

Health, Wellbeing and Local Government Committee

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Inquiry into Local Government Overview and Scrutiny: Scoping Paper

This paper provides background information about Overview and Scrutiny arrangements in Local Government brought in under the *Local Government Act 2000*. It also summarises the findings of the inquiry on the *New Political Arrangements in Local Government* carried out by the Local Government and Public Services Committee in the Second Assembly and outlines actions subsequently taken by the Welsh Assembly Government.

The paper suggests ways in which the inquiry can gather evidence and provides a draft Terms of Reference.

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1. Introduction

In 2004 the former Local Government and Public Services Committee (LGPS) Committee produced a Report on *The Operation of the New Political Management Structures in Local Government*¹ which contained recommendations for the Assembly Government and Local Government about strengthening the scrutiny role of non-executive councillors. The Assembly Government responded and provided update reports to the Committee.² In its Legacy Report the former LGPS Committee expressed its belief that there is “scope for a robust piece of work to review the role of scrutiny in local government”.³

In 2006 the Beecham Report on local service delivery stated that ‘scrutiny should be a strong lever for improving delivery and it should work across organisational boundaries. This means designing an inclusive scrutiny process that is non party-political, involving elected members, citizens, advocacy groups, non-executive directors, non-officer members and professional experts’.⁴ The Report added that scrutiny should be forward looking as well as reactive and the whip should not apply, At a local level it should extend to all services, devolved and non-devolved, and involve a broad spectrum of stakeholders. Organisations should share scrutiny support capacity and expertise, including analytical capacity, and should publicise scrutiny as a means of citizen engagement and policy development.

Eight years on from the *Local Government Act 2000* which introduced the new structures, and four years on from the LGPS Committee Report. It is timely for the progress made by local authorities in developing their scrutiny function to be reviewed.

2. Policy Background

In 1998 the Welsh Office published its White Paper *Local Voices: Modernising Local Government in Wales*, which had been preceded by a period of consultation on the document *Modernising Local Government: Democracy and Community Leadership*. Thus, the proposals on changes to political management structures emerged from a general commitment by the UK and Welsh Assembly Governments, to developing the community leadership of local authorities and a desire to see a strengthened role for democratic political leadership in communities. The existing committee system was deemed ‘inefficient and opaque’. It was argued that councillors attended too many meetings and there was insufficient democratic scrutiny, with many decisions effectively being made within meetings of party groups. Moreover, the confusion of the executive, or leadership, role and the scrutiny role blurred lines of accountability and responsibility as far as the public was concerned. The

¹ LGPS Committee, *The Operation of the New Political Management Structures in Local Government*, Policy Review Report, May 2004.
<http://www.assemblywales.org/N00000000000000000000000021314.pdf>

² LGPS Committee, *Welsh Assembly Government response to the Committee report: "Operation of New Political Management Structures in Local Government*, LGPS(2) 08-04 (p.2), 22 September 2004.
<http://www.assemblywales.org/bus-home/bus-committees/bus-committees-second/bus-committees-second-lgps-home/bus-committees-second-lgps-agendas/n00000000000000000000000023551.pdf?langoption=3&ttl=LGPS%2008-04%20-%20Paper%202%20-%20Committee%20report%20%27The%20operation%20of%20new%20political%20management%20structures%20in%20local%20govern%20ment%27>

³ Local Government and Public Services Committee, *Annual Report 2006/7 and Legacy Report*, LGPS(2) 03-07 (p.7), 7 March 2007.
<http://www.assemblywales.org/bus-home/bus-committees/bus-committees-second/bus-committees-second-lgps-home/bus-committees-second-lgps-agendas/bedf21b62ab656a419e68ff31b059309.pdf?langoption=3&ttl=LGPS%282%29%2003-07%20%3A%20Paper%207%20%3A%20The%20Committee%27s%20annual%20report%20for%202006-07%20and%20Legacy%20Report>

⁴ Report by the Beecham Review on Local Service Delivery, *Beyond Boundaries: Citizen-centred Public Services*, July 2006. para.6.47-6.49
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aim was to define a clear political leadership role for the executive but there would be benefits for non-executive councillors who would have a role in challenging policy, direction and past decisions.

