

Supporting Scrutiny

Bracknell Forest Borough Council



Scrutiny Review Report

December 2018

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Report Summary

Introduction

1. The Centre for Public Scrutiny (CfPS) was commissioned by the Chair of the Overview & Scrutiny Commission at Bracknell Forest Borough Council (BFBC) to advise and support an internal review on the effectiveness and impact of their current approach to overview and scrutiny.
2. The review was conducted on-site on 21st and 22nd November 2018, with subsequent further desk research.
3. We would like to thank those elected scrutiny Members, Executive Members, Officers and partners who took part in interviews, survey and observations for their time, insights and honesty.

Scope and methodology

4. The scope of the review was to 'assess the current approach to scrutiny and make recommendations aimed at improving its impact and effectiveness in Bracknell Forest BC'. We explored the value and impact of scrutiny in terms of:
 - Effectively holding the Executive to account
 - Contributing to policy-making
 - Acting as a voice for the public
 - Whether scrutiny is organised in the best way to have an impact and move at pace
 - Its overall value to the Council's effectiveness
5. Specific areas to be included were:
 - How well the role of scrutiny is understood within the Council and amongst external stakeholders and the perception of its value?
 - How the public are involved in the work of scrutiny?
 - How focused and well managed the work programmes are in relation to corporate priorities and issues of immediate concern?
 - How effectively scrutiny constructively challenges Executive decisions?
 - How much impact scrutiny has had, for example in relation to the performance of the Council, its partners and within the borough?
 - How Members are trained and supported to undertake scrutiny and how this contributes to their broader development?
6. The questions for evidence gathering are:
 - What do people want to be different?
 - What would good look like for Bracknell Forest BC?
 - What works already?
 - What new things could be tried?

7. Evidence gathering included:

- Desk research of key Council documents, agendas, minutes, work programme, etc.
- Study of scrutiny meeting documents
- Interviews with key Members, Officers and partner stakeholders

Summary of findings

Context

8. The importance of good governance and the value of accountability and openness in local government are well documented, and scrutiny is a key contributor. In the context of austerity across all public services, challenges in relation to demand and the need for clear accountability - scrutiny's role is even more significant.

The recent Communities and Local Government Select Committee review into local government scrutiny confirmed that the culture of an organisation is vital to ensuring independent and effective challenge. Government is planning to issue new guidance for local government scrutiny and the findings and recommendations in this report takes into account CfPS' expectations in relation to this. For Bracknell Forest, it is important that scrutiny does simply challenge but also actively contributes to the operational working of a high performing Council in a diverse and fluid environment which is focused on maximising the use of scarce resources.

At the time of this draft report the new scrutiny guidance had not been published but is imminent.

9. Bracknell Forest Council is acknowledged through LGA reviews and similar inspections to be a good Council. Its last peer review confirmed this. A long period of steady political and officer leadership has contributed to a stable operating model and the Council continues to be recognised as delivering well for its residents in challenging times for local government.
10. The Council is ambitious for the people of Bracknell Forest in terms of improving outcomes, tackling important issues around housing growth, the economy, supporting residents and delivering excellent services. To achieve this, they recognise that the pace of delivery in the Council needs to be maintained and the Council needs to have its voice heard within the region and beyond. The role of effective and focused scrutiny in adding value and supporting this ambitious agenda is crucial in providing transparency.

An appraisal of current overview and scrutiny

11. **Council approach to scrutiny:** Our review observed that Bracknell Forest is a well-run, high performing Council and scrutiny is efficiently managed and runs well as a function.

The Council is keen to evolve scrutiny to ensure it is making an appropriate and positive contribution to how the Council operates within the continuing uncertain financial climate and align more fully to corporate priorities.

Based on the interviews and feedback received, it is advised that scrutiny could add more value. Generally, Members enjoy scrutiny and do not see it as underperforming, but they do want it to achieve more and would welcome new ways to develop its purpose and make a more constructive contribution. We suggest that it could be more productive and effective given the significant time, effort and resources that are consumed by this activity.

There is also a desire by the Council leadership to be more democratically and publicly accountable for their policies and decisions. At present there is little visibility of public accountability of the political leadership and Executive through open scrutiny.

The scrutiny function is supported by a dedicated team who work hard to ensure that committees develop their work plans and that the work of scrutiny is as effective as possible.

12. **Scrutiny's purpose and democratic accountability.**

Democratic accountability - Most Members described the role of scrutiny as holding the corporate Officers and the organisation to account and to ensure that services are delivered efficiently and offer good value. This is valid activity but there is clearly a deficit of democratic accountability. There are too few examples of Executive Members and Leader/deputy being publicly held to account by scrutiny. There is insufficient openness and transparency in scrutiny. It is suggested by some Members that having virtually a 'single party' Council influences the role and function of scrutiny. The challenge of scrutiny is more complex as Council Members, must in reality, scrutinise themselves. However effective public scrutiny is still achievable and required. Scrutiny is not a function of opposition, and the absence of an opposition group should therefore not prevent it.

