



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

**Y Pwyllgor Iechyd, Lles a Llywodraeth Leol
The Health, Wellbeing and Local Government
Committee**

**Dydd Mercher, 8 Hydref 2008
Wednesday, 8 October 2008**

Cynnwys
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Ashworth, Cardiff Business School

Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Lorraine Barrett	Llafur Labour
Ann Jones	Llafur Labour
Helen Mary Jones	Plaid Cymru The Party of Wales
David Lloyd	Plaid Cymru The Party of Wales
Val Lloyd	Llafur Labour
Jonathan Morgan	Ceidwadwyr Cymreig (Cadeirydd y Pwyllgor) Welsh Conservatives (Committee Chair)
Jenny Randerson	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats

Eraill yn bresennol
Others in attendance

Dr Rachel Ashworth	Darllenydd mewn Rheoli Gwasanaethau Cyhoeddus, Ysgol Fusnes Caerdydd Reader in Public Services Management, Cardiff Business School
Frank Cuthbert	Local Government Policy Division Is-adran Polisi Llywodraeth Leol
Caroline Thomas	Local Government Policy Division Is-adran Polisi Llywodraeth Leol

Swyddogion Gwasanaeth Seneddol y Cynulliad yn bresennol
Assembly Parliamentary Service officials in attendance

Steve George	Clerc Clerk
Catherine Hunt	Dirprwy Glerc Deputy Clerk
Alys Thomas	Gwasanaeth Ymchwil yr Aelodau Members' Research Service

Dechreuodd y cyfarfod am 9.00 a.m.

The meeting began at 9.00 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Jonathan Morgan:** Good morning. It is 9 a.m., so we will make a start. I welcome Members to this meeting of the Health, Wellbeing and Local Government Committee, and remind you, as usual, to switch off any electronic devices. Members will have full access to the headsets for translation purposes. If it is necessary to evacuate the room, I advise Members to follow the advice of the ushers. We have received apologies this morning from Irene James and Nick Ramsay, who are both attending the special Assembly procedure committee that has been set up under Standing Order No. 25, and I suspect that they will be engaged in that for the rest of the week, so we will not see them this morning. We have not

been notified of any substitutions. I invite Members to make any declarations of interest under Standing Order No. 31.6. I see that there are none.

9.01 a.m.

**Ymchwiliad y Pwyllgor i Waith Craffu Llywodraeth Leol—Trafod y Papur
Cwmpasu
Committee Inquiry into Local Government Scrutiny—Consideration of Scoping
Paper**

[2] **Jonathan Morgan:** A scoping paper has been provided for us by the Members' research service, which looks at the terms of reference, the background and the way forward. As you know, the committee agreed to hold this inquiry to examine how local government scrutiny has been operating since 2004. The scoping paper suggests terms of reference for the inquiry, which can be found under point 6 of the paper. I ask Members to have a look at that and see whether they feel that the suggested terms of reference cover the necessary areas to examine the scrutiny arrangements in local authorities.

[3] While Members are doing that, I draw attention to point 8 of the report, entitled 'Suggested Approach'. The committee will invite written evidence, and we will consider the witnesses to appear before the committee. We have listed the Welsh Local Government Association, the Wales Audit Office, the Centre for Public Scrutiny, local government officers' associations, CRG Research Ltd and the Minister for Social Justice and Local Government. There are two other things that we need to address. First, should Members visit local authorities and sit in on some of the scrutiny committees, not to judge, but to see how effective scrutiny can be in a local authority environment? Secondly, how can we engage with ordinary councillors, if at all? There are large numbers of councillors in Wales who do not have executive responsibilities and do not chair committees, but do attend scrutiny committees, and I would like to know what their views are. I have a slight bias on this, because I have family members who are county councillors, and they tell me how difficult it can be to scrutinise effectively. If we could find a way of engaging with ordinary county councillors, it might be interesting to find out how they see their role.

[4] **Helen Mary Jones:** We should certainly do that, because one of the big problems is a perceived democratic deficit, with elected members who are scrutinising but who are not executive board members. Those councillors can come from the groups that are ruling an authority if they are not in the Executive: that is, it is not only opposition councillors who feel excluded. In terms of how we might do that, the WLGA puts on a lot of training and other events for ordinary members, and it might be able to help us. It obviously has mechanisms for contacting grass-roots or backbench council members, or whatever you call them, so it might be able to give us some advice about how we can do that. I do not think that I would want the evidence filtered through the WLGA prism, but the association might give us some ideas about how to contact ordinary councillors and ask for their contribution.

[5] I was also wondering, and this may not be the place to do it, whether we would want to talk to the representative bodies of town and community councils about how they see scrutiny. In my constituency, we have a few quite big town and community councils that do some very serious work in terms of providing public services, and they have expressed their frustration to me about their inability to get access to decision making in the way that they could before. Their perception is that when committees were part of decision making they could talk to the councillors in their area about their concerns and get those concerns fed in. They are now saying that, with the cabinet model, they cannot do that. Whether that is particular to the relationship between those town councils and my particular county council, I do not know. What is the name of the umbrella body for the town and community councils?

- [6] **Jonathan Morgan:** One Voice Wales.
- [7] **Helen Mary Jones:** It might be worth asking One Voice Wales to give us some written evidence, but I do not know whether we have time to ask it to come to talk to us.
- [8] **Jonathan Morgan:** We can look at the timescale and see what we can achieve, but I think that you are right that local town councils and community councils have such a valuable role to play that we need to ensure that they have an input of some type. We will see what we can do.
- [9] **David Lloyd:** Just for information, I was on the local government committee that did this review in 2003-04, and we went around six or seven councils up and down Wales. From the point of view of the county councils, it was one of the most popular things that any committee had ever done, and we did sort of promise that when we came to do another review of this nature, we would visit the councils that we had not visited. There is a list somewhere—I remember it included Monmouthshire. It seemed to be a good bonding move, and that was just simple receptions or meetings held between their meetings.
- [10] **Jonathan Morgan:** Did Members sit in on any of the committee meetings?
- [11] **David Lloyd:** No, we did not do that. We just attended lunchtime receptions, or whatever, which the members fitted in between their committee meetings.
- [12] **Jonathan Morgan:** It could be quite an interesting way of finding out whether or not there is a culture of scrutiny—backbench independence, if you like—in holding executives to account, so it might be quite an interesting exercise.
- [13] **Jenny Randerson:** You made comments about the problems with scrutiny and your relatives, but they are on Cardiff City Council, which is held up as a model of good practice in scrutiny, so if they feel like that, goodness knows what people elsewhere feel like. I have been concerned about this ever since the new model was proposed, because I do not think that it works at all well.
- [14] In relation to Helen Mary's point about the WLGA training, if you look at the evidence from Dr Ashworth, who we will question later on, you will see that that training is largely done by chairs and not by ordinary members. So, we must specifically say that we do not wish to only speak to the chairs, who have some status, training and accumulated experience. We also need to get through to the ordinary members, and, hopefully, even the officers, because there is a lot in that paper about the need for officers to be properly trained and dedicated.
- [15] **Helen Mary Jones:** I was not thinking of the specific scrutiny training that the WLGA offers—it also offers a range of training around equalities and members' responsibilities as corporate parents and so on. I was just thinking about how we make contact with ordinary councillors in a way that is not quite as cumbersome as writing to the hundreds of them that there are.
- [16] **Jenny Randerson:** We could do a representative sample.
- [17] **Jonathan Morgan:** I do not know whether or not this is feasible, but one option could be to contact the 22 local authorities and ask them, if we provided the material, whether or not they would send out the material through their e-mail system. I know that some councillors do not like using e-mail, but quite a lot of them do use it now. That is one way of doing it, which is obviously rather cheaper than writing to them.