Part II of the *Local Government Act 2000* provided for new political management structures for local authorities in England and Wales, including local authority executives and executive arrangements. *Section 37* of the Act requires each local authority to prepare, keep up to date and publicise a document known as the council's constitution.

It set out three initial broad forms of executive:

- a directly-elected mayor who appoints two or more councillors to the executive (referred to in *Part II* as a mayor and cabinet executive);
- an executive leader, elected by the full council, plus two or more councillors appointed by the leader or the council (a leader and cabinet executive); or
- a directly-elected mayor, with an officer of the authority appointed by the council as a council manager (a mayor and council manager executive).

The Act permits the National Assembly for Wales to specify which local authorities may operate 'alternative arrangements'. The *Local Authorities (Alternative Arrangements) (Wales) Regulations 2001* enacted by the National Assembly allow for a fourth option to be taken by local authorities.⁵

With this option:

- councils retain sovereignty on matters of policy and finance.
- a politically balanced Board deals with strategic issues and delegated authority from council.
- a 'super' scrutiny committee is established and is chaired by a member of an opposition party and does not include any cabinet members.
- not fewer than three or more than six further scrutiny committees are established.
- regulatory committees such as planning or licensing are retained or the alternative option of area committees dealing with these functions.

All four options require an overview and scrutiny function to be run by councillors who are not part of the executive.

Under all arrangements, planning, licensing and other 'semi-judicial' matters should be dealt with in a way that ensures that all points of view can be heard and the interested individuals have the right to present their case.

⁵ A local authority may change its Executive Arrangements with the consent of the Welsh Assembly Government. However, it must follow procedures under the *Local Authorities (Changing Executive Arrangements and Alternative Arrangements) (Wales) Regulations 2004*, made under sections 30 and 33, Part 2 of the *Local Government Act 2000*⁵, and any directions that the Welsh Assembly Government may issue in respect of the Regulations.

All the options have a standards committee and procedures to ensure that politicians behave in a manner that is appropriate and ethical.

Extensive public consultation exercises were carried out by local authorities during 2001 and early 2002, with the majority of authorities in Wales adopting the leader and cabinet option. Three councils, Powys, Gwynedd and Merthyr Tydfil, adopted the 'fourth option'.

The Act is implemented in Wales through Regulations and Guidance.

3. The Local Government and Public Services' Committee Report

In July 2003, the LGPS Committee of the Second Assembly agreed the following terms of reference for its inquiry into the new political management structures in local government:

To consider the operation in Wales of the new political management structures introduced by the Local Government Act 2000, their success in delivering more transparent, efficient and accountable decision-making and to make recommendations to encourage the development of good practice.

As well as receiving written evidence the Committee took oral evidence from the following:

- Dr Rachel Ashworth, Cardiff Business School;
- Audit Commission in Wales;
- Chief Social Services Inspector for Wales;
- *Syniad*,⁶
- Welsh Local Government Association.

The Committee also visited a number of Welsh local authorities to see how the new structures were operating in practice. Authorities were selected so as to give a spread in terms of geography, size, political control, scrutiny practice, and the political management model they operated. Members met informally with councillors, cabinet members and officers and observed Overview and Scrutiny Committees committees in action. The local authorities visited were Cardiff Council, Flintshire County Council, Gwynedd County Council, Merthyr Tydfil County Borough Council, Monmouthshire Council, Pembrokeshire County Council and Powys County Council.

The Committee's recommendations can be seen at **Annex 1**. However, in particular regard to the overview and scrutiny function the Report stated:

We believe that the overview and scrutiny function should rest at the heart of the decision-making process within a local authority if it is to be effective and offer rigorous and constructive challenge to the executive.

Committee chairs, committee members and council officers should all understand clearly their respective roles within the process and should be equipped with the skills and support required to fulfil those roles.

