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An Evaluation of Welsh Local Government Executive and Scrutiny Arrangements

An Evaluation of Welsh Local Government Executive and Scrutiny Arrangements

Dr James Downe, Centre for Local and Regional Government Research, Cardiff Business School

Ian Bottrill, Learning for Leadership Cymru

Lynne Wardle, Taylor Haig

Views expressed in this report are those of the researchers and not necessarily those of the Welsh Government

For further information please contact:
Jackie McDonald:
Local Government and Government Business Analytical Team
Welsh Government
Cathays Park
Cardiff
CF10 3NQ
Tel: 029 2080 1193
Email: jackie.mcdonald@wales.gsi.gov.uk

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Glossary of acronyms

CfPS	**Centre for Public Scrutiny**
PACT	**Police and Communities Together**
WLGA	**Welsh Local Government Association**

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Executive Summary

1. The evaluation has two main aims which are:
    - To assess the impact the introduction of the cabinet system in local government has had on decision-making, democracy and accountability in Wales and to examine the processes to identify lessons for future development; and
    - Seek evidence of how, and to what extent the cabinet system enables effective scrutiny of local government, and to identify policies for future development.

2. We have found the following:
    - The views of interviewees about the effectiveness of executive and scrutiny arrangements varied enormously depending partly on where they stand in relation to those arrangements.
    - The cabinet system has been implemented according to local circumstance. These variations may be driven by the political context, council priorities, personalities etc.
    - There is considerable variation in the ways that the cabinet system has impacted upon local decision making processes, accountability, transparency, cost effectiveness, efficiency of decision making, governance, strategic capability, innovation etc.
    - There is no perception that councillors in any position regularly involve themselves inappropriately in matters that are more properly the remit of council officers.
    - All councillors have a complex range of duties and responsibilities involving often long hours and difficult circumstances. The importance of representing the local voice was frequently emphasised.

- Most recognised that the diversity of councillors was a potential problem, but no one felt the introduction of cabinets has had any noticeable impact on diversity.

- There is a clear conflict between visible, strong leadership and democratic inclusion - majorities rule and minorities feel ignored or marginalised. Increased inclusion means that decisions can take longer to be made, but some argued that it often produces a better quality decision.

- Cabinets are open to challenge – but that does not mean they are endlessly flexible and bend to the views of perhaps minority views.

- Although the status of scrutiny has increased in the last few years, its effectiveness is driven by the specific context of each council and the extent to which scrutiny is valued.

- There is considerable diversity in the way scrutiny operates both in terms of its perceived effectiveness in holding the cabinet to account and in its operational structures, support mechanisms, impact, influence and status.

- Scrutiny of partnerships and joint scrutiny is currently poorly developed.

- The requirement for political balance in scrutiny chairs attracts some concern that the 'best person' for the job may not always be selected.

- There is limited public engagement and participation in decision-making processes and this hasn't improved much since the committee system. The public are interested in issues which impact directly on them but there is a lack of interest in engaging with processes which can be labyrinthine and bedevilled by confusing terminology.

- Despite the best efforts of many councils and individual councillors, most interviewees felt that the public were largely unaware of who makes decisions and how. Decisions were seen to be taken by 'The Council'. Most felt that only those with a pressing or vested interest ('the usual suspects') were aware of the cabinet/scrutiny structures and who individually was responsible for what.

- Webcasting meetings can be helpful but is far from being the only answer to public engagement.

- There is little sharing of 'best practice' so that each local authority designs and implements its own arrangements within the legislation but according to local circumstance.

- Councils are experimenting with different structures, processes and performance controls but there is a disappointing lack of learning from others and an underdeveloped understanding of what 'good' looks like.

3. Our recommendations

In undertaking our research, we have explored the extent to which executive and scrutiny arrangements have achieved outcomes in seven main areas and we have grouped our recommendations accordingly.

i. Local democracy is strengthened

- Councils need to consider revising their structures to reflect a more 'open' approach to governance where non-executive members feel they are given opportunities to make an input.

- Councils should consider reviewing the current balance between formal committees and informal task and finish groups and consider increasing the use of the latter.

- Councils need to provide good quality development and training opportunities for all councillors and not just those in leadership positions.

- Councils should make use of the role descriptions provided by the WLGA.

- Councils should consider making greater use of remote attendance and social media to encourage participation.

- Councils should review the way in which councillors are supported in their ward work and learn from successful mechanisms in use within Wales and beyond.

- Councils should consider the outside bodies they are represented on and assess how each of them 'add value', how that information is shared and reported, and consider withdrawing from those that add little or no value.

ii. Accountability is increased

- Key characteristics of effective cabinet working should be designed by the local government sector, based on good practice and including processes for decision making and production of cabinet and scrutiny reports.

- Councils need to reflect upon the time commitment required for key portfolios and whether some cabinet members need to be full-time.

- The Welsh Government need to consider the implications for community representation if the merging of councils leads to a reduction in the number of councillors.

iii. Leadership is more visible and there is greater transparency

- Councils should make communications to the public easier to understand and explain more fully what is and what is not possible within local government regulations.

- Councils should be encouraged to review the role of the Democratic Services Committee to ensure it operates effectively and adds value to the work of the council. The current protection for the Head of Democratic Services is valued and should remain unchanged.

- Councils should review the arrangements made for the reporting of partnership activity to councillors and further consider the extent to which partnership working is subject to effective scrutiny.

- The Welsh Government should consider the possibility of increasing the amount of time suggested for 'civics education' within both the primary and secondary curricula to increase the knowledge base of young people about local government.

- Councils need to consider how meetings, such as full council, could best be run to engage all councillors and be of interest to the general public.

iv. Responsiveness is improved

- Councils should consider the opportunities afforded to opposition leaders and scrutiny chairs to impact upon the cabinet decision making process.

- Councils should consider processes whereby each cabinet member (or the whole cabinet) is required to respond to recommendations made by scrutiny.

- Appraisal systems for cabinet members should be considered as best practice and implemented according to local circumstances throughout Wales.

- Councils should review the physical lay-out of the rooms used for cabinet meetings and scrutiny to improve discussion.

v. Speed of decision making is increased

- Councils should consider introducing delegated decision-making to cabinet members in order to streamline decision-making, reduce 'set

piece' items on cabinet agendas and enable more time to be spent on strategic discussions.

- Councils should clarify, document and publish decision-making 'pathways' to ensure visibility and transparency of 'accelerated' decision-making processes. This will improve transparency of the decision making process and enable more timely scrutiny.

vi. More effective scrutiny acts as a balance to cabinet

- Councils need to publish the cabinet work programmes in a timely fashion, to be accurate and to provide sufficient information to enable scrutiny to effectively support policy development.

- Post-scrutiny in some authorities is hampered by delays in publishing decisions taken by officers (and in some cases cabinet members) under 'delegated/ individual decision making procedures'. Therefore publication should be in sufficient time to enable scrutiny to be effective.

- Scrutiny of partnerships and joint scrutiny is currently poorly developed. Councils need to consider where there is 'added value' in working with other scrutiny teams.

- The requirement of political group balance in the election of scrutiny chairs should be re-considered so scrutiny committees can freely elect the best person for the job regardless of political colour.

- Councils need to improve the general quality of reports from officers to scrutiny committees and in officers' approach to attending and engaging with scrutiny committees. CfPS should encourage the sharing of good practice in these areas.

- Councils should consider the appointment of 'independent scrutineers' from the public or external organisations to assist councillors in their scrutiny work. This should be the default mechanism rather than occasional and sporadic uses of co-option.

- Councils should produce a regular short briefing document summarising the work of each scrutiny committee and the impact it has made.

- Councillors should have the opportunity to discuss scrutiny reports at full council and not just 'note' the reports.

- Councils should determine whether the CfPS's model on 'return on investment' could be applied to all scrutiny activity.

- Councils should conduct a skills audit of scrutiny members which may result in, for example, some members conducting some research themselves.

- Councils should trial different methods of communicating the impact of each scrutiny committee to interested parties and the general public.

vii. Public engagement, interest and trust is improved

- Councils need to give more thought on how engagement could most effectively be handled to avoid raising expectations and increasing public cynicism. This will involve a much clearer explanation, by local and national government, of what is and what is not possible in current circumstances.

- Councils should be encouraged to review their websites so local councillors can be readily identified directly from the 'home page' without the need to search menus etc.

4. General recommendations

1. Welsh Government and the local government community should work together to build a set of principles to guide the future operation of executive and scrutiny arrangements in Wales. These principles should be co-produced with councils and other interested parties. The principles would have the force of non-statutory guidance with councils being encouraged to try innovative ways of operationalising the principles that reflect the political and socio-geographical context in which they are working

2. Councils should be encouraged and supported to share ‘best practice’ as a cost effective and positive approach to modernising executive and scrutiny arrangements.

3. Councils should be encouraged to identify ways in which non-executive and executive members can develop opportunities to share views and opinions in informal settings.

4. Councils should consider assessing current levels of officer support for cabinet and scrutiny as both areas are coming under increasing pressure.

1 Research Methodology

1.1 The evaluation has two main aims which are:

- To assess the impact the introduction of the cabinet system in local government has had on decision-making, democracy and accountability in Wales and to examine the processes to identify lessons for future development; and
- Seek evidence of how, and to what extent, the cabinet system enables effective scrutiny of local government, to identify policies for future development.