[18] **Val Lloyd:** I have two main points. Picking up on Dai's suggestion that we revisit or visit councils, I would agree with that but I would prefer it if we were to talk to members about a specific point, whether that is done informally as was done previously, or formally—I was not on the committee at the time—but I would support that, in our usual practice of looking for different types of councils, sizes, approaches and even political colours.

[19] I also have a question about looking at what is provided in scrutiny training, and I speak as someone who in 1999 undertook some of this training. The kindest thing that I could say about it is that it was in its infancy. I went on to chair education scrutiny, but it was not an experience where I could say, 'Thank you very much for the training that I had received'. So, it will be very interesting 10 years on to see how the training has changed, as I am sure it has because everyone will have learned and it will have moved on.

[20] **David Lloyd:** Not every council has the same scrutiny model. There are different models of scrutiny in Gwynedd and Powys.

9.10 a.m.

[21] **Jonathan Morgan:** Okay, so we will find a way of trying to sort out how we engage with ordinary councillors to see how effective they think their scrutiny role is. We will also ensure that we expand the number of organisations who are going to give written evidence, and perhaps even the number giving oral evidence if we can sort out the town and community councils. We will see how we progress from there.

[22] Are Members happy with the terms of reference in paragraph 6? I think that Alys has kept those as brief as possible, but they give us significant scope for what we want to examine. I see that Members are happy. We also need to endorse paragraph 8, which is the suggested approach, but add to that consultation with backbench councillors.

[23] We are waiting for the Assembly official who is due to be with us this morning for item 3. Before we move on to that, there are six papers to note, five of which are responses to the call for evidence as part of the committee's inquiry into local service boards. The sixth paper is the committee's response to the Ministry of Justice's consultation on pleural plaques. I was very pleased with the work that we did on that.

[24] The committee will be meeting next Wednesday to examine the draft budget. We will have three Cabinet Ministers joining us: the Minister for Health and Social Services, the Minister for Finance and Public Service Delivery, and the Minister for Social Justice and Local Government.

9.11 a.m.

**Ymchwiliad y Pwyllgor i Waith Craffu Llywodraeth Leol—Tystiolaeth gan
Swyddogion Llywodraeth Cynulliad Cymru
Committee Inquiry into Local Government Scrutiny—Evidence from Welsh
Assembly Government Officials**

[25] **Jonathan Morgan:** We are taking evidence this morning from Welsh Assembly Government officials, and I am delighted that Frank Cuthbert is with us this morning as the head of the local government democracy team in the local government policy division. Accompanying Frank is Caroline Thomas. I am pleased to welcome you both here this morning. This is the first evidence session for the committee's inquiry, and we are looking at the progress that has been made since the publication of the former Local Government and

Public Services Committee's report in 2004. Based on what it finds, the committee will make recommendations for the future development of the overview and scrutiny function in local government.

[26] Thank you for the paper that you provided; it was very useful. If you are comfortable with this, we will move straight to questions from Members.

[27] To what extent do you believe that the culture of local authorities has changed since 2004 to allow more effective scrutiny?

[28] **Mr Cuthbert:** I think that it has varied. There are local authorities that have taken the role of scrutiny very seriously and, in some cases, put significant resources into that. That has happened for a variety of reasons; sometimes, it has been triggered by political change. Very experienced councillors, who had served in cabinets, have been replaced and have become scrutiny chairs. They have known considerable detail with regard to what the council has been doing, and they have brought that authority and experience to the role of scrutiny chair. We have seen a number of cases where that has resulted in scrutiny being more on the ball and effective. In other cases, decisions have been taken—and Cardiff is the most obvious example of this—as a result of a review of governance arrangements, to pump up significantly scrutiny resources in order to provide a good research facility and enable scrutiny to operate more effectively. Sometimes, it is a question of political change driving this—in other words, the personalities of the leading scrutineers; on other occasions, it is the result of councils deciding to boost the size of their scrutiny resource. Cardiff is not alone in that position.

[29] However, there are other authorities where, unfortunately, the opposite remains the case; there is not a great deal of evidence of the leadership of the authority doing as much as we would like to recognise that the importance of scrutiny, and the resource allocated to scrutiny is, in some cases, very small and quite inadequate to form a good research service and general administrative support for the scrutiny functions. So, it is better than it was in 2004, but we are still not there.

[30] **David Lloyd:** Good morning, Frank, and thank you for the report. How does the Welsh Assembly Government maintain an overview of scrutiny development in local authorities?

[31] **Mr Cuthbert:** The main way we do that is by participating in the networks that are organised by the Welsh Local Government Association. We try to attend every meeting of the Scrutiny Champions' Network, which is organised on a regional basis—I think that there are two on the two sides of south Wales, one includes mid Wales and then there is one in the north. There is a national scrutiny conference, which took place last Friday. I maintain regular contact with my opposite number in the WLGA and follow through processes there. On top of that, we go to meetings of what we commonly refer to as the 'group of six', which includes the scrutiny officers who represent the local authorities that are in the local service board pilot areas. So, we maintain a regular contact with scrutiny officers and get good feedback in that way. Other than when councillors attend the Scrutiny Champions' Network, which they do from time to time, we do not get much contact in terms of how the committees function.

[32] **David Lloyd:** How does the Welsh Assembly Government assist in the sharing of best scrutiny practice between local authorities?

[33] **Mr Cuthbert:** I am in danger of repeating myself, because those networks exist largely to exchange best practice. I will give the scrutiny development fund a little boost here. For the first time, we have put some money where our mouth is, and have encouraged the development of best practice through this fund, trying to get people who were at a low level to get up to a decent level and to get people who were at a decent level up to a level where

they are tackling the issues raised in the post-Beecham era of working in partnership, scrutinising local service boards, and so on. We are pleased that half the local authorities, in one way or another, are participating in that first round of the scrutiny development fund.

[34] **Val Lloyd:** I note that the Welsh Assembly Government has issued research on the role of non-executive councils. How will the Welsh Assembly Government be carrying forward the recommendations in that report?

[35] **Mr Cuthbert:** It is fair to say that we have had a degree of frustration, going right back to the days of the previous committee's report on political structures, which has probably been the biggest single contributor to policy development over the last five years or so in the Welsh Assembly Government, because it hit the nail on the head on so many issues. However, we had hoped that, by now, we would be in a position to have legislative competence over local authority governance and scrutiny issues, but we have not. We hope that we will manage to get such a provision by transferring legislative competence to the Assembly through the community empowerment housing and economic regeneration Bill, which is currently being prepared, although we cannot be certain of that yet. That has limited our ability to bring about the sort of changes that require legislation. The other main thing that we have done is to amend our statutory guidance, to which local authorities are obliged to have regard, but are not obliged to follow to the letter, when putting their scrutiny models together. I would say that that is the main answer to your question, but, other than that, we will be doing it by participating and trying to encourage best practice.

9.20 a.m.