⁶ *Syniad* was an improvement agency for local government in Wales that has since merged with the WLGA.
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The Report recognised the diversity of Welsh local authorities and supported a flexible approach that allows local authorities to devise overview and scrutiny arrangements that they deem most appropriate. However, it concluded from the evidence received that the role of scrutiny generally needed to be developed and strengthened further. It identified a number of obstacles to effective scrutiny, namely:

- problems of organisational culture in the domination of committees by officers in terms of operation and agenda setting and committee members operating as they would have under the old committee system;
- in some authorities there was a perception that the overview and scrutiny function was marginalised, with limited support, influence and prestige. This was compounded by a lack of response by the executive to scrutiny committee recommendations and insufficient access to and restricted flow of information;
- a lack of clarity about the role of the overview and scrutiny function and how members can best exploit its potential to influence policy and to hold the executive to account.

It identified as good practice for overview and scrutiny:

- clear links between member-led work programmes and council and executive strategies and priorities;
- appropriate use of the 'call-in' power on executive decisions;
- constructive involvement of external bodies and organisations in the scrutiny process;
- early committee involvement in the policy development process in order to influence decisions;
- tailored information support for committee members;
- direct engagement by executive members with the overview and scrutiny committees.

The Committee made 17 recommendations to the Welsh Assembly Government, the Welsh Local Government Association (WLGA) and local authorities.

4. Welsh Assembly Government Response

The Welsh Assembly Government provided two updates to the LGPS Committee on its progress in addressing its recommendations. The most recent of these was in February 2007.⁷ It reported that the then Minister, Sue Essex AM, had introduced a new statutory guidance on political structures, *Guidance for County and County Borough Councils in Wales on Executive and Alternative Arrangements 2006*⁸ which replaced an earlier version and contained references to many of the Committee's recommendations. Details can be seen in **Annex 2**.

⁷ LGPS Committee, 15 February 2007, Paper LGPS(2) 02-07 5. *Committee report on 'The Operation of New Political Management Structures in Local Government' update on Government Response* <http://www.assemblywales.org/bus-home/bus-committees/bus-committees-second/bus-committees-second-lgps-home/bus-committees-second-lgps-agendas.htm?act=dis&id=46506&ds=2/2007>

⁸ Welsh Assembly Government, *Guidance for County and County Borough Councils in Wales on Executive and Alternative Arrangements 2006*, <http://new.wales.gov.uk/legislation/subordinate/nonsi/LGWales/2006/CBCGuidance2006e?lang=en>

In March 2007 the Welsh Assembly Government published its Policy Statement, *Freedom and Responsibility*⁹ which noted that the new political management arrangements, whilst resulting in much greater clarity of executive responsibility, appeared to have not fully delivered all the objectives that were sought by their introduction. In particular scrutiny arrangements often seemed to have neither the strength nor scope to effectively challenge the executive.

The Policy Statement further stated that the reform of public services in Wales, along the lines proposed by the Welsh Assembly Government in response to the Beecham Report, would lead to an increase in services being delivered through partnerships of two or more local authorities and by local authorities collaborating with other organisations. The development of Local Service Boards “will undoubtedly require a broader, public service model of scrutiny”. However, currently there are no legislative provisions which would enable the creation of joint scrutiny committees with other local authorities. Furthermore, local authority scrutiny committees have no remit in relation to the other, non-local government, local service providers. The Welsh Assembly Government was, therefore, seeking measure-making powers for the National Assembly through the *Local Government and Public Involvement in Health Bill*, then before Parliament, which would have allowed it to propose legislative provisions which could change the operation of political structures, including scrutiny. It intended to use this power to allow the creation of joint scrutiny committees between two or more local authorities and to enable local authorities to co-opt members to scrutiny committees from other organisations and to allow them voting powers if the authorities so decided. However, these measure-making powers were not included when the *Local Government and Public Involvement in Health Act 2007* received Royal Assent. The Assembly, therefore, is not empowered to legislate for the proposals on scrutiny in the Policy Statement. The Welsh Assembly Government is still trying to secure these powers from Westminster.