1.2 The evaluation was also asked to assess the extent to which the public is more able to influence decision-making through the executive arrangements.

1.3 Our approach to assessing impact has been to develop a 'theory of change'. This can be thought of as a 'logic model' as it provides an indication of the logical relationship between the outcomes a policy might aim to achieve, and the inputs, activities and outputs that support these aims.

1.4 We developed the theory of change by using evidence from official documents (the Local Government Act and Measure), evaluations of executive arrangements in England, and a large range of literature/reports in the area. This enabled us to outline the emergent policy rationale for the introduction of executive arrangements in Wales and the long and medium-term outcomes which were expected to be produced.

1.5 It is important to involve as many key stakeholders in this process of designing the model, so we shared it with all members of the steering group (which included policy makers, local government practitioners and representative bodies) and made revisions as a result. The resulting theory of change provided a framework for our research to test how the policy developed in practice and to identify the areas where evidence needed to be gathered. We have used this theory of change to structure the report around outcomes. It is shown in Figure 1.

1.6 The introduction of executive arrangements was a response to the perceived weaknesses of the committee system. These weaknesses included:

- Councillors getting involved in administration;
- Inefficiency;
- Power dispersed across committees;
- Slow decision-making;
- Opaque process – not clear where decisions are taken; and
- No process for holding decision-makers to account.

1.7 By addressing these weaknesses (and others), the leader and cabinet model was intended to strengthen local democracy and accountability.

1.8 We developed a set of questions to explore the extent to which the reality of implementation and operation of the cabinet system achieved the proposed outcomes and the processes and activities through which this happened. We tailored the questions to the type of interviewee (e.g. whether they are an officer or type of councillor – cabinet or non-executive member). The interviews used a semi-structured topic guide which allowed for all topics and issues to be covered, whilst retaining a degree of flexibility for the interviewers to gain clarification on key information and explore 'hidden' insights or unexpected circumstances.

1.9 We selected five local authorities to gather qualitative evidence on the impact of executive arrangements. The five case study councils were:

- Ceredigion (including an examination of the collaborative links and relationships with Powys);
- Denbighshire;
- Monmouthshire;
- Rhondda Cynon Taf; and
- Swansea.

1.10 These were selected as councils with differing geographies, political control and size, but of course, they are not a representative sample of Welsh local government. The aim of the case studies was to gain an in-depth understanding of how the executive arrangements are working in Wales. We also probed for evidence of outcomes and how these have been achieved, and in particular sought out innovative practice that may be worth considering for wider implementation.

1.11 The way in which executive arrangements work in a council is likely to be dependent upon contextual factors such as organisational culture, and the personality style/capability/experience of the Leader (and other councillors). Our research therefore posed questions about contextual variables to determine how important these are in relation to structures.

1.12 The fieldwork was undertaken between July and September 2014 and included face-to-face interviews or focus groups with senior councillors (Leader, cabinet members, opposition leaders, scrutiny chairs and non-executive members), officers (chief executive, Head of Democratic Services, scrutiny manager and support officers etc.), representatives of partner agencies and interested members of the public. A total of 95 people were interviewed as part of the fieldwork.

1.13 All interviewees were honest and open and we are grateful for their co-operation in our research. We were impressed by the clarity of contributions which demonstrated that those involved had thought a great deal about the way they ‘do things’.

1.14 The data gathered from the recorded interviews have been reviewed, themes identified, and examples of good practice highlighted. Each case study has been written up to compare practice and performance across the expected outcomes of executive arrangements.

1.15 We have also conducted interviews with representatives from the Welsh Local Government Association (WLGA) and the Centre for Public Scrutiny (CfPS) as these organisations have an in-depth knowledge of how executive arrangements and scrutiny are working in Wales

1.16 Our initial findings have been presented at a WLGA network event for lead member/officer on member support and development and at two policy development seminars organised by the Welsh Government.

Figure 1: Theory of Change supporting the introduction and development of executive arrangements in Wales

Inputs ***What goes into the programme***	**Activities** ***What tasks are undertaken***	**Outputs** ***What is produced***	**Outcomes**
Local Government Act 2000 Local Government (Wales) Measure 2011 Local constitutions Councillor time in preparing for and attending cabinet and scrutiny meetings Officer time in preparing for and attending cabinet and scrutiny meetings Public engagement with the process Councillor salaries Officer salaries	Pre-cabinet meetings Cabinet meetings Pre-scrutiny meetings Scrutiny meetings Task and finish groups Joint scrutiny meetings Call-ins Councillor training Community representation The appointment processes for cabinet and scrutiny positions Joint Chairs meetings / Co-ordinating committee meetings	Policy framework Decisions Plans (forward, corporate etc.) Scrutiny reports Policy proposals (from scrutiny committees) Information on decision-making provided to the public	*Medium-term* Leadership is more visible Transparency is increased Responsiveness is improved Speed of decision-making is increased More effective scrutiny acting as a balance to the cabinet Public engagement is increased Improved checks and balances Councillor and officer roles are well defined Relationships between councillors and officers are improved Effective engagement between members Non-executives spend more time on community representation Relationships with other public service providers are improved More interest in local politics is generated Trust in local government is improved New people are encouraged to stand for election (particularly under-represented groups) *Long-term* Local democracy is strengthened Accountability is increased

2 Findings and recommendations

Introduction

2.1 When seeking election, candidates do not ask the electorate to support them to become cabinet members or scrutineers – they are elected to represent their local communities. As one very experienced councillor put it ***"My community would not worry if I never went to another meeting again but they would worry if I didn't deal with the things that are the bread and butter of local government – the frontline. If that fails, they expect me to be there to assist or support them".***

2.2 Throughout our research we have been impressed by the support expressed by both elected members and officers for councillors' role as community leaders and their commitment to public service. All councillors have a vitally important role as community representatives, advocates and 'problem solvers'. For some, this is what they want to do for most of their 'council time'. For others, it remains important but is balanced by a stronger 'corporate' role.

2.3 Our research has found councils have implemented cabinet and scrutiny in different ways and developed different processes according to their specific circumstances. Political, socio-demographic and operational considerations all have a part to play. Councils don't always get it right and some processes seem to have grown almost by accident – but it is ***their*** *process*. Variability isn't a good or bad thing in itself, but there was little appreciation of 'good practice' elsewhere and how possible changes could improve ways of working.

2.4 Given the understandable but at times conflicting perspectives of different stakeholders, there is a place for a clear framework of principles underpinning how executive and scrutiny arrangements should work. Councils should have the freedom to determine the structures that work for them in full knowledge of the range of possibilities and 'good practice'. If there is no room for innovation, there will be no improvement. Our report will start the process of identifying some of those principles, highlight the degree of variation in what currently happens and make recommendations on how innovation could be facilitated.

2.5 This study deals with a number of issues that are important to the future local governance in Wales and could prove contentious for a number of stakeholders. It is important therefore that our recommendations are rooted in a robust, evidence-based analysis of current arrangements. The Welsh Government will wish to ensure stakeholders outside our research have the opportunity to feed their thoughts in this process before any changes are implemented.

2.6 Our findings are structured around the expected outcomes that the introduction of executive and scrutiny arrangement aimed to achieve as set out in the 'theory of change' (Figure 1).

2.7 The outcomes identified were:

- Local democracy is strengthened;
- Accountability is increased;
- Leadership is more visible and transparency is increased;
- Responsiveness is improved;
- Speed of decision making is increased;
- More effective scrutiny acts as a balance to cabinet; and
- Public engagement, interest and trust are improved.

Local democracy is strengthened

2.8 In considering the extent to which executive and scrutiny arrangements had strengthened local democracy, we explored whether new arrangements had encouraged new people to stand for election. We sought to understand the respective roles of non-executives and cabinet members and in particular the range of activities undertaken by non-executives and their opportunities to engage. We investigated whether more power had been devolved to local area committees, encouraged reflection on how new arrangements worked when compared to the previous committee system and also explored potential for innovation and change.

2.9 As with all our areas of research, we found considerable variation in practice but nonetheless common themes and principles emerged and these form the basis of our recommendations.

If the intention is to encourage new people to stand for election, there is a need to make the role both attractive and feasible for those for whom gender, disability, employment or caring responsibilities might pose a barrier.

2.10 The introduction of executive arrangements was hoped to have a positive impact on the diversity of councillors in terms of age, gender, disability or ethnicity (Stoker et al. 2006), but we found no evidence that switching from the committee system has had any impact on diversity. The Welsh Government's survey of candidates showed that less than 30% of councillors are women, most councillors are aged over 60 and more than 40% are retired (Welsh Government, 2013). Although there is a new cadre of twenty-something councillors (and cabinet members), the general description of councillors as 'male, pale and stale' still holds. The move to a new system seems to have had little impact on the number of unopposed seats. Nonetheless, most, but not all, of those we interviewed recognised that the lack of diversity of councillors in terms of age, gender, disability or ethnicity was a potential problem.

2.11 There was general agreement that the remuneration package for councillors and cabinet members served as a significant incentive to stand for election. For some, however, while they could see the revised remuneration package might have had a positive influence on diversity, especially in terms of age, they felt the demands of the councillor role meant it was unsuitable for young employed people who often could not devote the time to council business, ***"This is a job for an active retired person"***.