[36] **Val Lloyd:** In your response to Dai Lloyd's last question, you touched on the 2006 Beecham report, which placed quite a new emphasis on scrutiny and its role in driving forward service provision. Are you aware of any local authorities that are using innovative scrutiny arrangements that are inclusive, collaborative or which involve the public?

[37] **Mr Cuthbert:** Yes. I should say that the Beecham report was the main driver for 'A Shared Responsibility', the policy paper that the Assembly Government produced in response, for the local government area. It listed reforms that we wanted to introduce, some of which were from the old committee's report and some of which reflected the Beecham citizen-centred and joined-up approach. I would probably highlight two examples, although I am sure that they are not completely unique. The Cardiff pilot model for scrutinising local service board operations is very much in its organisational stage. It has managed to get the sign up of all the main public sector partners in Cardiff and have got together people who it feels are suitable scrutineers to look at the different areas of the public service. We will be very keen to see how that operates over the next year. The other example is that in Carmarthenshire, where work has already started on trying to link up the scrutiny of health with the scrutiny of social services, by having joint working with the community health council. The group there is trying to develop a model of health and social services scrutiny with the community health council and, in fact, it has had a successful bid to help with that work from the scrutiny development fund.

[38] **Jenny Randerson:** Frank, you referred to the fact that the Government's policy statement made a number of commitments to the reform of scrutiny. It was hoped that the Assembly Government would have been able to secure legislative competence by now. Why was it not possible to secure that legislative competence in the Local Government and Public Involvement in Health Act 2007?

[39] **Mr Cuthbert:** We did manage to secure some other local government Measure-making powers through that Act. The single biggest obstacle that we confronted was the fact that we were unable to reach agreement with the Home Office at that time. I will try to avoid

being too technical, but the scrutiny of crime and disorder matters is dealt with in the Police and Justice Act 2006 and is considered to be a non-devolved area by the Home Office—it views it as being police and crime scrutiny more than local government scrutiny. In the Local Government and Public Involvement in Health Act, there is a clear carving out of the changes that were made to scrutiny in England, so they do not impact on the scrutiny of crime and disorder, which is dealt with in the Police and Justice Act. We were seeking Measure-making powers in the 2006 Bill, and the Home Office had commissioned the review by Sir Ronnie Flanagan into policing, which it knew would also look at policing accountability, and the Secretary of State and Minister, in particular, were unwilling, at that time, to agree to the Assembly gaining legislative competence over governance and scrutiny, unless we agreed that we would require Secretary of State consent for anything that impacted on crime and disorder issues. Our legal advice and our constitutional experts told us that we could not agree to that. They asked us whether it was likely that we would want to change a governance or scrutiny structure in local government that did not impact on the governance or scrutiny of local authority functions in the crime and disorder area, and we had to agree that it was unlikely that we would do that. In other words, any time that you wanted to do anything, you would have to get consent from the Secretary of State at the Home Office, and that is not devolution; that is not what was intended by the Government of Wales Act 2006. We ran out of time, but I am not sure that we would have got agreement anyway.

[40] However, it now looks as though we will be able, with agreement from the Home Office, to specify that, if we achieve Measure-making powers, although we will not be able to alter the content of sections 19 and 20 of the Police and Justice Act 2006, which set out the crime and disorder committees and the connected structures, we will be able to influence regulations that the Secretary of State would make regarding those sections. It is not a perfect situation but, by categorically defining which things we can and cannot touch—those that are devolved and those that are not—we can progress.

[41] **Jenny Randerson:** It is clearly a complex area. Can you explain further why it was possible to carve out the scrutiny functions for England in that Act, but not for Wales?

[42] **Mr Cuthbert:** You mean why was it possible for the UK Government to agree to that for England? I think that the answer to that is that you are dealing with two different situations. As the Act was making policy for England, the Home Office and the UK Government as a whole could see exactly what it was that the Department of Communities and Local Government—the UK department—intended to do about scrutiny and governance. We are asking for powers so that we can do what we like. So, the attitude of the Home Office was different: it was ‘Well, there’s a bit of a blank cheque here; we don’t know what you might do in terms of how you treat our chief constables, chairs of police authorities, and so on, in anything that you might do’. Now, it looks as though we are moving to a situation where it is clearer what it does not want us to touch, and it is not making it as general and impossible as it was the first time.

[43] **Helen Mary Jones:** This is a complex and an interesting area. We are focusing on scrutiny, but am I right in understanding that the composition, make-up and structure of the police authorities is a matter for the Home Office? Under the proposals that you have just been outlining in response to Jenny Randerson, would that remain ring-fenced for the Home Office, so that Assembly legislation could not touch it?

9.30 a.m.

[44] **Mr Cuthbert:** It goes further than that. You are right that the structure of police authorities is a matter for the Home Office, and, in fact, we anticipate that it will shortly consult on proposals for that structure. It is not an area that I deal with, so that consultation may have started, for all I know. However, it goes further than that, and it is more specific.

Once sections 19 and 20 of the Police and Justice Act 2006 are commenced, supported by the relevant regulations from the Secretary of State at the Home Office, they will shape the crime and disorder scrutiny committees of local government, defining their functions. We would get the opportunity to influence those regulations, which would put the meat on the bones of how those committees should be conducted, stating who could be required to attend, for instance. It is also possible for a Welsh Minister to issue guidance on the conduct of crime and disorder scrutiny committees in Wales, after consulting with the Home Secretary.

[45] **Ann Jones:** I apologise for coming in late. You may have touched on this already, but you said that you anticipate legislative competence coming under the draft community empowerment, housing and economic regeneration Bill. How likely is that? If it is not likely, will we go for an LCO? I always ask the hard questions, Frank, as you know.

[46] **Mr Cuthbert:** In my heart, I feel that we are three quarters of the way there. However, the whole thing has to be approved by the UK Cabinet before it goes forward, and anything could happen then, because you cannot predict the particular interests that members of the Cabinet might have. Going back to 2006, although it seems obvious now, it came out of the blue for us to learn that the Home Secretary had an interest in governance and scrutiny, but there we are. We are fairly confident. If we do not succeed, we will make a bid for a legislative competence Order in competition with every other department and Minister.

[47] **Ann Jones:** The scrutiny development fund, which the Minister announced in May, is funding projects on which local authorities are working together or with other bodies. Can you explain why the Assembly Government needs to legislate in this area?

[48] **Mr Cuthbert:** We did not legislate in that area. As I said earlier, it almost grew out of a sense of frustration that we wanted to shift the agenda forward, but lacked the legislative tools to do so—or, rather, the National Assembly for Wales lacked the legislative capacity. The idea developed through discussions with partners in the WLGA, the Wales Audit Office, and individual local authority representatives whom I met from time to time. They wanted a step forward, and, yes, they wanted some funding, but the main thing was that they wanted to show their authorities that things were moving forward with Assembly Government support and finance, enabling them to develop innovative schemes to improve the level of scrutiny. Each bid, incidentally, must have the support of the council leader and the chief executive, so that we can be sure that the leadership of the council is signed up to the bid. Although half of the authorities in Wales have not participated at this stage, we are very hopeful that we will be able to run the scrutiny development fund for a second year and that at least some of the others will jump on board.