Understanding of role and purpose - There is no clear, shared understanding of the role and purpose of scrutiny by Members. Its role in adding value through shaping, improving, testing and challenging as well as its purpose in ensuring public visibility and accountability are not universally understood. Some Members have missed the need for holding to account and see scrutiny as an information gathering and learning opportunity.

Transparency - Members are involved in shaping and scrutinising policy in Policy Review Groups. Some Members enjoy and welcome this and appreciate the opportunity to have influence and a degree of power. These PRGs appear to play a very useful role in policy making and strategy. Their weakness however is that they are an internal 'controlling group' function, do not form part of the Council's constitution and are not publicly accessible. Therefore, they cannot qualify as 'public scrutiny', although this was not or is not their intention. This is not to suggest that PRGs do not have a useful role, but they do severely dilute the role of public scrutiny as this internal process leaves limited scope for Members to add further value at a future public scrutiny stage.

Member engagement - Since the Council is controlled almost entirely by a single political group there is little or no scope for anyone outside the group to offer fresh thinking when it comes to scrutiny. PRG's is an internal Party/Group process and public scrutiny belongs to the Council. How public scrutiny can reclaim lost ground and fit with the up-stream PRG process needs consideration.

The Council's single opposition Councillor is widely respected and provided with considerable access and support to enable her contribution to be as effective as possible.

Focus - There is no clear objective in much of scrutiny's work, although working groups and task and finish projects do have better scoping and objective setting. Generally, scrutiny has less objectivity and its effectiveness to producing useful scrutiny is limited by this. Establishing the goal and setting key lines of enquiry would help to keep scrutiny more mission focused.

Partners - Scrutiny is also used as a helpful way to scrutinise partners and to give Officers feedback on progress and performance of service delivery. Partners welcome scrutiny and report that the experience is positive. Scrutiny allows Councillors (particularly new ones) to get a deeper understanding of the organisation/ services.

13. **Clarity of vision/ the corporate plan.** The Council's corporate plan is clear. It sets out the objectives and provides details on how it plans to deliver these with relevant measurement of performance. The plan is visible and accessible. However, there is a lack of clarity, understanding or visibility of the Council's corporate plan in scrutiny plans. A key purpose of scrutiny is to test and challenge the plan and its effective delivery.

Whilst pending and forward Executive decisions are presented and available to scrutiny, there is no comprehensive Executive forward plan which scrutiny committee could use as a basis for scrutiny work plans and to have impact.

Scrutiny work programmes did not have a clear alignment with the Council corporate plan which allowed it to engage in both pre-decision scrutiny and post or review of Council actions.

- 14. Authority and independence of scrutiny.** The scrutiny committees reflect the Council's Executive portfolios. There is an overarching Overview and Scrutiny Commission which has the role of scrutinising corporate matters as well as co-ordinating the overall scrutiny work programme.

The Chair of the O&S Commission is elected by Members of the controlling group and is not appointed by the Leader. This gives a degree of independence to this position. Other Panel chairs are elected by the respective scrutiny Panels. We would commend this as good practice.

There is underlying tension between some scrutiny Members and the Executive about the role of scrutiny and its ability to consider areas that might be considered sensitive or politically difficult. Some issues regarding commercial decisions have not been allowed on scrutiny agenda's purportedly due to commercial confidentiality, although scrutiny as a pre-decision or as a review function may have been helpful.

Panels' show signs of a reluctance to robustly hold Executive Members to account as this may cause unnecessary disruption, even where such holding to account can be clearly constructive and supportive. There is a concern that scrutiny is too compliant by some scrutiny Members.

However, there is a clear willingness by both the Leader and Executive Members to engage positively with scrutiny, to work positively and to try other methods to achieve effective scrutiny

- 15. Scrutiny work programme and Panel structure.** There is certainly a lot of scrutiny activity happening in Bracknell Forest, with three permanent Panels and an O&S Commission. Panels are active and consider many key areas of the Council. They also engage well with external partners. Their weakness is the lack of holding to account decision makers and partners. Meetings tend to receive reports, consider decisions and ask questions. Scrutiny is largely unstructured.

The work of Panels is co-ordinated by the O&S Commission, which seeks to both align the work programmes and to ensure that scrutiny is logically constructed managed. A typical benefit is that the various elements of the Council budget and medium-term plan are considered by the relevant scrutiny Panel which O&S taking a corporate overview. This may need further development to ensure that committees are properly aligned and work programmes properly apportioned.

There is no triangulation meeting between scrutiny and Executive to discuss and agree areas where scrutiny focus may add value to support Executive plans and policies.