Further proposals on scrutiny were:

- Co-option could also be extended to citizens' representatives with established expertise or experience, or to those who are recognised as community leaders in a specific area. This could play a major role in improving public discourse with citizens and heightening the visibility of local government.
- Giving scrutiny committees a more powerful role within a local community. At present, scrutiny committees can require executive members and officers to attend their proceedings but only invite others from outside their authorities. The Assembly Government wants to enable scrutiny committees to require other public sector organisations to provide reports and appropriate representation in a sensitive and constructive fashion.
- In order to improve the strategic relationship between scrutiny and leadership roles the Assembly Government wishes to legislate to require the Cabinet and scrutiny committees to produce and publish forward plans for their work.

⁹ Welsh Assembly Government, *Freedom and Responsibility*, Policy Statement on Local Government, March 2007. pp.31-33
<http://new.wales.gov.uk/dsjlg/publications/localgov/sharedresponsibility/policye?lang=en>

- The Assembly Government proposed strengthening provision on this by prohibiting political groups from exerting pressure on a member of a scrutiny committee to vote in a particular fashion.
- A further obstacle often quoted in the operation of effective scrutiny is the practice of councils appointing chairs of scrutiny committees all of whom are members of the same political group(s) as the members of the executive. The Assembly Government proposed legislation to ensure that this practice can no longer operate.

In May 2008, the Minister for Social Justice and Local Government, Brian Gibbons AM, launched a Local Government Scrutiny Development Fund of £100,000 to support the improvement of local scrutiny arrangements across Wales.

The Fund is intended to help projects that stimulate significant changes to the scrutiny culture within local authorities, other public sector and partner bodies, and amongst the public. In order to access the Fund, projects must involve a strategic partnership approach with other local authorities or other public sector organisations. Greater weight has been given in the selection process to those projects that are rooted in joint working and benefit to more than one local authority. Local Authorities were invited to submit bids to the Welsh Assembly Government and ten have been selected.¹⁰

5. CRG Research Ltd Report

The Welsh Assembly Government also commissioned research on the role of elected members in local government. This was published in March 2007 and the former LGPS Committee was not able to consider its findings. With regard to scrutiny, the findings echo some of the issues raised in the Committee's own report, for example that a proportion of non-executive councillors continue to feel disengaged and that the process remains officer led in some local authorities.¹¹

The research was led by CRG Research Ltd and its purpose was to:

- provide Assembly Ministers and officials with a view of the effectiveness and efficiency of councillors in conducting their functions within the modern political structures introduced by the Local Government Act 2000;
- suggest any improvements which might be considered for the operation of scrutiny functions in local government;
- make proposals about the appropriate numbers of councillors within the county and county borough councils.

The research team undertook a programme of qualitative research between September and November 2006 which included in depth interviews with national and regional stakeholders, a series of interviews with councillors, officers and local stakeholders to collect data from 20 Welsh local

¹⁰ Written Cabinet Statement, Minister for Social Justice and Local Government, Brian Gibbons AM, *Local Government Scrutiny Development Fund 2008/9*, 14 May 2008. <http://new.wales.gov.uk/about/cabinet/cabinetstatements/2008/?lang=en>

¹¹ Welsh Assembly Government, *Review of the Role and Functions of Elected Members*, Final Report, Commissioned from CRG Research, March 2007. <http://new.wales.gov.uk/topics/localgovernment/research/reviewelectedmembers/?lang=en>

authorities and case study visits to a sample of eight local authorities. Emerging themes and key issues were explored in more detail during regional workshops in December 2006.

In respect of overview and scrutiny the Report found that:

Our interviews, case studies and workshops produce a picture of the operation and effectiveness of overview and scrutiny in Wales which echoes the results of previous research on this issue both here and in other parts of the UK. It is clear that scrutiny is failing to achieve its full potential. There has been plenty of time since 2000 for new council constitutions to 'bed down' and there is no shortage of advice on good practice in overview and scrutiny. Simply 'soldiering on' in the hope that it will all come right in the end is not therefore a credible strategy.