[49] **Helen Mary Jones:** As a supplementary question, it is interesting that you say that the bids need the support of the leader and the chief executive because, to play devil's advocate for a minute, might it not be precisely those authorities where the leader and the chief executive are not keen on scrutiny and are not encouraging training or funding it that most need money and impetus from central Government to empower backbench members? Is that not slightly odd? That is clearly a political decision, Frank, so you may not be able to comment, but it seems that it is precisely those local authorities whose leaders and chief executives are not putting in bids for which one might think the Assembly Government most needed to step in to give them a bit of a kick to make them do so.

[50] **Mr Cuthbert:** Yes. If we had legislative competence, there would be issues that we would address in that way that would not be the happiest development for every authority in Wales.

[51] **Helen Mary Jones:** Bits of those authorities might be very happy indeed, but the leader and the chief executive might not be.

[52] **Mr Cuthbert:** Yes. We went for the leadership sign-up so that the bids showed the commitment of the leadership to the development of function and scrutiny within the authority and so that the plug would not be pulled halfway through. In other words, if there were a bid and an agreement that were signed up to really only by, say, scrutiny officers and scrutiny chairs, at some stage, the leader or chief executive could say, 'Hang on, I do not want you doing that', and participation would then be difficult. If the council is torn in some way, I am not sure that it would be appropriate for our role to be of helping one of the camps.

[53] **Helen Mary Jones:** That is astonishing. I would have thought that that was exactly your role, but there we are. Perhaps we will come back to that a little later, Chair.

[54] **Jonathan Morgan:** I have no doubt that we will. Before we move on to Lorraine's question, paragraph 4 of your report, Frank, lists six reforms that would require legislative competence if the Assembly were to introduce Measures to achieve them. Will all of those powers be requested in the draft community empowerment, housing and economic regeneration Bill, or is it difficult to involve them all?

[55] **Mr Cuthbert:** That is one of the good things about it. What would be contained in the Bill would be much simpler. It would describe the policy area in which we wanted legislative competence. I do not know how it would end up once drafting lawyers got into it, but, at the moment, we are asking for legislative competence over Part II of the Local Government Act 2000, which deals with governance and scrutiny arrangements. It would be as simple as that. However, unfortunately, there would be a bit carved out with regard to sections 19 and 20 of the Police and Justice Act 2006.

[56] **Lorraine Barrett:** What criteria were used in selecting the projects to be funded by the scrutiny development fund?

[57] **Mr Cuthbert:** The document that we sent out was quite detailed, but, in essence, we asked for either level 1 or level 2 bids. Level 1 bids were to increase the capacity of current scrutiny arrangements, which might well be a simple case of some specialised training for scrutiny members and officers. Level 2 bids were intended to involve a partnership or a citizen-centred focus, moving scrutiny structurally into a new area. That, for instance, is where Carmarthen falls and where Gwynedd and Anglesey have fallen in trying to map out the scrutiny capacity of their county areas throughout the public service. We set up a panel, which involved a representative from the WLGA, from the Assembly Government's 'Making the Connections' team, and also the Centre for Public Scrutiny, which looked through all of the bids and highlighted any weaknesses. I then went on a grand tour of bidding authorities, and spoke to the scrutiny officers about possibly beefing up their bids in some ways, or strengthening them to meet the points that the panel had raised.

9.40 a.m.

[58] I am happy to say that we were able to accept all the bids that came in. However, unfortunately, one local authority dropped out between the expressions of interest and final bid stages. So, we had one fewer than we had initially hoped for.

[59] **Helen Mary Jones:** That is interesting. Can you tell us a bit more about the outcomes that you want from the project and how you will evaluate those? What is the mechanism for evaluating them?

[60] **Mr Cuthbert:** We are not setting targets, so to speak, and we are not particularly asking them to achieve things that are measurable in any way that you could count or calculate, but we have said that we expect a report from each authority on the success or

otherwise of its project. We hope to hold some form of conference or seminar in the spring, where people will feed back on the progress that they have made in their projects to a wide audience of other scrutineers and people from other parts of the public sector. We hope to use that—although the budgets are not finalised yet—as a springboard for the bids for 2009-10.

[61] **Helen Mary Jones:** You said that you will receive a report from each project, and there is that conference where, presumably, the good practice in particular will be shared, and those things that were successful. Where projects are self-identifying as being unsuccessful or not doing what they hoped they would, will you have a process to follow up with those authorities? I presume that there will be subsequent bids for this scrutiny development fund; it is not a one-off thing. I know that it is very difficult, because there cannot be that many of you but a large number of local authorities might need input. However, I suppose what I am getting at is that, if an authority has gone to the trouble of submitting a bid, it is obviously trying to improve its scrutiny, but if it finds that what it did with this bit of resource did not work, is there a process to follow that through and work with it to see what it could do to make that idea work or to take a different one on?

[62] **Mr Cuthbert:** Not for the first time—both in relation to this committee and its predecessor—you are ahead of me. What you said makes perfect sense. We have not developed our thinking to that stage yet, but we will do so. The process that you have explained is one that we should develop now.

[63] **Helen Mary Jones:** That is helpful. Following on from that, you said, if I remember rightly, that around half of authorities submitted bids. Is there a process, or might there be one as a next step, to go out to those authorities that did not submit a bid and find out why? I know that this is a problem that Government officials often face, but it seems to me that the good public bodies that want to improve their practice will be those coming forward to you and saying, ‘We have a bit of a problem with this, and we would like some input, so what can we do?’. My fear is that those that are truly grisly are the least likely to come forward and say, ‘We would like to change this’. That is probably particularly true with scrutiny. There may be some leaders and chief executives—and I hasten to add, Chair, that I do not know that this is the case—who actively do not want to empower their backbench members to scrutinise. I obviously take on board that the Government wants legislative competence at some point, to be able to put a legislative framework in place, but we will have to wait for that. We all know, and you have just described, how complex the whole legislative competence process is. I have great admiration for Government civil servants who have to drive that through—I am not sure that I would have the patience. Could there be a process of going out to those local authorities to try to proactively get them to bid and to account for why they have not already done so, and to try to get them involved, while we wait for the legislative power to be put in place to insist that they do it?

[64] **Mr Cuthbert:** There is certainly an informal process like that already going on. Simply by going to the scrutiny champions’ network meetings and the national conference that was held the other day, I was able to talk to three authorities that did not bid this time. They all expressed the view that they were going to bid next time and that they just had not had enough time. We have not developed our thinking to the extent of saying, ‘Right. What about council a, b and c?’. I suspect that we will not do that until we have seen the second round of bids, because everyone will have had plenty of time by then. If they did not bid to improve their scrutiny in the first round and they did not bid in the second round, I would not think for a moment that it was because they thought that their arrangements were perfect, but that it was more likely that, either for resource reasons or for political reasons, the councils simply did not wish to participate. We could certainly consider following up on a one-to-one basis. We have not had hostility from any local authority to date to the concept of the development fund and improving scrutiny, and certainly no hostility has been reflected through the WLGA either. As to how we would tackle authorities that, over two rounds, did

not put in a bid, we have not developed our thinking to that extent yet.

[65] **Jenny Randerson:** You referred earlier to the scrutiny panel that was set up for the local service board in Cardiff. The implication of your comments was that that was a model of good practice, because it included all the bodies involved in the LSB. Are there any other reasons why you regard that to be a model of good practice?