2.12 Most interviewees believed that being a portfolio holder of a major service area was a full-time job in itself, but there are a small number of cabinet members who also hold full time jobs. The resultant lack of availability can cause frustration, particularly for officers seeking decisions. However, the senior salary given to cabinet members lasts only as long as the position and the longevity of the 'job' is at the whim of the Leader, so there are limited incentives to give up the certainty of a regular income to devote one's time to a cabinet role.

2.13 There were strong views held by some about the importance of councillors being grounded in their community, part of which involved 'having a 'real' job'. As one employed cabinet member said ***"Working councillors bring a rich variety of experiences to the council – and to their employers as well".***

2.14 Steps have been taken in some councils to adapt processes and practices to accommodate working councillors, although not all have been successful. For example, evening meetings to allow working councillors to attend have not always proved popular with retired or non-working councillors who are in the majority, ***"It frustrates me that working councillors want meetings at night. Then they don't go to the meetings and they can't do the training. I get paid so I go to things".***

2.15 New technology is available and has been introduced to support councillors in their roles by sharing information quickly, with Welsh and English documents being issued simultaneously, and enabling remote attendance. However, there is undoubtedly scope to make greater use of technology to enable participation and to share results of existing pilots across Wales.

2.16 One council we visited has actively sought to encourage new people to stand for election by running a series of roadshows led by the chief executive and leader. Such approaches can be helpful in explaining the role of councillors and promoting 'role models' to show that 'ordinary people' can be councillors. ***"Last year I was mayor and if they see me around the [place] where I work they might think – oh, a normal person can be a councillor, a normal person can be the Mayor."***

2.17 In another authority, the Democratic Services Committee has been tasked with promoting local democracy and is working to encourage under-represented groups to get involved. There are local democracy events and although some senior councillors do get involved it isn't very high profile. One respondent explained that existing councillors may not go out of their way to encourage others to stand - why would they create more opponents?

All councillors, whether they are in the cabinet, a member of the controlling party or neither of these, have a complex range of duties and responsibilities often involving long hours and difficult circumstances.

2.18 The 'ward role', being a local representative, is celebrated and is the focus of many councillors. As one expressed it **"You are never not a councillor".** However, for cabinet members, the additional demands of the strategic role brings with it challenges in terms of remaining connected to and active in relation to community concerns.

2.19 In addition to formal council committees, there are task and finish groups, Police and Communities Together (PACT) meetings, Town and Community Council meetings (many County Councillors are also Town and Community Councillors), Community First meetings, school governors and membership of various outside bodies.

2.20 It is interesting that although many councillors are council nominees to outside bodies, most give no feedback of any sort to the council on these. Some councils have tried to reduce the number of outside bodies but **"members agree to do it then agree to change nothing".**

2.21 The large majority of interviewees felt non-executive members are now more empowered, but while they are felt to have influence (although there are variable views on the extent of this influence), they have no formal 'power' as that is exercised by the cabinet and political groups.

2.22 Many officers feel non-executive members do influence decisions **– "they would soon lose interest enthusiasm if they didn't"**. As with many aspects of this research, much depends upon where you sit politically in the council. For many, particularly those in large controlling groups, group meetings were always more important in developing policy than formal committee meetings and that is still often the case.

2.23 Those councillors in opposition often bemoan the lack of any effective influence. In one council, opposition leaders felt they were treated with **"varying levels of disdain".** They reported that they **"never had any effective response to anything"** and "**the public get things done more effectively that we do."** They feel uninvolved in the decision making processes and that decisions are formally rubber stamped after agreement in the controlling group. The cabinet is seen as **"closed,**

opaque and unaccountable". Attending cabinet was seen by one opposition leader as **"a worthless exercise - no questions can be asked and if they are we get no answers".** The opposition leaders in this authority felt pre-scrutiny was **"virtually unheard of"** and the cabinet work programme was 'too fuzzy'.

2.24 Officers are more likely to recognise the sometimes subtle influence of scrutiny and public opinion expressed via non-executives than they do themselves, possibly because they are often party to informal conversations where senior members reflect on what they have heard and alter their stance accordingly. As one senior officer commented **"Scrutiny has an impact, it is often perceptive, focused and challenging. It isn't feared but it is respected".**

2.25 The issue is summarised by one experienced cabinet member who said **"We challenge ourselves and each other – we challenge the officers and they challenge us, the [controlling] group get very engaged in challenging us and so do the public. Scrutiny does it formally. We always consider what scrutiny say but we don't always do what they say – we may tweak things a bit".** The significance of this is councils are political systems – just because a cabinet doesn't do what scrutiny, non-executive members, the opposition or anyone else may want doesn't mean it isn't listening – it may listen but not necessarily agree but this isn't always made clear.

2.26 In some cases, the executive and scrutiny arrangements had led to a degree of 'them and us' between councillors, but also between officers who mostly see cabinet or scrutiny – rarely both. This degree of separation has developed, partly by design but there have also been some unintended consequences.

2.27 Councils have tried various ways to get cross-party working, and increase non-executive member engagement, transparency and 'ownership'. In one council, Cabinet Advisory Committees have been used which were open to all to join. Similar ideas have been trialled elsewhere with variable success.

2.28 It is important to remember, though, that there is a relatively small group of councillors who are quite happy 'only' being local members and being the voice of the community. As one chief officer commented ***"They were quiet in committee and now they are quiet in scrutiny."***

For councillors who seek more involvement, the opportunity is there if they choose to take it.

2.29 The sense of powerlessness expressed by some is being addressed in some authorities by the design of an inclusive structure with the cabinet, scrutiny and officers working as a 'team'. Councillors are asked "How can 'you' contribute – how can you get your issues to the table?" This

seems to be particularly welcomed by those who are not in the controlling group.

2.30 The opportunities for engagement with the cabinet and the majority group vary significantly and this reflects the political culture of the organisation. Non-executive members in one council find out what is happening by looking at the cabinet agenda and assuming the recommendations are accepted. They get ten minutes at cabinet and there is little debate at full council.

2.31 The Local Government Measure (2011) has helped the opposition gain influence through scrutiny as committee chairs are now balanced between political groups. Previously the opposition felt it was 'given the crumbs'. In some places, the Measure has led to more inclusion of the opposition groups and active engagement amongst councillors. Opposition use 'call-ins' in some cases to express their alternative views and there are a number of informal avenues that enable non-controversial issues to be handled effectively – which can only operate in an atmosphere of trust.

2.32 While some councillors feel disempowered, the general view was there are opportunities for those who do wish to get engaged to do so. As one senior councillor remarked ***"Some feel disconnected but maybe that's their own fault for not engaging – if they want a report they can have one, our doors are open – they just prefer to moan".***

2.33 In one of the councils we visited, while some frustrations were expressed in relation to non-executive member engagement with the formal executive processes, there was a widespread enthusiasm for the additional approaches put in place to enable engagement and inclusion in decision making. 'Service challenges' allowed non-executive members to take part in regular and robust reviews of service delivery, exploring lines of enquiry identified by member-only sub groups. The quality of debate was high and the process, while challenging, was viewed by officers and members as constructive. A series of policy workshops and budget reviews, led by cabinet members, were well attended and enabled non-executive members to play an active role in shaping decisions and the direction of the council. The aim of these approaches was to ensure everyone felt they had been involved in every decision

2.34 There is potential for councils to consider the current balance between formal committees and informal task and finish groups. Our evidence showed task and finish groups could produce useful outcomes in a relatively limited time period, but there is concern these groups are being crowded out because of limited resources or time (both officers and councillors).

2.35 These opportunities for more open and inclusive discussions and reviews appear to provide a welcome opportunity for debate and

challenge that can appear absent from the apparently 'set piece' cabinet meetings.

With area committees comes the risk of over-governance and confusion unless there is some streamlining and clarification of roles and accountability.

2.36 We found little evidence in our case study areas on the effectiveness of area committees and this seems to be an under-developed topic in Welsh local governance. There are some positive outcomes cited by local councillors and strong support for them by partner organisations, especially the voluntary sector but the costs (in time and money) involved in supporting area committees can be considerable. In one Welsh council, area committees are able to make recommendations to cabinet but officers were concerned about the 'added value' of the committees and what they have achieved. Elsewhere, while they had taken time to have an impact, area committees were beginning to become more established.

2.37 There is potential to learn from the experience of area committees in England where substantial resources have, in some cases, been devolved to this level. Where area committees are working well, there has been a significant increase in community engagement in civic and civil society which had led to a growth in involvement in decision-making at all levels. Area committees can also bring non-executive members into closer working with the public so enhancing their community leadership role.

2.38 Area structures can often be multi-layered and complex when they need to have a clearly defined role and set of responsibilities. Area committees also need to link into strategic decision-making processes so that they make a difference.

2.39 There was a widespread view that there is potential for over-governance with the existence of town and community councils in many areas and that this was a potential block on progress, especially as many councillors are already 'twin-hatters'. This raised a question about how effective they are at engaging the 'public' with some seeing them as 'talking shops' for the 'usual suspects'. Any future review of town and community councils should be conducted simultaneously with a consideration of the role of area committees. There is potential for the bigger councils to take on more powers and service delivery roles, but the large majority of the 736 are not big enough to be effective. While town and community councils carry out some functions that are important to people, ultimately the public don't care about levels of government or boundaries.

A new influx of councillors in 2012 and in Anglesey in 2013 has meant there are far fewer who have first-hand knowledge of the previous system. While some reminisce, few wanted a return to the old system, and of those, none were cabinet.