Task and Finish groups are used efficiently and in the main are usefully contributing. These are welcomed by Members as it allows them to get involved in important single issues that can support change and improvement. Panels plan to use these Task and Finish groups in future work programmes

- 16. Public involvement and external focus.** Scrutiny is currently mainly internal in its focus looking at Council processes and reviewing decisions. There is little evidence of

scrutiny acting as the voice of the public (apart from using specific ward issues to highlight concerns).

Meetings are not publicly webcast or recorded for public review or record. Whilst Members of the public may only rarely attend providing the facility to observe or listen is encouraged. Webcasting can be a useful approach.

There is provision for Members of the public to raise issues at the start of each meeting, provided these are submitted in advance. There is little evidence that the public use this facility or if it is promoted and encouraged.

Our view of Council's web site in relation to scrutiny, democracy and accountability is good. It offers easy navigation and provides comprehensive information on the work of the Council, Executive and scrutiny Panels. It is a useful resource for the public to obtain information and Council business.

17. **Evaluation and review.** An annual report is produced which sets out the activities and achievements of scrutiny. The reports articulate well the aims and objectives of scrutiny, provide comprehensive insight into their work and summarises outcomes. There are also useful recommendations for Executive consideration. These reports would benefit from adopting a section on scrutiny effectiveness and responses by the Executive on the recommendations and provides observations.
18. **The scrutiny support function.** The function is well-supported by a dedicated team of Officers with a strong mix of experience and skills. Members and Officers are well engaged and positive about their role. There are known processes for work programming planning, agenda setting and managing the meetings.

Summary of recommendations

19. For Bracknell Forest to improve its scrutiny function there are some areas where it could consider making changes:
20. **Agree scrutiny's role and purpose.** Getting a shared view of scrutiny's role and purpose is vital. The focus of scrutiny in Bracknell Forest has developed over time and become custom and practice (i.e. the operational holding to account of Officers). The opportunity should be taken to review and refresh the purpose. Undertaking this as a joint exercise would provide a route for Executive Members to demonstrate its commitment to being challenged. It could also form part of the work programming process.
21. **Public involvement and access.** Building on current practice to allow public participation and a solid web site, consideration could be given to widening the public's understanding of the facility to raise issue. This might be considered as a PR/Comms exercise. In addition, the Council could investigate webcasts or similar

technology. There may also be further technology that would support public engagement in scrutiny.

22. Relationship between PRGs and Scrutiny. This is a key area that further consideration is recommended. Whilst accepting the purpose and value of PRGs, the effect on the ability of scrutiny to add-value is questionable, and thought should be given to how both could work in a complementary way.

23. Scrutiny of commercially confidential or sensitive items. Consideration could be given to scrutiny having 'all areas access' with no off-limits due to confidentiality etc (subject to normal conditions about personal matters, vexatious or other valid constraints). This is likely to be an area addressed in the new scrutiny guidance. Allowing scrutiny to test and challenge commercial decision may offer fresh eyes and insight to add to greater learning and to provide further reassurance.

24. Democratically accountable, publicly held to account – A change in behaviour ensuring that it is the Executive Member that is held to account. Currently the majority of scrutiny activity involves report reviewing and questioning of the Bracknell Forest Officers or partners, but less frequently Leader or Executive Members.

Scrutiny Panels could give more consideration to how they want to demonstrate public accountability and how the Executive decision-maker is held to account. Panels could consider inviting the Executive Member to be held to account on at least one or two key items on the agenda at each meeting.

A culture of mutual trust and respect between Executive and scrutiny is essential and whilst this already exists, it can be further enhanced by a shared understanding that scrutiny is a critical friend that is most valuable when providing genuine challenge and robust enquiry. Sometimes that will feel like 'friendly fire', but it will also provide a layer of public reassurance and a fresh perspective.

25. More focused work programming – The work programme and an Executive forward plan could be better integrated. Work programmes are generally busy and focus on areas of importance to the Council. Further work could be done to develop a golden thread of co-ordinated work programmes across all committees. The productivity of scrutiny could be more effectively managed, with outputs measured and monitored. It's work programmes should ensure that Scrutiny Panels have a balanced schedule that avoids lost opportunities or cancelled meetings.

26. Member training and development. Members are very keen to improve and would benefit from collectively receiving the same essential skills training, alongside extended key skills including researching and questioning techniques. Scrutiny chairs and task and finish leaders would also benefit from advanced skills training involving objective setting, team-building and other leadership essentials.

Conclusion

27. There are solid foundation stones in place for Bracknell Forest to make changes which will deliver purposeful scrutiny that is valued and makes a difference.
28. The recommendations in this report require commitment from senior Officers and the Council's leadership. Scrutiny Councillors, and the Officers who support them, cannot make scrutiny effective, and enhance its impact, on their own. Part of the change will require a shift in approach from the senior political leadership which makes it receptiveness to scrutiny challenge.

Evidence gathered

On-site – meetings and interviews

Scrutiny Members

Scrutiny chairman

Opposition Councillor

Executive Members

Leader of the Council

Document and website review