[66] **Mr Cuthbert:** The reason that you have explained is the main one. It is also the idea of the local authority finding a way of doing something without statutory backing. It is not bending the rules; it has set it up constitutionally as a sort of task and finish group, although I think that the hope would be that, by the time that it has tasked, it will be statutorily possible to have something like it brought into existence on an ongoing basis. We felt that it was being particularly groundbreaking, that it was looking outside the box and outside the authority, and that it stood well alongside the quite ambitious profile that the local service board itself has in Cardiff.

[67] **Jonathan Morgan:** I will call Jenny again and then Lorraine. I have a supplementary on this as well, because it is quite interesting.

[68] **Jenny Randerson:** As the nominee of the police authorities involved, in the light of your earlier comments about the attitude of the Home Office to us having legislative competence over this area, is the Home Office aware of what is happening?

9.50 a.m.

[69] **Helen Mary Jones:** It might be best not to tell the Home Office.

[70] **Mr Cuthbert:** I have not told it.

[71] **Jonathan Morgan:** It might be aware by now.

[72] **Lorraine Barrett:** I am sure that it is watching this live feed as we speak.

[73] I am not sure whether this question is appropriate, but, if it is not on a statutory footing, can there be a legal challenge of any kind? I am not sure what decisions scrutiny committees could make and whether a legal challenge could be brought forward against a decision made by a body that is not legally or statutorily based.

[74] **Mr Cuthbert:** I am not sure of all of the constitutional arrangements in Cardiff. Presumably, for a decision of the scrutiny panel to have any form of statutory force, it would have to be referred to the council's scrutiny committee, of which it acts as a sub-group; the scrutiny committee would have to endorse the decisions and say to the council's executive, 'Here you are; what are you going to do about it?'. If the decision of the panel related to a partner organisation, which refused to respond, currently, there are no statutory ways by which it could be forced to respond.

[75] **Helen Mary Jones:** I am interested in the Cardiff model and in democratic accountability, because it is clear to me that the chairs of the council's five scrutiny committees are directly accountable to the people who elect them. Presumably, we also have elected members from the fire and rescue authority—Jenny Randerson has already mentioned the police authority—and nominees from the voluntary sector. How are they nominated and who decides how representative they are? There is a nominee from the Cardiff and Vale NHS Trust and from a local health board, which are quangos, and a nominee representing equalities—which I enormously approve of, in principle—but who do they represent?

[76] In approaching this model in a positive way, has the Government given any thought to the balance between direct democratic accountability and accountability back into some of the partner organisations? It seems that there is tension there. Would this be a model that, perhaps, other local service boards might use?

[77] **Mr Cuthbert:** Those are excellent points. You asked why we are not suggesting that the Cardiff model would be the model that we end up prescribing as the solution to scrutiny in the wider public sector. We have not suggested, for example, that such committees should only have a minority of local authority representatives on them. The argument could be made that local councillors are in a different position to representatives of quangos or other public authorities, and so on, in that they are elected to be the guardians of the wellbeing of their constituents, so they have a role to scrutinise public services in their area. They have a democratic mandate to do so, which other people do not have. If they are not in the majority, there could be some dangers to that.

[78] The other side of the coin is that, if you want the acceptance of partner organisations, while you are dealing in a voluntary sphere and not building it on a statutory framework, I suspect that they would have to bend the stick further the other way in order to make it work. For more detail about appointments, you would have to talk to Cardiff council—I think that Cardiff has sent a representative to this committee—because it has more answers on this than I do.

[79] **Helen Mary Jones:** In a sense you have touched on my next question, in saying that you will not try to prescribe the Cardiff model for other local service boards. However, will you encourage the development of that model, or will you look at a more pluralistic approach? What mechanisms will be used to look at how scrutiny is being developed in the local service boards?

[80] **Mr Cuthbert:** We are certainly supportive of that model as an example of how authorities might develop scrutiny models for partnership arrangements. I am sorry, but could you repeat the second half of your question?

[81] **Helen Mary Jones:** How are you encouraging local service boards to develop scrutiny? If you are not going to prescribe a model, what will you do?

[82] **Mr Cuthbert:** My team and I work closely with the gang of six scrutiny officers that I mentioned. Our part of the Assembly Government does not have a significant interface with the local service boards proper—that is handled by our colleagues in ‘Making the Connections’, in the Department for Public Services and Performance. However, we have regular meetings with them about progress, and they come to us for assistance with the guidance that they issue to local service boards on developing appropriate scrutiny models. At the moment, that is very non-prescriptive.

[83] **Jonathan Morgan:** Are there any further supplementary questions? I see that there are not. I thank Frank Cuthbert for being with us this afternoon. This has been a useful start to our inquiry into scrutiny arrangements. Thank you.

9.57 a.m.

**Ymholiad y Pwyllgor ynglŷn ag Archwiliad Llywodraeth Leol—Tystoliaeth gan
Dr Rachel Ashworth, Ysgol Fusnes Caerdydd
Committee Inquiry into Local Government Scrutiny—Evidence from Dr Rachel
Ashworth, Cardiff Business School**

[84] **Jonathan Morgan:** I am delighted to welcome Dr Rachel Ashworth, who is a reader in public services management at Cardiff Business School. Thank you for coming to committee today, Dr Ashworth. We are running slightly ahead of time. You produced a memorandum of evidence for the inquiry, which Members have had a chance to read. I understand that you also gave evidence to the former Local Government and Public Services Committee's review in this area a few years ago. I am delighted that you have been able to return to the Assembly to help us with the current review.

[85] We have a list of questions to go through, so if you are sitting comfortably, we will begin. Could you give the committee some background to the research that you have conducted on scrutiny of local government in England and Wales?

[86] **Dr Ashworth:** I started work on scrutiny around 1999 or 2000, just prior to the Local Government Act 2000. I did a pilot study upon the introduction of the Act in Wales, which was a questionnaire survey of Welsh local councillors. Building on that, I undertook a project that covered England and Wales and was funded by the Economic and Social Research Council—that was a more in-depth study, allowing me to get into case-study authorities and observe scrutiny committee meetings, which was important. Since then, I have been involved in projects on scrutiny outside local government—with the English regional assemblies, for example—and prior to my work on local government scrutiny, I worked on the Assembly's scrutiny of public bodies in Wales compared with scrutiny at Parliament. So, there is some breadth to my work across the public sector, but in recent years, I have focused on local government.

[87] Over the last seven years, I have been working on a long-term evaluation of the modernisation agenda in England, and my role in that project focused on accountability, which led me to scrutiny. At the end of 2006, my most recent project here in Wales involved working as part of a team to look at the broad role of elected members. Today, I will talk about the evidence on scrutiny that was gained from that project.

10.00 a.m.

[88] **Jonathan Morgan:** Looking at the work that you have done on local government in England and in Wales, are there any stark differences between local authorities in England and Wales with regard to the way in which they have developed their scrutiny arrangements?

[89] **Dr Ashworth:** There are some differences, but some are explained by the size of authorities and the fact that, in England, there are strong networks. The London boroughs scrutiny officers' network is a very powerful one, for example. A great deal of pressure is put on authorities by their peers through such networks—that network is very active. The metropolitan districts have a similar network. Geographically, Wales struggles to get that sense of peer networking going. There are authorities in Wales, such as Cardiff, that are doing very well on scrutiny and pushing the agenda forward. Then again, it is a sizeable authority with sizeable resources. The district councils in England tend to lag behind in terms of developments on scrutiny.

