs across London. In discussion with our borough colleagues, we felt it was best that we did a joint piece of work. We were able to bring Thames Water and other bodies together. They did not get the opportunity to tell different stories to different groups. That was good work, yes.

Q103 **Chair:** One group of bodies we have not mentioned so far are LEPs. They spend an awful lot of money, but it is often very difficult to find out who they are actually accountable to for spending this money. From the London point of view, to what extent do you scrutinise the LEPs? From the two newer scrutiny functions in the combined authorities, to what extent do you intend to scrutinise the LEPs? What do you see as the challenges there?

Jenette Arnold: The responsibility for the LEPs falls within the Mayor's economic strategy, so for us the buck stops with the Mayor. He then has a LEP board. There are local authority councillors and businesspeople on that. There is a Deputy Mayor who is charged with business and economic growth in London.

Both members of that LEP board and that Deputy Mayor have appeared in front of our Economy Committee. We also had questions about skills, because skills was linked, so our education panel raised questions. Business as usual for us is that where there is a pound of London's money being spent, we will follow that and we will raise any issues as relevant.

Q104 **Chair:** In the combined authority it is probably not quite as clear where the democratic accountability is, is it?

Cllr Hughes: There are non-voting LEP representatives on the board of the combined authority and there has been since the day it started. I have LEP representatives on the Overview and Scrutiny Committee. Again, they are non-constituent members, as are some of the rural authorities.

Their commitment to overview and scrutiny and to audit is patchy, to say the least. There is one big authority or LEP area that does not contribute to scrutiny or audit. As I say, those members of the LEPs who do come to scrutiny—

Q105 **Chair:** You have asked them to come and they have refused.

Cllr Hughes: In the case of one particular LEP, they have neither nominated to audit or to scrutiny committee.

Q106 **Chair:** That does not mean to say you cannot call them in.

Cllr Hughes: Yes, of course, we can call them in, yes. I would imagine that would be done under the productivity and skills task and finish group. Again, we are in very early days, but I would imagine at some



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stage representatives from the LEP will be brought into that. Obviously, if we have LEP representatives on that particular task and finish group, they would presumably be declaring an interest if we are discussing LEP issues. We have not done so yet, but I am sure before the 12 months are up that the LEP involvement in the combined authority's work will be looked at.

Susan Ford: In Greater Manchester we are very fortunate: we have a very joined-up governance structure. Three members of the combined authority sit on the LEP and the combined authority is the accountable body for LEP funding. There is a kind of dual approval and assurance process that takes place.

In terms of scrutiny's consideration of strategic initiatives that are LEP-authored, this has looked at things like local growth funding and enterprise zones, for example. Those are two things. There will be other areas that the scrutiny committee will be interested in, particularly in using the LEP as private-sector challenge to maybe what the combined authority is doing. In some sense, that is another function; the Local Enterprise Partnership has sight of that private-sector challenge function.

Q107 **Chair:** If something goes wrong with the spending decision of the LEP, do you hold the LEP to account or do you hold the combined authority to account because they are the responsible body in accounting terms?

Susan Ford: We have a very robust assurance process. We are fortunate in that, as far as I am aware, the spending has not gone wrong as yet.

Chair: No, but I mean when it does.

Susan Ford: I cannot remember, because I was helping to put right the assurance process, but there is an agreed thing about potential conflict between the combined authority and the LEP, with LEP decisions. I am sorry: I cannot remember off the top of my head.

Chair: Perhaps you could drop us a note on that. That would be helpful.

Susan Ford: Yes, sure.

Cllr Hughes: I would have to say that I would have to look into it and come back to you with a written answer if I could, please.

Chair: Yes, I accept this is a new area and you are working through things. It would be helpful to have a note on that, because there is concern that LEPs are spending an awful lot of money and they are not quite clear on where responsibility lies in terms of holding them to account. It is clear in London's case, though.

Jenette Arnold: Yes, the Mayor.

Chair: Thank you all very much for coming to give evidence to us today.