Box 1: CRG Report conclusions on Overview and Scrutiny

- A large number of councillors reported that they felt disengaged from and disillusioned with the overview and scrutiny role.
- There is appreciable 'work in progress' within individual councils (and through work with national partners) but so far very few councillors or officers could point us to convincing examples of effective scrutiny in their own councils or of external organisations.
- Examples of innovation are starting to emerge but at present there is too much reliance on committee style meetings.
- Much overview and scrutiny is seen as being officer led; few councillors believe that it provides an effective set of checks and balances or offers a means of securing greater public awareness or accountability.
- The perceived underperformance of scrutiny more than anything else is responsible for the view among many non-executive councillors that they no longer have a significant role to play within governance of their council.
- The role of scrutiny committee chairs and vice-chairs is important in influencing the way overview and scrutiny operates. Party political allegiance is much less important than the skills, outlook, commitment and clout to provide powerful leadership.
- Members of overview and scrutiny committees themselves also need further training and development opportunities. At present there is too much reliance on knowledge based training and too little emphasis on developing key skills.
- Most councillors have been too slow to learn from other councils - in Wales, in other parts of the UK and further afield.
- The policy agenda has moved on over the last two years and there are now a number of other important issues that local authorities and others must address. For instance:
 - *the role of scrutiny is particularly important in the Welsh context because of the Assembly led commitment to a 'citizen-centred model'. The perceived inability of non-executive councillors to hold executives to account means that they are not in a position to ensure that authorities are meeting local needs;*



- *Little effective scrutiny of external agencies, so far, means that councillors can not at present reliably promote the wider well being of the communities that they are elected to represent;*
- *if these deficiencies are allowed to persist they could undermine both the citizen-centred model and the collaborative agenda, set out in the 'Making the Connections' strategy and powerfully endorsed by the Beecham Review. Authorities need rapidly to develop greater collaborative capacity, taking joint responsibility for local outcomes with other organisations (in particular the other members of Local Service Boards) and will need to become much more effective at holding other agencies to account.*

6. Suggested Terms of Reference

The suggested Terms of Reference of this inquiry on the Local Government Scrutiny are:

- To review the extent to which the recommendations made by the former Local Government and Public Services Committee in respect of overview and scrutiny have been acted on by the Welsh Assembly Government, local authorities and the WLGA.
- To assess the extent to which the overview and scrutiny function has developed in Welsh local authorities since 2004;
- In the light of recommendations made by Sir Jeremy Beecham, to assess the extent to which the scrutiny process in Welsh local authorities is inclusive; collaborative and engages with the citizen.
- To make recommendations on the future development of the overview and scrutiny function in Local Government.

7. Some Questions for the Inquiry

Some the core issues that the Committee may wish to consider are:

- How have the Welsh Assembly Government, the WLGA and local authorities responded to the recommendations made by the Local Government and Public Services Committee in 2004?
- In what ways has the Overview and Scrutiny function changed and developed within local authorities in Wales since 2004?
- Which local authorities are demonstrating best practice in their conduct of overview and scrutiny?
- Is best practice being successfully shared between local authorities? If so, how?
- How are local authorities developing a an inclusive scrutiny process, as identified by Sir Jeremy Beecham?
- What progress has been made by local authorities in developing collaborative scrutiny?

- How are local authorities engaging the citizen in the scrutiny process?

8. Suggested Approach

The Committee may invite written evidence.

Possible witnesses to appear before the Committee could include:

- The WLGA;
- The Wales Audit Office;
- The Centre for Public Scrutiny;¹²
- Local Government officers associations such as SOLACE and Association of the Directors of Social Services Wales.
- Members of the CRG Research Ltd team;
- Brian Gibbons AM, Minister for Social Justice and Local Government.

During the 2004 enquiry the LGPS Committee visited seven councils around Wales where they were able to discuss the experience of scrutiny with councillors and officials and observe meetings of overview and scrutiny Committees first hand. These visits usually involved one or two Committee Members supported by staff. However, the recent CRG Research for the Welsh Assembly Government on the role of elected councillors involved extensive fieldwork and Members may be content to question them about their findings.