[90] **Helen Mary Jones:** It is an interesting point; should I read from that that your

research suggests that one of the issues that militates against scrutiny is capacity? As you said, in Wales, we have some really big local authorities, some medium-sized ones and some very little ones. Looking at Wales only now—because it is very difficult to do a read-across between the district councils and county and metropolitan authorities in England and authorities in Wales in any meaningful way, except perhaps with Cardiff and Swansea—is there a pattern that suggests that the really small local authorities have more difficulty with scrutiny, regardless of their political make-up and so on than the bigger ones?

[91] **Dr Ashworth:** Yes. I think that capacity is an issue, in particular with regard to the amount of resources that are devoted to scrutiny.

[92] **Helen Mary Jones:** Does it tend to follow that the smaller the local authority the less it puts into scrutiny?

[93] **Dr Ashworth:** It is more difficult for smaller authorities to devote significant levels of resources, but there are other authorities that are not small that are not necessarily devoting those resources to scrutiny.

[94] **Ann Jones:** The Welsh Assembly Government commissioned research from CRG Research Ltd on the role of the non-executive or backbench councillor. What was your involvement in that research?

[95] **Dr Ashworth:** My involvement was to carry out a review of the academic work on scrutiny in order to help to scope the research that then took place. I also took part in collecting the research data. I visited a number of authorities and chaired a number of focus groups of elected members and workshops. That was a wide-ranging project. My suspicion was that councillors would want to talk about scrutiny. We put it about halfway through the interview schedule because we had a great deal to discuss with members about their role, but scrutiny is such a dominant feature and it is what councillors want to talk to about, so it became a strong focus of the project.

[96] **Helen Mary Jones:** In your paper, you tell us that, overall, the data gathered on the operation and effectiveness of scrutiny in Wales tended to echo results of previous research conducted in Wales and across the rest of the UK. This would seem to indicate that scrutiny has developed very little since the previous Local Government and Public Services Committee considered the issue and made a report in 2004. Is that an accurate picture? Do you agree with that?

[97] **Dr Ashworth:** I would not want to create the impression that people have not been working very hard at trying to make the system work. There have been improvements to certain aspects of scrutiny, particularly in areas such as policy review. However, the key problems with conducting this function were evident in the design originally with regard to how this separation would work in practice. People were worried in anticipation about how it would work, and those fears have been borne out. Certain roles are being performed better than others. With regard to work around policy and reviewing council policy, scrutiny has been quite effective, but in holding the executive to account and performing that formal scrutiny role, it has not been effective. That is a widespread conclusion from all the research.

[98] **Jonathan Morgan:** Before you go on to your next question, when we took evidence from Frank Cuthbert earlier, he suggested that some local authorities had developed good scrutiny arrangements, particularly where there had been a political change at the election and a leading member of the previous administration would perhaps chair a scrutiny committee. That suggests to me that they are relying on certain key individuals to provide that level of expertise. What about ordinary councillors who need to develop a scrutiny function? Has there been much improvement in the ability of ordinary members, who perhaps have not been

part of any political sea-change, but have been around for many years, to develop their scrutiny ability? The scrutiny system seems to be driven by the chairs of those committees.

[99] **Dr Ashworth:** On the whole, no—there has not been a sea change. When I started my research, there was incredible negativity about the Local Government Act 2000, and the role that non-executive councillors would have under the new system. People wanted to go back to the committee system and did not want to engage with the changes. There is still some negativity, although people no longer want to go back in time—the committee system is finished and has gone—the current system is not working, they do not find it fulfilling, and they do not know what they are supposed to be doing or how the system functions. There seems to be a will to engage, but, over the early period, when it did not work well, they perhaps lost some enthusiasm. However, the chairs said, as you mentioned, that they try to generate enthusiasm and to get people to ask questions, but there just is not much interest.

[100] **Helen Mary Jones:** To move on slightly, your paper states that some councils have begun to conduct external scrutiny, but that it has remained a marginal activity for most. Could you explain what external scrutiny is in this context and why it is so important?

[101] **Dr Ashworth:** External scrutiny involves the local authority's scrutiny committee looking at an issue outside its direct responsibility. Essentially, it would be scrutinising external organisations—so, it would not be looking at how the local authority delivers education within its remit, but at something beyond that. For example, committees have looked at post office closures and flooding—issues that affect the community, but for which they are not directly responsible. Sometimes utilities have been called in, and so on. The committees do not necessarily have the power to do that, but some of them have chosen to try and have been successful. It is one of the areas where the public becomes more engaged with scrutiny, because it involves issues that affect the public.

[102] **Helen Mary Jones:** Would that level of public engagement, and the committee being seen to have a useful role, be one of the reasons why you think that external scrutiny is important and is something that other authorities should look to develop?

[103] **Dr Ashworth:** It is important. It was outlined from the beginning that it might be a role for scrutiny committees to take up, but now, particularly with this collaborative agenda, it is more important than ever that scrutiny committees can look at other organisations, and have the skills and information to challenge them. The research shows that local authorities are finding it difficult, because they are having to work together in a collaborative mode and to ask difficult questions in order to challenge organisations.

[104] **Helen Mary Jones:** Thank you, that is very interesting.

[105] **Ann Jones:** Following on from that, it is good that the committees have started to look at external bodies and scrutinise them, but if they have not been able to scrutinise their own body, how much value is there in the external work? If my local authority called me in for scrutiny, I would have a field day and tell the members to sort themselves out before starting to scrutinise me. You can see that that is what will happen. Would training be more valuable, rather than looking outside and possibly negating what they are trying to do?

10.10 a.m.

[106] **Dr Ashworth:** There is a quite urgent need for more development work on scrutiny, but there are occasions when council members are equipped to engage in external scrutiny of that kind. Their key strength is their knowledge of their communities and the people whom they represent. I saw a large-scale scrutiny of a utility in the north-west of England, where councillors were able to present the issues raised by the residents in their streets regarding

street lighting and so on. They had gathered a lot of information as part of their role. It is more difficult with policy areas such as health, which is outside a councillor's remit. Sometimes asking basic questions about services might seem very naïve, but they are questions that people are not normally used to answering and they can get them to think about issues.

[107] **Val Lloyd:** In one of your answers to my colleague, Helen Mary Jones—when she asked for an example of what was external scrutiny—you touched on what gets people moving. You said that the public is engaged in the issues that affect it more. I notice in your paper that your last point on the effectiveness of scrutiny states that there is little evidence of public engagement in overview and scrutiny. Could you explain a little more about the efforts made to involve the public in scrutiny?

[108] **Dr Ashworth:** Most authorities have tried to engage the public, and engagement very much depends on the issue under investigation. The most members of the public I have seen at a scrutiny committee meeting was at a meeting scrutinising public toilets in a Cornish district. It was a key issue for residents within that tourist area, and the gallery was full. There is a question about when in the scrutiny process you try to engage members of the public. Do you try to get them to turn up and listen to a meeting and see whether they want to ask a question, or is it better to engage them in policy review-type work, where you are asking them about the quality of the service that they receive? One authority that was undertaking health scrutiny set up a stand in a local Boots store and asked the public what aspects of local healthcare it would like the authority to investigate. So, that authority asked for input right at the beginning of the process.