2.40 It was inevitable that in asking people for their views on the current executive and scrutiny arrangements, both councillors and officers would compare the current structures to what came before. We found a varied response on the effectiveness of the committee system. For some, there is still a genuine sense of 'loss' and a belief the previous system was better. They argued the committee system was more inclusive as it provided everyone with a chance to listen to debate and have an input before decisions were taken.

2.41 Councillors were able to build good working relationships with other councillors and officers. Committee chairs were responsible for discussing policy before decisions were taken by committee (although in many cases this would have already been decided in group). The committee system produced decisions that had in-built scrutiny at the point of decision in the process and was easy for the public to understand.

2.42 It is clear, however, the committee system had a number of weaknesses. It was suggested there was no real accountability pre-2000 with chief officers and chairmen often developing a mutually supportive and very powerful 'silo'. While councillors may have felt part of the decision-making, they could get involved in too much detail and were not making strategic decisions ***"Some of decisions that needed to be taken to the old committee were ridiculous – why was the committee discussing whether we should buy wet weather gear for the highways teams?"***

2.43 As committees were usually closely aligned to departments, there were accusations they were very officer dominated. Councillors only managed to look superficially at issues and largely agreed with officer's recommendations. There was no interrogation of the officer, no genuine scrutiny. ***"Previously we salami sliced. We didn't know who had the money and who didn't. Now we have a wider view. To work properly across the council we have to see across the council".***

Recommendations

- Councils need to consider revising their structures to reflect a more 'open' approach to governance where non-executive members feel they are given opportunities to make an input.

- Councils should consider reviewing the current balance between formal committees and informal task and finish groups and consider increasing the use of the latter.

- Councils need to provide good quality development or training opportunities for all councillors and not just those in leadership positions.

- Councils should make use of the role descriptions provided by the WLGA.

- Councils should consider making greater use of remote attendance and social media to encourage participation.

- Councils should review the way in which councillors are supported in their ward work and learn from successful mechanisms in use within Wales and beyond.

- Councils should consider the outside bodies they are represented on and assess how each of them 'add value', how that information is shared and reported, and consider withdrawing from those that add little or no value.

Accountability is increased

2.44 In investigating whether accountability was increased by the introduction of executive and scrutiny arrangements, we explored the differences in the roles of officers and councillors and the clarity of the distinction. We looked at how cabinet took decisions and the ways in which councillors took responsibility for the performance of the council. We also sought views on the numbers of councillors in local authorities and in Welsh local government as a whole.

The line between in-depth knowledge of the brief and over involvement in management and operational issues is a fuzzy one.

2.45 Cabinet members in our case studies are clear it is necessary to keep management and leadership separate and that their role is not to micro-manage. This requires high levels of trust but equally recognition that things should not be too cosy. A cabinet member suggested that **"There is a fine balance to be made between really understanding**

the brief and not getting over involved in management and operational stuff". In short, there needs to be a 'healthy dialogue' between senior officers and councillors.

2.46 An interesting view was expressed by a chief executive - **"Some officers think [cabinet members] are too involved but in reality they are just being more challenging than they were. Previously some cabinet members offered less challenge and officers were allowed to get on with it".**

2.47 We found no examples councillors in any position regularly involve themselves inappropriately in matters that are more properly the remit of council officers. It was felt the separation of cabinet and management was clear on paper and for 'regulations', but a bit fuzzier in real life. Councillors will have lots of 'influence' through informal discussions with officers. While strategic directors will still make the decisions on a range of matters, they will get a political steer if necessary. As a senior officer said **"It may be an officer decision, for example on winter gritting routes, but the cabinet member will be held accountable by the community for the way the policy is being applied on the ground".** When the managerial boundary does get overstepped, all authorities have informal procedures in place to tackle the 'crossing of the fuzzy line' of responsibilities.

2.48 There is a general, but not universal, acceptance that all councillors have open access to officers. In most authorities, opposition members had no complaints but it was felt by some that as portfolios became more complex, it was less clear which officer to ask.

There is a balance between cabinet being open and listening and getting things done.

2.49 Although there is individual decision making in some authorities, most decisions are made by the cabinet acting together. Some officers and councillors were supportive of more individual responsibility as collective responsibility can be cumbersome and blurs lines of accountability at times.

2.50 The locus of decision-making is very much a matter of local determination. Some argue the cabinet make all decisions before they meet in public, others suggest cabinet is open and transparent and discusses things fully in public before decisions are made. The reality is probably somewhere in between these two views. It would be very surprising if cabinet members didn't discuss issues on the agenda before the meeting, with each other and with officers. It would be equally surprising if they were not open to other opinions expressed during cabinet meetings – some items do get amended and improved following input from scrutiny, opposition leaders and other councillors and the public.

2.51 There is however an important balance to be struck between 'being open and listening' and getting things done. As one cabinet member remarked **"We want to do far more listening but the problem is the speed of change. We have to strike a balance".**

2.52 There are a range of possible 'routes' through the decision making process. An item might have a cabinet decision, then get 'called-in' before going back to cabinet, or it might go to pre-decision scrutiny and then to cabinet for decision, or a mixture of those with possible 'post-scrutiny' added in for good measure. It is the view of many that this variability is both appropriate and effective – although others see it as a 'road block' to the speed of decision-making.

2.53 In one authority, the cabinet has recently asked for shorter, pacier reports which are focused and strategic. However, there needs to be greater clarity in relation to where the report has come from and where it is going to go to next. With so many potential routes for decision-making, it is not clear which route ought to be taken and in which circumstances. When probed to expand on this, the general view of councillors was that it is determined by officers and it can seem a bit mysterious at times.

2.54 While there are guidelines documenting the characteristics of effective scrutiny, the same attention has not yet been focused on cabinet working. There is scope to identify and document best practice in this respect as a reference and guide for cabinet members and officers routing decisions.

Performance should be seen as a collective responsibility, with good processes and tight audit trails.

2.55 Generally, there are robust systems in place for cabinet members to keep a steering hand on performance management to ensure they can be accountable to the leader, the council and the public. Some cabinets hold monthly one-to-ones with Heads of Service and chief officers where they hold them to account for performance management in the form of service plans, targets, key performance indicators, risk registers etc. If there is an emerging problem, it is generally spotted early and alternatives to 'fill the gap' are identified and presented to the relevant scrutiny committee. As one Cabinet member said **"We've got a grip – things are much better now they have been formalised – things don't slip through".**

2.56 Portfolio holders are expected to know about any upcoming issues and take appropriate action. Additionally, they are invited to scrutiny to explain problems and discuss remedial actions.

2.57 In one of our case studies, the deputy Leader has a specific leadership role for performance management. Cabinet members are held to account with quarterly meetings (Heads of Service, Strategic Directors,

Cabinet and the relevant Chair of Scrutiny) which involve in-depth discussions. It was felt scrutiny needs to be more engaged and support is being offered to secure this. In another council, performance management is part of the appraisal system. The Leader asks all cabinet members, 'how do you know what is working well, or not well'?

2.58 Cabinets generally feel they are sufficiently engaged in performance management in the current system as reporting is relevant and that makes responsibility clear. Officers feel most cabinet members really 'get it' as do most of the scrutiny chairs so people are being held to account for the performance of the authority.

It isn't a question of numbers, it's a question of activity.

2.59 On the number of councillors, there was general agreement that most councillors were busy but there needed to be further discussion about their role and not just how many there should be. If one of the most significant and highly valued roles of councillors is to represent and support their local community then **"Just looking at the number of councillors is the wrong question – its top down – much more important is the opportunity to hear the local voice".** This begs the question of who will come forward if mergers produce fewer councillors with each being asked to work more, or even work full-time.

2.60 An alternative view was the suggestion that as cabinet and non-executive councillors have differing roles, consideration should be given to a cabinet (or Mayor) elected on a different mandate and with a different franchise from 'local members' (who would focus on ward work and scrutinise the work of the separately elected cabinet). It was felt this may overcome the challenging nature of some councils where taking difficult decisions is hampered by an overly parochial stance taken by many members.

2.61 Another idea was to apply proportionality to cabinet positions, so the cabinet is made up of representatives according to their party's share of the vote. There are a number of practical difficulties with this suggestion – e.g. the Leader could make some portfolios very small to stop any opposition members playing a significant role.

2.62 Further, a local authority partner suggested there should be a way for removing councillors who aren't taking the role seriously. Whilst most are very effective and engaged, there are a small minority who don't attend formal meetings nor effectively represent the local voice and they should be subject to 'recall'.

Recommendations

- Key characteristics of effective cabinet working should be designed by the local government sector, based on good practice and including processes for decision making and production of cabinet and scrutiny reports.

- Councils need to reflect upon the time commitment required for key portfolios and whether some cabinet members need to be full-time.

- The Welsh Government need to consider the implications for community representation if the merging of councils leads to a reduction in the number of councillors.

Leadership is more visible and there is greater transparency

2.63 The council Leader is often highly visible and the system provides him or her with extensive powers. This individual has the opportunity to provide strong outward facing political leadership allied with a clear vision. Some leaders have played this visible external role but not all as it depends, partly, upon personality style. In investigating the impact of executive and scrutiny arrangements on the visibility of leadership and transparency, we explored the role of cabinet, the impact the introduction of Head of Democratic Services roles was having and whether cabinets were exercising leadership through forming partnerships with external agencies.