¹² The Centre for Public Scrutiny was created to promote the value of scrutiny in modern and effective government. It advises government bodies and disseminates good practice. It also produces an annual survey of Scrutiny in Local Government which includes Welsh local authorities. <http://www.cfps.org.uk/survey/2007-survey-cfps.pdf>

Annex 1: Local Government and Public Services Inquiry on Political Management Arrangements in Local Government: Recommendations

1. We recommend that local authorities develop a strategic approach to executive leadership within the authority, for example through succession planning and training, so that the concept of executive leadership is something to be understood by all members and not just those holding political office at a particular time (para 3.10).

2. We recommend that local authorities underpin their executive arrangements with procedures that maximise openness and transparency in order to ensure that all elected members, executive and non-executive, and the public, are able to inform themselves about all aspects of the executive's work and decisions being taken on their behalf and can influence these at an early stage (para 3.18).

3 We recommend that local authorities take measures to ensure that the overview and scrutiny function is afforded a central role in both the structure and the ethos of the authority. In order to achieve this non executive members need to understand their role and have a full appreciation of its potential and importance (para 4.9).

4 We recommend that committee chairs should not be able to veto the use of call-in procedures (para 4.10).

5 We recommend that all local authorities should have dedicated officer support teams for scrutiny, but recognise that it is not possible for all. All local authorities should, however, have strong and well-resourced support provision for scrutiny which reinforces the 'separation of powers' principle between the executive and scrutiny and overview function (para 4.18).

6 We recommend that the Welsh Assembly Government and *Syniad* develop a model of good practice for policy development by overview and scrutiny committees, building on evidence of success in local authorities. The relevant section of the Guidance should be strengthened in the light of such evidence (para 4.22).

7 We recommend that the Welsh Assembly Government strengthens the Guidance relating to political balance on overview and scrutiny committee and, if necessary, explores, with the Wales Office and Office of the Deputy Prime Minister, the possibility of amending the *Local Government Act 2000* to include a requirement for chairs of overview and scrutiny committees in Wales to reflect party balance as far as is practicable (para 4.26).

8 We recommend that the party whip should not be used in the business of overview and scrutiny committees. If used, its use should be declared (para 4.27).

9 We recommend that the Welsh Assembly Government amends the *Local Authorities (Operation of Different Executive or Alternative Arrangements) (Wales) Regulations 2002* so that local authorities have the freedom to reform their political management structures and overview and scrutiny arrangements as they see fit (para 4.30).

10 We recommend that the Welsh Assembly Government engages in discussions with the WLGA to promote dissemination of good practice by local authorities in terms of initiatives for facilitating non-executive councillor engagement and empowerment (para 5.6).

11 We recommend that all non-executive councillors should sit on at least one council committee so that they have some role in the overview and scrutiny function, or in regulatory matters (para 5.7).

12 We recommend that all local authorities prepare a decentralisation strategy that defines the role of the 'sub-local' level in the business of the council and its input into the executive and scrutiny functions (para 5.13).

13 We recommend that local authorities encourage and support their elected members, both new and re-elected, to avail themselves of the training and support supplied by *Syniad* (para 5.17).

14 We recommend that local authorities liaise with and provide feedback to *Syniad* in order to identify new training needs and the most effective means of delivery (para 5.18).

15 We recommend that the Welsh Assembly Government, the WLGA and local authorities co-operate in order to promote the dissemination of good practice by local authorities for the improvement of public understanding of the new political arrangements and increased engagement with the public (para 6.5).

16 We recommend that the Welsh Assembly Government strengthens the existing Guidance with regard to the audit function in the light of good practice elsewhere (para 6.10).

17 We recommend that local authorities, with the support of the WLGA, review whether their audit function fulfils the required standards of transparency and clarity in its relationships with other parts of the council structure (para 6.11).