[109] There are many different examples of attempts to engage. In some authorities—again, it tends to be the more urban authorities—the public does turn up and you can have question-time events that will go quite well. However, one of the difficult things is that the public is not always very clear about what it is engaging in. It is difficult to try to explain to a member of the public that he or she is engaging in a process that is attempting to influence other processes and policies within the council and which may not deliver; there is a danger that you raise expectations through that involvement that you cannot meet.

[110] **Jenny Randerson:** I want to ask about officer support. Your paper states that the majority of Welsh councils either operate a committee support model or an integrated model, whereas in England, the vast majority of authorities have adopted a specialist model of scrutiny officer. Can you explain the difference between those and why one model might be better than another?

[111] **Dr Ashworth:** The integrated model is where you have a combination of staff from members' services who prepare the agenda and service the committee meetings. In that model, members are also perhaps supported by corporate officers from within, for example, the chief executive's department or officers in charge of performance. They may also get some support from the service or directorate to which they are mainly linked. So, there is a combination within that model, but it involves officer support, not necessarily from the corporate side, but certainly from the service side, and there is a slight conflict of interest in terms of scrutinising your own service. That is the integrated model.

[112] The committee support model offers minimal support of scrutiny, where you get a couple of committee clerks. In some cases, that means just someone who turns up, does the minutes and prepares an agenda and who is not able to give much more than that because he or she is servicing a number of committees.

[113] The other model is where people are appointed specifically as scrutiny officers. These are people who work more along the lines of the parliamentary clerks that you have here, I

should think. They have some expertise to bring to the process such as on analysing information, carrying out research, and so on, and they are not linked to any department of the authority. So, that model tends to be seen as being more independent, but whether that is a viable option depends on the size of the council. It is less common in Wales than it is England.

[114] **Jenny Randerson:** Is it any wonder that it is not working in large parts of Wales if that expertise is not being developed? Is there a reason why England has gone for the more specialist model and Wales has not?

[115] **Dr Ashworth:** It might be because of that spill-over of pressure. In their early days, a few councils appointed former parliamentary clerks and labelled them 'scrutiny officers'. Those councils were then written about in all the various newsletters as being best practice scrutiny authorities, so one thing led to another and it became the thing to have scrutiny officers. I have not necessarily seen the same thing happen in Wales.

[116] **Jenny Randerson:** Thank you, that is very interesting.

[117] **Jonathan Morgan:** It seems rather strange that the vast majority of authorities in England chose the specialist model, but Wales went for either the committee support or integrated model. I am trying to tease out whether there were any other driving forces. Did whichever department in London say to the Local Government Association, 'From a Government perspective, the specialist model is the best way for local government to pursue its scrutiny arrangements in England'? It seems awfully strange that such a different approach is taken by two nations that are very close together.

[118] **Dr Ashworth:** There may have been some encouragement to support that type of model, not from central Government but from Government agencies such as the Centre for Public Scrutiny. However, when things start to change on the ground, people get to know about it. Once these scrutiny officers start to meet in networks, they soon realise whether they are all doing the same thing and then pressure is put on authorities to build their scrutiny support. This is also linked to your point about resources, because these officers are expensive. Authorities need to make a conscious effort to devote resources to that function to support it.

[119] **Ann Jones:** On the role of the scrutiny officers, if you have a contentious issue and they are members of that authority, it is very difficult for them to be subjective or to ask members questions. Should you not be able to use officers from another authority to support members, especially on tackling the executives, rather than put the scrutiny officer from that authority under immense pressure? The chief executive or the corporate director may say, 'We do not want this to be scrutinised; we just want members to look at it, so they may ask a couple of questions, but we do not want any real evidence given to them'. Does that not explain why scrutiny is failing if it is done in-house all the time?

[120] **Dr Ashworth:** I am not sure how contentious it would be to get someone in from another authority. I think that scrutiny committees could make much more use of the other expertise that is out there, but they rarely call on consultants, practitioners, academics or whoever to support their inquiries. We are often a cheap or even free. We are quite happy to help with inquiries, but we are rarely used. So, that type of slightly more independent objective evidence can be helpful in scoping an inquiry.

[121] One authority in Wales conducted an experiment in which chief officers from different services supported each other's scrutiny just for one inquiry, and it was really effective. They had a common bond as officers, so they were not challenged by each other and did not feel threatened. The scrutiny was really successful, but they cannot engage in

scrutiny in that way on a full-time basis.

[122] **Jonathan Morgan:** What was the name of the authority again?

[123] **Dr Ashworth:** I did not tell you the name of it. I was just highlighting an example of good practice.

[124] **Jonathan Morgan:** I see. No naming and no shaming.

[125] **Lorraine Barrett:** Before the last question, we talked about some sort of driving force for organisations. Could the Welsh Local Government Association be that driving force in Wales, to get all the authorities moving forward?

10.20 a.m.

[126] **Dr Ashworth:** The WLGA has done a lot of work, but what struck me from the interviews was that it had influenced the chairs of scrutiny committees, many of whom had been to WLGA events, but ordinary members had had very little contact with it. Any training that they had tended to be within the authority. They had an induction, which they all said was very good, about how scrutiny worked and how the committees operated, but any developmental work tended to be updates on new policies and initiatives. When we were carrying out the research, nearly every council we went to had just delivered training on the new no-smoking policy, for example, and so their training that week had been listening to how that would work. So, it is not skills development work; it is more about delivering information.

[127] **David Lloyd:** Some of my points have been partially covered. By the way, I commend your written report. I wanted to say that before I forgot. Did you encounter any evidence of the Beecham agenda, with its obvious focus on scrutiny, driving forward public service improvement and impacting on scrutiny arrangements in Welsh local authorities?

[128] **Dr Ashworth:** I would not say that I did. People were speaking positively about the agenda. I was struck by the difference between executive members, who were much more engaged, and performed the role for many organisations jointly, although they were a little unsure about which hat to wear, and ordinary non-executive members, who did not really have any experience of partnership working or of joining up services, apart from the usual school governor roles and that kind of thing. They were enthusiastic about the agenda, but had little experience of it, and there was a view that they had little opportunity to get any experience, because places on those joint organisations would go, inevitably, to executive members rather than to them. In scrutiny terms, there were ambitions, in line with the agenda, to extend that kind of external scrutiny.

[129] **David Lloyd:** How do you sum up best practice in the scrutiny function of local authorities?

[130] **Dr Ashworth:** It is hard because, even within an authority that has its scrutiny working well, every committee is different. It depends on the chair of the committee, the officers working to support the committee, the issue that is under investigation, and the attitude of the committee members. If you can get all those things in place, you have a good chance of securing effective scrutiny. You need a responsive local authority that is open to challenge and scrutiny. Our local government officers have been under increasing scrutiny from inspectorates and regulators. Suddenly, they have this internal scrutiny forced upon them, which they are unsure about, and they feel threatened by dedicated scrutiny officers. These people do not have any expert knowledge of policy but know how to get at information and ask questions. That has been a challenge for them. So, over time, we hope that authorities

will become more receptive to internal challenge and will then be better able to deal with the external challenge when it comes.

[131] **Ann Jones:** You touched on regulation and inspection, which was another issue that the previous Local Government and Public Services Committee looked at. If local authorities were to get their internal scrutiny sorted out and it was effective, surely the regulation and inspection officers would not be forced to hold the huge investigations. The Estyn report on Denbighshire made it clear that there had been no internal scrutiny of education policy there, and yet the chair had gone through the cycle meetings. Do you feel that, if the in-house scrutiny of authorities was sorted out, the regulation and inspection regime would be far easier, and local authorities would have nothing to fear from the inspection process?