There is a fine line between visible leadership and just knowing who to blame.

2.64 Some feel the existence of a cabinet has made a real difference to the visibility of leadership as people can readily identify the cabinet as the responsible decision makers. One cabinet member believed the public know or can soon find out, who to approach; **"We are up there to deride".**

2.65 We saw evidence of opposition groups in some councils calling a significant number of 'recorded votes' to show the public who is responsible – and who isn't! Local newspapers and other media can play an important role here. Press interest can be very helpful even if the coverage is negative as it raises awareness.

2.66 The majority of our interviewees felt the public don't know who 'the responsible person' is and possibly don't want to know. People often don't make the distinction between councillors and officers with many thinking officers make the decisions. This is a symptom of low levels of understanding of local government by the public. The political dimension is overlooked and as far as they are concerned 'the council' decides.

"People still think that the old District Council makes decisions – 18 years after it was abolished".

2.67 There are, of course, a large range of factors which account for this poor level of understanding – from the lack of education in schools or colleges about how local government works to the obscure language used in local government.

2.68 The impact of 'social media' is significant here with many 'campaigns' getting started on Facebook and Twitter and councillors getting heavily lobbied. The significant 'cuts to services' has enlivened the local political involvement in issues and is believed to have led to some increase in the public's perception of who does what and how in local government.

Introducing a Head of Democratic Services provides a single point of contact for members of the public seeking to engage with the democratic process.

2.69 The introduction of Heads of Democratic Services provides an officer with legal protection and offers a single point of contact for the public. One officer suggested the increase in the number of public contacts had been noticeable.

2.70 Views on the introduction of Heads of Democratic Services varied considerably from **"We were already doing all of that"** to a view that the role is much more strategic and outward looking, knowing where things are done well and sourcing the right training. One chief executive said **"The status of the Head of Democratic Service is really important - they have clout and the statutory role status is given due regard. Things can be moved on quickly".**

2.71 However, in one council the Democratic Services Committee was described as being a 'nonsense committee' as it was no different to its predecessor except the previous chair of this committee used to receive a senior salary, but this has now been withdrawn.

2.72 Elsewhere, the Democratic Services Committee was highly valued and the Chair was seen as an influential non-executive councillor who could assist other councillors to use the processes of the council more effectively. This led to it being seen by some as the 'Trade Union meeting for Councillors'.

Senior councillors have an important role in developing relationships and forming effective partnerships.

2.73 As part of the study, we interviewed senior officers with strong partnership links to one of our case study councils. We explored issues around forming partnerships with external organisations and it was evident that senior councillors had an important role in making these

relationships happen. Leaders and deputies talked together with their counterparts demonstrating **"the strong personal relationships that are necessary for the success of partnerships".**

2.74 There are a number of long standing relationships between these two authorities developed over a number of services – some have worked well, others haven't – and after the partnerships are established, there is a tendency for councillors to become less 'hands on'.

2.75 The partnerships are not yet subject to scrutiny although this is currently being explored in the light of developments in scrutiny generally. There is also a "**concern to get scrutiny right internally before exposing it externally"**.

2.76 However, not all partnerships are easy and there are some difficult relationships and complex issues to navigate which can make partnership working harder but also more important. **"We are increasingly using our members on various outside bodies – Local Health Board for example – to ensure those partners understand the full context".**

2.77 Reporting to council at present is underdeveloped. Some councillors feel a bit in the dark, members are saying **"we are spending all this money how are these decisions being made? Where is the democratic decision making – we have no control whatsoever'. Where is the challenge?"**

Decisions are widely thought to be taken by 'the Council' and only those with a particular interest take the time to uncover who is individually responsible for what.

2.78 Linked to the visibility of leadership is the transparency of council processes and the extent to which the new arrangements have made it clearer to the public how decisions are made and who makes them in the council.

2.79 Strenuous efforts are made by most councils to ensure councillors and the public are kept informed by way of briefings, press releases, seminars, cabinet agendas and minutes on the websites, and in some cases open question time at council meetings. Yet despite the best efforts of many councils and individual councillors, most people interviewed felt the public were largely unaware of who makes decisions and how.

2.80 Decisions were seen as being taken by 'The Council' with many feeling that the decisions were taken by the Full Council. Most felt only those with a pressing or vested interest were aware of the cabinet/scrutiny structures and who individually was responsible for what. Undoubtedly the same applies to national governments with only a few individuals having a high enough profile to get instant recognition.

2.81 There was support for the idea that council officers and councillors are now much clearer about 'who' took the decisions. The previous committee system allowed a 'hiding place' for some - 'the Committee decided – it wasn't me!' It is now much clearer, internally at least, where responsibility for decisions lies – either with an individual portfolio holder, a senior officer with delegated powers, the cabinet as a collective or the Leader. As one senior officer put it **"The information is there, so there is also some personal responsibility in getting the information and keeping abreast of what's going on".**

Councils are political bodies so they act politically.

2.82 As highlighted previously, the process by which decisions are made varies across councils but all involve a consideration of principles and practicalities with the 'political group' playing a vital role. Councils are political bodies so they act politically. Discussion takes place in the controlling group(s) and this effectively cuts out the opposition.

2.83 There needs to be discussion about what might work or not work, before going into the public domain where credibility can be lost. It was summed up by one Leader as **"Nothing goes to cabinet unless we are all agreeing it".** By its very nature, cabinet is a closed system – it was set up to be 'focused, strategic and accountable' so all the background work is hidden behind the process.

2.84 Our research affirms that the cabinet meeting in local government is 'embedded in an array of prior, ongoing, messy, interacting, 'livelier' processes – conversations, management team meetings, appraisals, coups, plots, asides, tip-offs, rude surprises, intelligence sharing, jockeying, framing, nudging, sense-making – of political management' (2014: 1048) and most of this lies beyond the gaze of researchers, far more the public. The same can be said for cabinet working in Cardiff Bay and Westminster.

Recommendations

- Councils should make communications to the public easier to understand and explain more fully what is and what is not possible within local government regulations.

- Councils should be encouraged to review the role of the Democratic Services Committee to ensure it operates effectively and adds value to the work of the council. The current protection for the Head of Democratic Services is valued and should remain unchanged.

- Councils should review the arrangements made for the reporting of partnership activity to councillors and further consider the extent to which partnership working is subject to effective scrutiny.

- The Welsh Government should consider the possibility of increasing the amount of time suggested for 'civics education' within both the primary and secondary curricula to increase the knowledge base of young people about local government.

- Councils need to consider how meetings, such as full council, could best be run to engage all councillors and be of interest to the general public.

Responsiveness is improved

2.85 In examining the extent to which executive and scrutiny arrangements have improved responsiveness, we explored whether the political leadership has the ability to shift resources in response to new circumstances, and if so, does it use these powers? We looked at the extent to which cabinet was open to the views of others and if so where they responded to influence.

2.86 Although the cabinet system was a legislative requirement imposed by Welsh Government, as we have already seen, the implementation and operation of the cabinet system is context specific. There are variations in practice across all of our case studies which are driven by the political context, council priorities, nature of portfolios, personalities etc. These variations include the way cabinets are formed in terms of membership, portfolios and selection for the role; how they function in terms of delegated decision making and meeting processes; and how much access others have to the decision-making process in formal meetings.

The extent to which decision making is responsive is driven by the degree to cabinets seek to enable influence through their implementation of executive arrangements.

2.87 In the main, cabinets are open to challenge by non-executive members, by scrutiny and by the public. However the effectiveness of that challenge, the processes involved in 'listening' to the challenge and the degree to which cabinets respond to it varies enormously. It would be surprising, given the political nature of local government, if cabinets were endlessly flexible and bent to the views of others (or the opposition) – that would not demonstrate 'strong, visible, leadership'. There is some evidence that where cabinets do not show collective strength and are excessively responsive to powerful parochial or vested interest pressure it can lead to inconsistent and slow decision making.

2.88 Structures are in place in all local authorities surveyed to ensure non-controlling or opposition councillors, and non-executive members from controlling groups, have an opportunity to 'challenge' but the extent to which the opportunity is taken, and the extent to which the dissenting voice is influential varies considerably.

The more confident and secure the leaders, the more likely they are to welcome constructive challenge.

2.89 The degree to which Cabinets are open to challenge is dependent on a number of factors, foremost amongst those being the strength of the controlling party or parties (significant majority or 'very close to hung') and the willingness of those in control to listen to dissenting voices. An interesting component here is the experience and confidence of the Leader specifically and the cabinet more generally. Confident and/or secure leaders and cabinets are more likely to 'accept' and to a degree welcome constructive challenge – those that are less secure may be less 'accommodating'.

2.90 In some authorities, the general view is that cabinet decisions are reached in pre-cabinet although they are formally agreed (voted on and passed) in the actual cabinet meeting. This is not unique to local government and we expect something very similar happens in Cardiff Bay and Westminster, but the difference is that there is an expectation, due to legislation, that councils make and take such decisions in public. In other authorities, although decisions are pretty clear by the time they get to cabinet, they can and do get changed or deferred.

2.91 There is clear good practice in ensuring notices of decision by cabinet are published electronically (and by post if necessary) within 48 hours of cabinet meeting, which triggers the statutory 'call-in' period.