Annex 2: Action Plan for Implementation of Recommendations

NOTE: References to "the Guidance" are references to the "Guidance for County and County Borough Councils in Wales on Executive and Alternative Arrangements 2006"

Recommendation	Minister's Commitment 2004	Progress
<p>1. We recommend that local authorities develop a strategic approach to executive leadership within the authority, for example through succession planning and training, so that the concept of executive leadership is something to be understood by all members and not just those</p>	<p>The Assembly Government endorses this approach. We will commend it to the WLGA and seek to ensure that Syniad, their improvement and development arm, emphasises the aspect of member development within their training portfolio for elected members</p>	<p>This matter is now dealt with in chapter 10 of the Guidance.</p>
<p>2. We recommend that local authorities underpin their executive arrangements with procedures that maximise openness and transparency in order to ensure that all elected members, executive and non-executive, and the public, are able to inform themselves about all aspects of the executive's work and decisions being taken on their behalf and can influence these at an early stage holding political office at a particular time.</p>	<p>The Assembly Government supports this recommendation in principle. We will have discussions with local government and the Audit Commission before deciding whether there is a need to amend the regulations on access to information (The Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings (Wales) Regulations 2001 (SI 2290/2001 as amended by SI 1385/2002) or the Guidance for County and County Borough Councils in Wales on Executive Arrangements ("The Guidance"))</p>	<p>Included in paragraph 2.14 of the Guidance.</p>
<p>3. We recommend that local authorities take measures to ensure that the overview and scrutiny function is afforded a central role in</p>	<p>The Welsh Assembly Government supports this recommendation and will work with WLGA/Syniad to ensure that non-</p>	<p>Included in paragraph 2.20 of the Guidance.</p>

Recommendation	Minister's Commitment 2004	Progress
<p>both the structure and the ethos of the authority. In order to achieve this non-executive members need to understand their role and have a full appreciation of its potential and importance</p>	<p>executive/board councillors are trained and developed in the purposes and methods of effective scrutiny and policy development.</p>	
<p>4. We recommend that committee chairs should not be able to veto the use of call-in procedures</p>	<p>The Local Government Act 2000 stipulates that overview and scrutiny committees have the right to recommend that a decision be reconsidered by the person who made it. The Guidance says that the local authority standing orders must set out procedures for making such a referral and that this might include a requirement that a member of a scrutiny committee should need the agreement of the Chair of the committee and a third of its members before such a referral was made. Such a provision was intended to prevent the efficient operation of the council being fettered by continual referrals. The Assembly Government will discuss the recommendation with local government and the Audit Commission and, in the light of this consider amendment to the Guidance.</p>	<p>Included in paragraph 6.8 of the Guidance.</p>
<p>5. We recommend that all local authorities should have dedicated officer support teams for scrutiny, but recognise that it is not possible for all. All local authorities should, however, have strong and well-resourced support provision for scrutiny which reinforces the 'separation of powers' principle between</p>	<p>The Assembly Government supports this recommendation and will revise the Guidance accordingly. We will raise the matter with the WLGA and suggest they endorse it as good practice. All principal councils should be able to arrange some dedicated support, even if</p>	<p>Dealt with in paragraphs 2.42, 10.4 and 10.20 of the Guidance.</p>

Recommendation	Minister's Commitment 2004	Progress
the executive and scrutiny and overview function.	small in number.	
6. We recommend that the Welsh Assembly Government and Syniad develop a model of good practice for policy development by overview and scrutiny committees, building on evidence of success in local authorities. The relevant section the Guidance should be strengthened in the light of such evidence	Agreed	Referred to paragraph 2.22 of the guidance but primarily a matter for the WLGA.
7. We recommend that the Welsh Assembly Government strengthens the Guidance relating to political balance on overview and scrutiny committee and, if necessary, explores, with the Wales Office and the Office of the Deputy Prime Minister, the possibility of amending the Local Government Act 2000 to include a requirement for chairs of overview and scrutiny committees in Wales to reflect party balance as far as is practicable	All local authorities are obliged to reflect political balance on their overview and scrutiny committees unless the council as a whole has unanimously agreed not to do so. The Guidance encourages councils with majority control to consider allocating committee chairs to members of other party groups. The Assembly Government supports the view of the committee on this matter and will ensure that the guidance is strengthened to make clear that this is made as a recommendation. The Assembly Government	Included at paragraph 4.113 of the Guidance.