[132] **Dr Ashworth:** I think so. In the early research that I carried out, I found that scrutiny officers had been told not to scrutinise a certain area, but that particular issue then came up in regulators' reports later. So, it is counterproductive. An area that the inspectorates and regulators struggle with is getting a public perspective on services, which is where elected Members have real strength. So, the scrutiny process can engage with the public in a way that they cannot. It provides a different approach from the tick-box checklists that the inspectorates have. So, they can make more of a contribution. If authorities can look as though they are robustly challenging from within, they can be subjected to a lighter touch outside.

[133] **Jonathan Morgan:** Before I move on to Dai's final point, I want to ask about the whipping arrangements in local authorities. I know that the Assembly Government was keen to pursue legislative competence to deal with the whipping arrangements. One of the most difficult things for ordinary members of scrutiny committees is when they are beholden to the party whip while trying to carry out scrutiny. Most people accept that there is a level of party whip, even when it comes to a local authority sitting as a corporate body, as we do in our debating Chamber. However, is there any evidence to suggest that the influence of political parties on their members has reduced?

[134] **Dr Ashworth:** Yes, I think that it has reduced from the early days. When scrutiny was first introduced, many people tried to forget that party politics existed in local government. It is a legitimate activity and members have to deal with it. All the evidence shows that the whip no longer exists formally for the purposes of scrutiny. Members will still sit in their party groups, but scrutiny works well when different forms of activity take place, for example, in task and finish groups, where a couple of members will work together and build up a lot of evidence, and everyone then comes together on the basis of that evidence, as you know from your own experience. So, party politics often comes secondary to that.

[135] Party politics is an issue in urban authorities in England, and so those authorities have started to engage with party groups, by attending group meetings and putting issues on the agenda. That is so that they can start to scrutinise decisions almost before the majority group takes a view on them.

[136] **David Lloyd:** Is there a pattern to the kind of authorities that are more successful at scrutiny? Do larger or smaller authorities, for example, tend to be better at it, or richer or poorer ones, or urban or rural ones?

[137] **Dr Ashworth:** There are huge issues relating to this, and it is a symbolic, psychological point. By saying, 'This is an important function and we will devote resources to it', councillors feel as though they are doing something worthwhile and are not struggling on alone with a single clerk. That can give them a huge boost. People have been calling for a long time for the allowances of chairs of scrutiny committees to be on a par with those of cabinet members. Members would then aspire to those positions and would be shown a

similar respect. Resources and size are important, but good scrutiny does happen in smaller authorities. It very much depends on the relationship between the offices and the members, and the culture and history of the authority.

[138] **Helen Mary Jones:** On that point about capacity, this touches a bit on what Ann Jones said but is a slightly different point. When small local authorities are close together geographically, as we have in some of the Valleys areas, do you think that there would be any merit in their sharing scrutiny staff? You could have a scrutiny team that covered several local authorities, whose loyalty would be to scrutiny rather than to departments. Might that be worth considering?

[139] **Dr Ashworth:** Yes. I also think that ensuring the movement of scrutiny officers around authorities is important, offering secondments within authorities so that officers get a chance to work as scrutiny officers and understand that role. Furthermore, authorities have been coming together to undertake joint scrutiny reviews. That has been quite interesting as it has thrown up some issues. For example, when two councils worked together on a particular review, one council turned up with its members and scrutiny officers and the other turned up with all its service chief officers. The first said, 'We are not doing scrutiny with the chief officers'. So, different authorities have very different models.

10.30 a.m.

[140] **Helen Mary Jones:** Further to that, and thinking again about resources, is there a difficulty for local authority members in making a case for resources for scrutiny, when perhaps cabinet or executive members can then turn around and say, 'That is money that we now cannot spend on public services.'? If that is the case, is there an argument for the Assembly Government to resource scrutiny more directly? I know that it has these projects going on, but if it was to say, 'This is a pocket of money that belongs to backbench councillors for scrutiny; if you do not use it for that, you cannot take it off for housing or social services.', would that be a mechanism, short of legislative competence that the Assembly Government does not yet have, that it could use to drive up the quality of scrutiny?

[141] **Dr Ashworth:** Yes; I think so. The Government has tried previously to set an expectation that authorities devote resources, but until now it has not been able to offer any of its resources. I think that it is a new and additional function in that sense, and a little bit of money can go a long way to support this kind of activity.

[142] **Jonathan Morgan:** I will ask the final question myself. Looking at the work that we are proposing to do, we have terms of reference and we have had a scoping paper compiled to examine what issues are out there for us to grapple with. Do you have any particular view as to what we should be looking at in addition to that, given your experience?

[143] **Dr Ashworth:** I think that it is important to look back, as you are doing, at what has changed and how the recommendations have been taken forward. All the research and work that have been done on scrutiny across the UK are saying the same thing—that things are not changing. It may be that we are all a bit too impatient—we had a committee system for more than 100 years, but we are only eight years into the new model. You can change a structure very quickly, but you cannot change behaviours and culture quickly.

[144] It is important to look at whether recommendations have been followed through. You are looking at public engagement and I think that that is important as well. The role of umbrella organisations such as the WLGA is crucial, and I am sure that that is something that you will be thinking about. Those organisations are the champions at the national level and they need to be visible to ordinary members as well as to chairs of scrutiny committees. Also, the role of the Centre for Public Scrutiny is important and, until fairly recently, it had a

limited role in Wales. It has a great deal of expertise and experience of scrutiny across the public sector and it is only just making some inroads into understanding what is going on here. So, those umbrella organisations are particularly important.

[145] **Jonathan Morgan:** That is very useful; thank you very much. Are there any supplementary questions from Members? I see that there are not. My thanks to Dr Rachel Ashworth for being with us this morning; it has been, again, a very useful session.

[146] The final item from me is to remind Members that, next week, we will be discussing the Assembly's draft budget. The Minister for Health and Social Services and the Minister for Social Justice and Local Government will be here. The Minister for Finance and Public Service Delivery will also be here, but he will be here to talk about the public service delivery aspect of his portfolio and how the budget affects that—he will not be here to discuss the entire budget as it affects our entire remit.

[147] **Helen Mary Jones:** Before we go, I realise that we discussed and agreed the terms of reference earlier, but something that Dr Ashworth said struck a chord with me. Should we be specific in the terms of reference that we are also going to look at public engagement in scrutiny processes, or do other Members feel that that would make it too wide?

[148] **Jonathan Morgan:** I am fairly open to the idea, personally speaking, but I do not know what the rest of the committee members think.

[149] **Jenny Randerson:** I would be keen to look at that, but I wonder whether we actually need to specify it because the questions are very broad. That was one thing that went through my mind, but then I realised that the terms of reference enable us to do that.

[150] **Jonathan Morgan:** Part of the terms of reference talks about Beecham and, of course, part of the Beecham agenda was to incorporate public involvement.

[151] **Helen Mary Jones:** Okay; that is fine.

[152] **Jonathan Morgan:** Thank you. We are done.

*Daeth y cyfarfod i ben am 10.34 a.m.
The meeting ended at 10.34 a.m.*