2.92 There is a lengthy continuum of opinions about the extent to which scrutiny is 'listened to'. In some authorities, scrutiny has high status, is seen as a partner and its value was perhaps best summed up by a Leader who said **"We need to hear other views or we could sail on blindly without any awareness of what's happening on the ground".** In another council, the general feeling is the cabinet is not open to challenge and scrutiny is largely seen as an irritant, it is not trusted and there is no pre-scrutiny because of that lack of trust. This is not unique as this pattern has been observed in some other non-case study authorities.

2.93 In most councils, the cabinet members sit separately from officers and all papers are introduced by the relevant cabinet member and are co-produced by Heads of Service and the cabinet member. Officers usually only contribute on technical matters. There are pre-meetings of cabinet but these are rarely attended by officers. However there is huge variation in how opposition leaders are afforded the 'right' to contribute – ranging from the ability to contribute and ask question on anything without prior notice to being restricted to only speaking with permission of the Leader and only before any cabinet members speak. Confidence, tone and trust are central in determining the level of inclusion and responsiveness.

2.94 There are appraisal systems for cabinet members in a number of authorities. In one council, the appraisal system for all cabinet members requires them to think back over the past two years and forward two years and identify their principal challenges and priorities. The Leader acts as 'challenger' - "**Previously we were too close – none of us stood back and took some time to see the bigger picture".** The Leader is appraised by the other cabinet members collectively.

2.95 In all case study areas, the cabinet has the power to shift resources if necessary using 'virement' rules although this is always subject to collective decision making and intense scrutiny by cabinet itself. The general rule appears to be that any budgetary/delivery problems are first tackled 'in house' by the relevant Head of Service ('consuming our own smoke') and only if that isn't producing results quickly enough do cabinet members get involved in resolving the issue.

Recommendations

- Councils should consider the opportunities afforded to opposition leaders and scrutiny chairs to impact upon the cabinet decision making process.

- Councils should consider processes whereby each cabinet member (or the whole cabinet) is required to respond to recommendations made by scrutiny.

- Appraisal systems for cabinet members should be considered as best practice and implemented according to local circumstances throughout Wales.

- Councils should review the physical lay-out of the rooms used for cabinet and scrutiny meetings to improve discussion.

Speed of decision-making is increased

2.96 There is a clear conflict between visible, strong, leadership and democratic inclusion. This is true of most where majorities rule and minorities feel ignored or marginalised. Local government is no different in this regard but in some authorities strenuous efforts are made to include non-controlling groups as far as possible in the decision-making process. In other councils, there is no relationship between the majority group and the opposition. It is a difficult balancing act as increased inclusion means that decisions can take longer to be made, but some argued that it often produces a better quality decision.

2.97 In examining the extent to which executive and scrutiny arrangements have increased the speed of decision making, we explored whether there had been any streamlining of decisions. We looked at whether

cabinet agendas were focused on strategic matters and whether executive arrangements had affected cabinet's ability to take difficult decisions.

Although the speed of decision-making is important, quality matters more than absolute speed.

2.98 There have been so many changes to the way local government works - the regulations it has to respond to, the complexity of the issues it has to consider and the financial context in which it operates - that it almost impossible to isolate one factor to see what its impact on the decision making process might have been. Officers cannot always get quick decisions but it isn't seen as a major problem: getting rushed and making the wrong decisions would be - **"We prefer quality to speed and poor outcomes".**

2.99 Even though the speed of decision-making may have marginally improved, the consequent diminution of the engagement of non-executive members in the process has, according to some, been a high price to pay.

Delegation can be helpful when it gets things done quickly but there is a price to pay in terms of inclusion.

2.100 Although there are a number of checks and balances, it is largely a speedy process. If there is a large controlling group decisions are rarely overturned unless the ruling group agree to do so. Much depends on the 'scale' or 'importance' of the issue being considered with 'smaller' decisions being subject to some informal discussions and the giving of 'a sense of direction' to chief officers on a day-to-day basis. 'Bigger' issues will take longer and be subject to a more formal and more measured process.

2.101 There was a general view that the delegation of some matters to officers is helpful as it can get things done quickly but also recognition this is not very inclusive and may not always result in the best decisions being made.

2.102 Partners recognised the need for speed but also noted the possible impact on democracy. The council may have a duty to consult but that is often of the 'DAD' variety (Decide-Announce–Defend) or as it was expressed to be **"We will listen and then do what we wanted to do"** although it was suggested in the current situation of austerity that was almost inevitable.

2.103 In one of the authorities we visited, there was a clear process for delegating authority for decision-making to cabinet members. Councillors were mindful of the impact on inclusion and transparency of this process and it was used only in exceptional circumstances. For

example, the cabinet member wanted to take advantage of the availability of matched funding so this was discussed with colleagues and the cabinet member was confident the decision was within his powers and content to take full accountability for the decision.

2.104 There is scope to increase the number of delegated decisions taken by cabinet members, subject to transparent process and appropriate scrutiny.

Routing decisions through different pathways in the interests of speed can lead to inconsistency and lack of transparency.

2.105 It is entirely possible 'lead-times' may be lengthened if 'decisions' go through all the possible stages – pre-scrutiny, possible task and finish, cabinet, possible call in, possibly to full council. However, this process would be exceptional. It is possible to shorten lead-time if necessary with chief officer, cabinet member(s) and appropriate scrutiny chair(s) approval. While this streamlines decision-making, it does impact upon transparency and inclusion. The ability to route decisions through different pathways, in the interests of speed of decision making, can result in a lack of consistency of process a lack of clarity and understanding in terms of which decisions go through which route. This lack of clarity became more obvious when the process was probed in more detail during interviews. **"Thinking about it, I'm not sure why one decision goes one way and another goes another. I think the officers decide".**

2.106 Cabinets felt decision-making is as fast as it should be – not rushed and not overlong although extended formal consultation (required by legislation or Welsh Government) can really slow things down. Removing formalities through use of task and finish groups helps to introduce some flexibility into the system and generates a greater feeling of inclusion and rigour but there is an inevitable tension re the time it takes to reach a decision and there is no quick fix.

Cabinet agendas are generally focused and manageable but strategic focus could be improved.

2.107 Agendas are felt to be focused and manageable with a general rule of 'no surprises', 'no more than eight items per meeting' and no 'items for information'. Special meetings can be called if there is a matter of urgency. While opportunities to bring items to cabinet are welcomed and seen as promoting inclusion and democracy, **"The pace of change is so rapid that cabinet agendas can be too full as a result. Everyone is encouraged to put things on the forward work programme and they do".** Again, there is a need for balance in terms of speed, detail, inclusion and democracy and each local authority manages this tension pragmatically according to its own context.

2.108 Some cabinet members have established Advisory Groups. These are open to all with no political bar. Meetings are held to work through issues probably more quickly than scrutiny could achieve. They have been described as **"a sort of internal Citizens Jury giving members more time and information to help make decisions".** In one authority, individuals with specific interests and expertise have been co-opted onto scrutiny committees. While it was recognised not all co-opted members contributed actively to discussions, the general view was the local authority valued the contribution and the co-opted members took their role seriously. **"I value the time (spent on the scrutiny committee) and feel I make a difference. When we've raised lines of inquiry, we've been listened to and I feel our contribution is valued".**

Greater involvement in decision making comes with a time penalty attached but often this is considered a price worth paying.

2.109 In most of our case studies, reports to cabinet are presented by the relevant cabinet member. This ensures councillors (all of whom can attend and many do in some authorities) and the public are clear about who is leading and accountable. Some steps have been taken to enable inclusion and engagement. In one council, scrutiny chairs are invited to attend cabinet meetings, they and others could put items on the agenda and the public were invited to attend and contribute. However, in most cases this offer was not taken up. Where there was greater involvement, cabinet meetings were lengthy (two and a half hours every three weeks) because of the extensive inclusion of non-executive members and the public. This council clearly sought contributions to the decision making process and while initially ward members could only speak on ward issues, now anyone can contribute on any item – there is a genuine discussion.

2.110 Cabinet members are generally regarded by officers as being well informed and competent – they read extensively, ask sensible questions and take responsibility. Cabinets usually hold pre-meetings, often on the day before the meeting itself, giving time to consider and discuss things informally. Cabinet can therefore seem to be a bit of a 'rubber stamp' exercise. **"We're very aware that the cabinet can look a bit stage-managed but it's just that we've discussed everything so thoroughly beforehand that there's no need for further debate or disagreement".**

2.111 However, cabinet members can still 'surprise' each other and defer, change and challenge which requires the support of an effective and skilled chair. **"They discuss, consider, listen and then decide".**

2.112 There was a general feeling the number of 'difficult decisions' was likely to increase in the context of financial constraints and while inclusion had been welcomed, there may be less inclination to 'share'

difficult decisions as time went on. There was an understanding between officers and members of the members' political position and the need to navigate politically choppy waters. **"Here's what we know – now apply political judgement"** was how one chief executive illustrated his belief in the importance of assisting cabinet members in taking increasingly complex and politically 'explosive' decisions. The process is about being prepared to make often tough decisions and then being able to admit it if it was not right (and then put it right if possible).

Recommendations

- Councils should consider introducing delegated decision-making to cabinet members in order to streamline decision-making, reduce 'set piece' items on cabinet agendas and enable more time to be spent on strategic discussions.

- Councils should clarify, document and publish decision-making 'pathways' to ensure visibility and transparency of 'accelerated' decision-making processes. This will improve transparency of the decision making process and enable more timely scrutiny.