Recommendation	Minister's Commitment 2004	Progress
	will liaise with the WLGA with a view to encouraging councils to include provisions in their standing orders in line with this recommendation and will amend the Guidance accordingly. We will also consider the proposed legislative approach and enter in to dialogue with the WLGA and the ODPM on this matter.	
8. We recommend that the party whip should not be used in the business of overview and scrutiny committees. If used, its use should be declared	The use of the "whip" in party groups is not a matter covered by legislation. As such, the Assembly Government has little influence over its use. However, the Assembly Government supports this recommendation in principle and will pursue it with the WLGA with a view to seeking endorsement from all political groups. The Guidance already encourages councils to adopt rules including the declaration of whipping. We will strengthen the Guidance to make clear that the Assembly Government believes that whipping is inappropriate for scrutiny committees.	Included in paragraph 4.126 of the Guidance.
9. We recommend that the Welsh Assembly Government amends the Local Authorities (Operation of Different Executive or Alternative Arrangements) (Wales) Regulations 2002 so that local authorities have the freedom to reform their political management structures and overview and	The Assembly Government recognises the demand for greater flexibility. We will shortly conduct a consultation exercise on this matter, in which we will propose changes to the regulations to enable local authorities to change their political structure and reduce other restrictions currently in force. We would, however, seek to ensure that no council could	Achieved through the Assembly's approval of new regulations in December 2004 and accompanied by Statutory Guidance. Referred to at paragraph 4.140 of the Guidance.

Recommendation	Minister's Commitment 2004	Progress
scrutiny arrangements	change its basic political model without public consultation, as was required before their new constitutions were adopted in 2002.	
10. We recommend that the Welsh Assembly Government engages in discussions with the WLGA to promote dissemination of good practice by local authorities in terms of initiatives for facilitating non-executive councillor engagement and empowerment	Agreed	Being taken forward by the WLGA.
11. We recommend that all non-executive councillors should sit on at least one council committee so that they have some role in the overview and scrutiny function, or in regulatory matters	The Assembly Government supports this recommendation in principle but does not have the power to effect it legislatively. We will amend the Guidance to encourage councils to adopt this practice and liaise with the WLGA for them to add their endorsement.	Included at paragraph 2.11 of the Guidance.
12. We recommend that all local authorities prepare a decentralisation strategy that defines the role of the 'sub-local' level in the business of the council and its input into the executive and scrutiny functions	The Assembly Government supports this proposal in principle and will include it in revised Guidance. However, it will remain for each local authority to decide on the extent of such measures and the appropriateness of any delegated functions.	Included as an option in paragraph 4.88 of the Guidance.
13. We recommend that local authorities encourage and support their elected members, both new and re-elected, to avail themselves of the training support supplied by Syniad	Support	Action for WLGA.
14. We recommend that local authorities	Support	As per 13.

Recommendation	Minister's Commitment 2004	Progress
liaise with and provide feedback to Syniad in order to identify new training needs and the most effective means of delivery		
15. We recommend that the Welsh Assembly Government, the WLGA and local authorities co-operate in order to promote the dissemination of good practice by local authorities for the improvement of public understanding of the new political arrangements and increased engagement with the public	Agreed	This is supported by the Assembly Government and the WLGA but needs to be an ongoing process.
16. We recommend that the Welsh Assembly Government strengthens the existing Guidance with regard to the audit function in the light of good practice elsewhere	Agreed. The Assembly Government will liaise with the Audit Commission on this matter.	CIPFA guidance published and endorsed by Assembly Government.
17. We recommend that local authorities, with the support of the WLGA, review whether their audit function fulfils the required standards of transparency and clarity in its relationships with other parts of the council structure	Support	As per 16.