More effective scrutiny acts as a balance to cabinet

2.113 The second main objective of this research was to assess whether the cabinet system enables effective scrutiny of local government. The research set out to explore whether the provisions of the 2011 Measure have helped to deliver more effective scrutiny, whether scrutiny is an effective tool in policy development and investigate whether there are any approaches that are worthy of consideration for wider implementation.

Scrutiny has been subject to more scrutiny than ever before – the scrutiny of scrutiny is a growth industry!

2.114 Local government scrutiny has received significantly more attention in Wales in the last few years than ever before. The Welsh Government has stated its desire to create effective scrutiny models and has introduced initiatives such as the Scrutiny Development Fund to aid in the improvement of scrutiny. There have also been changes to how scrutiny is supported with the Centre for Public Scrutiny being commissioned to offer scrutiny support across Wales. The Wales Audit Office has conducted an improvement study on scrutiny and councils have made changes to scrutiny as a result of the Local Government Measure.

2.115 As for executive arrangements, we have found significant diversity in the way scrutiny operates across authorities both in terms of its perceived effectiveness in holding the cabinet to account and in its

operational structures, support mechanisms, impact, influence and status. The effectiveness of scrutiny is driven by the specific context of each council and the extent to which scrutiny is sought and valued.

For scrutiny to work it needs to be informed, proactive and closely meshed with cabinet.

2.116 Most scrutiny members are fully aware of their role which consists of many duties including providing constructive challenge, representing the voice and concerns of the public, assessing performance and value for money, being proactive and forward-looking and helping to drive improvement in public services.

2.117 Scrutiny provides non-executive members with an opportunity to develop their knowledge in a wide range of areas. Seminars and briefings are provided to councillors (to which the public are also sometimes invited) which assists them in being better informed which leads to improved decision making and helps to overcome the perceived democratic disadvantage of the non-executive councillors. Further it helps develop a good, professional, working relationship with officers. **"Scrutiny stops the 'stone skimming' approach of old and replaces it with more in depth analysis and challenging questioning".**

2.118 There needs to be a shared understanding between cabinet and scrutiny with the latter designed to give it a chance to have an influence. In some authorities, scrutiny is viewed positively and the cabinet want things scrutinised. One Leader remarked that "**No matter how good your cabinet is – if your scrutiny operation is weak you haven't got the whole picture".**

2.119 There is evidence some policy development work can influence cabinet and some reports **"get torn to shreds at scrutiny and have to be heavily revised before going to cabinet"**. It is felt cabinets now have a better understanding of the potential for scrutiny to help them and there are clear criteria (materiality, risk, customer view, is it contentious?) for items getting on to the scrutiny forward work programme.

Cabinets need to ask, "How can Scrutiny help me?"

2.120 There need to be mechanisms in place to make the arrangements between cabinet and scrutiny work. These might be regular meetings between the two where a cabinet member attends the Overarching Scrutiny Committee (or similar). Another idea is involving cabinet members in a scrutiny work programing event. It helps to get the cabinet members involved in the scrutiny process so they are signed-up to what is going to examined and there is not just challenge but support i.e. how can scrutiny help you?

2.121 If councillors believe a decision made by the cabinet or officers is contrary to the policy of the council, they can 'call in' that decision. The use of call-in varied significantly across our case studies. In one council, there are around a dozen 'call-in's' per year. Call-in's are seen as part of the process and are facilitated with restrictions being removed and the public being invited to participate. In other councils, there are very narrow constraints to using the procedure and it is perceived as being costly and time consuming. One opposition leader summarised the situation for many by saying that **"Cabinet need to understand that if backbenchers bring forward ideas that might be helpful, don't ignore it, defer and see if it should be taken in to account".**

Unless scrutiny is valued, it is left to officers to drive the process and councillors switch off.

2.122 In some authorities, scrutiny is seen as a nuisance and can be largely ignored. This means it is not holding the cabinet to account and is ineffective in scrutinising external organisations. There is potential for pre-scrutiny to make a real difference, although this is still underdeveloped in most authorities due to being 'scared of setting the hares running' and a perceived lack of trust between the cabinet and opposition parties.

2.123 For some councillors, the 'scrutiny role' is not a 'natural one' and they struggle with the processes and techniques required for effective scrutiny. As a result some feel officers are 'driving' scrutiny because "members are 'switched off' and don't know how to scrutinise".

2.124 Pre-meetings are viewed positively in some councils but seen in others as an opportunity for officers to spoon feed councillors. Officers help members on their questioning approaches, but an oft repeated comment was they tend not to go for the killer question – the real 'scrutiny' question. This could be because they lack confidence or skills, don't want to embarrass their own party colleagues or feel uncomfortable in the role.

2.125 There are a number of timing issues which affect the effectiveness of scrutiny. The first concerns the scrutiny of delegated decisions as the publication of these decisions take place in 'chunks' with long delays. **"How on earth can you scrutinise an officer delegated decision if you are unaware that such a decision has been taken until it is too late to scrutinise it".**

2.126 The second issue is the timeliness and accuracy of cabinet work programmes in providing sufficient information to enable scrutiny to effectively plan its activities to support policy development.

2.127 There is a concern that scrutiny may not be producing enough 'bang for its buck'. There are lots of activities but it is not always clear how, if it all, these activities lead to outcomes. Scrutiny was described in one

authority as ‘needing more teeth in holding to account and not being as effective as it could be’. It also needs to go beyond just holding the executive to account, but also partnerships too.

Greater public engagement would enhance the function and role of scrutiny.

2.128 Getting the public engaged in scrutiny is a long-standing problem. In some authorities, the public are encouraged to develop a more participative role but this has not been very effective so far. Expert witnesses are sometimes used and the public can attend and speak at scrutiny in some cases however **“ideas are not coming forward from the public and if they did it would be from the usual suspects”.**

The requirement for political balance could act as a barrier to having the right person in the right job.

2.129 In many authorities, scrutiny committee chairs were previously elected by each committee. This meant that ‘The right person for the job’ was selected with committees being chaired by a mixture of majority group and opposition members. In some councils, however, scrutiny chairs were chosen from the majority group only with no regard to the quality of the individual. The 2011 Local Government Measure introduced the requirement that there should be political balance in scrutiny chairs. The way in which scrutiny is chaired is vital to its success and there is a concern that this is more down to luck in the new system than it was in the past.

2.130 Scrutiny is increasingly well supported by Welsh Government, scrutiny support officers are universally highly regarded by scrutiny committee members and there is a lot of effective training available via CfPS and others (both internal and external providers). Some feel there is a need for more support for scrutiny given the increased responsibilities outlined in recent Welsh Government White Papers and Bills and Public Services Commission. In some councils, officer capacity for conducting scrutiny is being reduced.

2.131 Senior salaries are provided to councillors chairing scrutiny committees and can be used as patronage which can be exploited. Given the increased focus upon scrutiny, the number of senior salaries attached to it could be raised which would also help to raise its status.

2.132 There is no universal agreement about how scrutiny should operate. It can work in many different ways according to different contexts. The example below is just one way of ‘scrutiny practice’ which councils may consider if they are thinking about making any changes to their processes.

- Swansea has one Scrutiny Programme Committee and four performance panels (schools, service improvement and finance, well-being and Local Service Board). These panels provide in-depth monitoring and challenge and are expected to have on-going correspondence with relevant cabinet members in order to share views and recommendations.
- Inquiry Panels undertake discrete in-depth inquiries into specific and significant areas of concern on a task and finish basis. They aim to make recommendations for cabinet to consider (e.g. on educational inclusion, looked-after children). They are taking about 10 months to complete (and could be speeded up).
- Task and finish groups are used to do one-off enquiries e.g. maintenance of historic buildings. These can be short-term reviews which consist of a meeting or two which produces a letter to the cabinet member, and then reconvenes to look at the response.
- Councillors can suggest topics and anyone can apply to join a panel. This has helped to improve the engagement of backbench involvement (69% attendance rate).
- There is no requirement for agendas and minutes to be published which provides flexibility. The form follows the function which makes it is easier to deal with cross-cutting issues.
- Cabinet members attend 'Question and Answer' sessions in committee meetings which gives councillors the chance to hold cabinet members to account.
- It has taken time for the new system to bed-in and it is probably too early to make a judgement, but there are positive signs about the chances of future effectiveness.

2.133 This is not highlighted as 'best practice' but to illustrate scrutiny can be delivered in different ways. The introduction of any new system will inevitably lead to teething troubles and room to make improvements. In this case, it has not been easy to manage the scrutiny programme as the service improvement performance panel in particular has scrutinised a wide range of issues – library standards, recycling, Flying Start etc. – which produces workload problems especially for the convenors of the panels.

2.134 One councillor suggested that there is a lack of understanding about what overview and scrutiny is about. The performance panels are not holding to account and **"we are not here to follow our own likes and dislikes"** in determining the agenda for scrutiny. There were also complaints that recommendations from inquiry panels are not being followed-up.

2.135 Ultimately, regardless of the institutional design, scrutiny needs to make a difference to outcomes and engage the public. Any re-design of a scrutiny system will take time to introduce and for councillors to find their feet.

2.136 The following example shows how scrutiny is valued in one local council.

- The council is not 'overly political' and the system has been set up to be challenging but not adversarial **"We don't let our deep ideological difference cloud the fact that we know the people we are representing need good quality services".**
- All chairs of scrutiny, including those from opposition parties, see the role of scrutiny as helping to make the system work to provide higher quality services.
- Scrutiny is afforded high status by the cabinet and most officers. The scrutiny team has produced a Guide for Officers to ensure that everyone knows what is required in terms of bringing the right things to scrutiny, in the right format and in the required quality. The fundamental question for officers is "Why are you taking this report to scrutiny – what do you want from them?"
- Effective 'chairing' of committees is vital. The chairs have received training and are clear that the meetings are not the place for raising parochial issues, rolling out 'pet topics' or making statements – it is about questioning and seeking clarification to improve service quality.
- Chairs are appointed for a two year term and the vice chairs usually then become chairs thus ensuring a consistent approach to scrutiny. Chairs will send reports back to officers if they are not satisfied with them. The reports are presented at cabinet meetings by the relevant Chair and they answer questions on the report from the cabinet members.
- The agenda for scrutiny meetings usually includes two significant items per meeting and a few very short 'reports back' as well. Meetings last about two to three hours and special meetings can be called rather than having fewer, longer, meetings.
- There are occasional pre-meetings but most do not see the value in meeting twice to consider the same issues.
- Scrutiny councillors have every opportunity to scrutinise cabinet decisions and most are well prepared and take the role seriously. Scrutiny is seen as 'reassuring' by some Cabinet members - **"I welcome it as a safety net and 'back up'".**
- There is an effective process in place whereby the cabinet must explain why they are rejecting the views of scrutiny if they decide to do so.
- Controlling group councillors can be just as effective in challenging their own party members. Cabinet members attend all relevant scrutiny meetings as do Heads of Service and usually Strategic Directors (the Scrutiny Support Officer emails officers to warn them during the meeting that they will be required in 'x' minutes).
- There is a good balance of pre and post scrutiny with care being taken to align much of what scrutiny does to the cabinet work programme. Pre-decision scrutiny is seen as providing 'another view' from a fresh pair of eyes – seeking the 'unintended consequences' of proposed

actions that might otherwise be missed. Post scrutiny is about checking on performance – was it the right decision – is it working? The cabinet gives strong support for bringing scrutiny in early which gives scrutiny councillors 'ownership' and things do change as a result of scrutiny – there is, in general, a positive relationship.

- The public are involved in scrutiny in some areas but they are not really engaged – most don't know and even fewer understand what scrutiny is for.
- Partners are engaged on occasion but this requires further development.
- There is a good attendance for some 'call-ins' and there are a few 'regular' well informed public observers. Two people regularly attend a particular scrutiny committee are now sent the agenda and everything (not confidential materials) that goes to members.
- The experience of conducting pre-scrutiny has led to fewer call-ins. There are about five call-ins per year and not only by opposition members.
- The cabinet and scrutiny work programmes are closely aligned and this is regarded as absolutely essential.
- There are few task and finish groups due partly to a lack of officer capacity to run any more. One scrutiny committee has four 'Workstreams' which operate as 'standing task and finish groups'. These are thought to be very successful and are very well supported by senior officer engagement.
- Initially employing scrutiny officers was publicly controversial in times of austerity **"Why are the council paying for an officer for navel gazing, what's that all about?"** but there are now two full-time scrutiny officers offering essential support to the Chairs in particular.
- The scrutiny officers are separate professionally from others in the corporate team but are very much part of the corporate family. It can be a difficult balance – **"We are not seen as 'the enemy' but we do have a different role which is usually respected".**

The effectiveness of scrutiny is determined by a wide range of factors.

2.137 There are a wide range of factors which can influence the effectiveness of scrutiny. These include having a dedicated team of councillors, a strong Chair, a focused programme of work, good relationships with cabinet members, effective and well-resourced training, and good scrutiny officers who are able to support members in their questioning strategies and feed them with information between meetings.

2.138 One of the most significant problems for scrutiny is getting it operating effectively in a very political context. In these authorities, scrutiny is not always valued or awarded high status. As an opposition scrutiny chair said **"The cabinet don't stop scrutiny doing anything but then they take no notice".**

2.139 Although scrutiny is supposed to be 'non-political', it is hard to see how it can ever fully attain that. As one minority group leader explained, helping the controlling group get things right wasn't always in the minority groups best interests. Pre-decision scrutiny can be seen by opposing parties as an attempt to 'share the blame'.

2.140 Not only is the relationship *between* parties important and the general political culture within councils, but the maturity of the controlling group in accepting robust scrutiny from *within* their own group is vital. We heard from members of controlling groups that it can be challenging to be seen to be overly critical of their own party members as **"some have one eye on the next cabinet reshuffle"**. Where a council leader (and/or cabinet members) has had experience of being a member of a scrutiny committee, this seems to positively influence how scrutiny is treated and the potential impact it can have.

2.141 The personality and operating system of leaders and whether they are open to challenge is also an important factor. Those who are not willing to be challenged can try to side line scrutiny. Other leaders are more open in their approach and use scrutiny to produce better decisions.

2.142 The status of scrutiny has increased in the last few years. There is increased financial support for scrutiny from the Welsh Government and clear and positive recommendations emanating from the Commission on Public Service Governance and Delivery. The rhetoric needs to be followed up by action. Scrutiny processes needs to be designed to give it the best possible chance to have an influence and be properly supported.

2.143 There was little support for a clearer separation of scrutiny from cabinet support. Local government officers are used to wearing several hats and quite adept at swapping them as necessary. In short no one wanted or saw the need for a 'fifth column' – most people trust the officers to act professionally. However the provision of independent research support, or training in research for councillors, was thought to be a useful way forward.

Recommendations

- Councils need to publish the cabinet work programmes in a timely fashion, to be accurate and to provide sufficient information to enable scrutiny to effectively support policy development.

- Post-scrutiny in some authorities is hampered by delays in publishing decisions taken by officers (and in some cases cabinet members) under 'delegated/ individual decision making procedures'. Therefore publication should be in sufficient time to enable scrutiny to be effective.

- Scrutiny of partnerships and joint scrutiny is currently poorly developed. Councils need to consider where there is 'added value' in working with other scrutiny teams.

- The requirement of political group balance in the election of scrutiny chairs should be re-considered so scrutiny committees can freely elect the best person for the job regardless of political colour.

- Councils need to improve the general quality of reports from officers to scrutiny committees and in officers' approach to attending and engaging with scrutiny committees. CfPS should encourage the sharing of good practice in these areas.

- Councils should consider the appointment of 'independent scrutineers' from the public or external organisations to assist councillors in their scrutiny work. This should be the default mechanism rather than occasional and sporadic uses of co-option.

- Councils should produce a regular short briefing document summarising the work of each scrutiny committee and the impact it has made.

- Councillors should have the opportunity to discuss scrutiny reports at full council and not just 'note' the reports.

- Councils should determine whether the CfPS's model on 'return on investment' could be applied to all scrutiny activity.

- Councils should conduct a skills audit of scrutiny members which may result in, for example, some members conducting some research themselves.

- Councils should trial different methods of communicating the impact of each scrutiny committee to interested parties and the general public.

Public engagement, interest and trust is improved

2.144 All case studies described the difficulty in gaining public engagement and participation in democratic processes. In some respects, this level of disengagement is not surprising when the language and procedures of local government are legalistic and do not support an image of a dynamic modern organisation. People of the 'Facebook generation' are being asked to engage with what looks like an antiquated system. As one officer explained ***"The word scrutiny puts people off - let's just put out a story saying 'some of the councillors are looking in to Affordable Housing – would you like to get involved?"***

2.145 Within local government lexicon, we have members (why not 'councillors'?) declaring interests (which in more common language is a good thing, not something to require you to keep quiet) and an executive of which the chief executive isn't a member. We have cabinets and minutes – both of which mean something entirely different to ordinary people – we have people who can't speak on an issue because they are interested in it and some who do, at length, despite having no interest in it. We have 'an opposition' which may not really oppose but rather seek to improve. We define councillors by what they are not – 'non-executive members' – rather than what they could be 'improvement champions'. When councils meet in private they meet 'in camera' and turn webcasting cameras off! We 'co-opt' 'members' to 'scrutinise' the 'Single Integrated Plan' and then talk about the public not being interested – is this surprising? Addressing the language issue will not by itself solve the problems encountered in public engagement but it could help. One interviewee suggested that **"Once I was elected I did nothing for six months because I didn't speak the language'"** and he didn't mean Welsh.

There is limited public engagement and participation in decision-making processes and this hasn't changed much since the days of committees.

2.146 The public are interested in issues which impact directly on them but there is a severe lack of interest in engaging with processes which can be labyrinthine and bedevilled by confusing terminology.

2.147 The reference in the most recent Local Government White Paper to the 'Welsh Governments Postbag' may need to be carefully thought through. Of course people who are dissatisfied will complain to anyone who will listen – but that doesn't mean that those complained of were wrong, doing things wrongly, or not listening – they just may not have agreed, or indeed had no choice but to take unpalatable decisions using processes often designed and determined by others.

2.148 Webcasting meetings can be helpful but is far from being the only answer to public engagement. Viewers are few and many that do watch are council employees.

2.149 Everyone we spoke to agreed that public interest and involvement really mattered and that active county councillors who are well known to their communities act 'as conduits' for this engagement. There are differing but not necessarily contradictory views about public engagement with one cabinet member saying **"We do take public views very seriously – we are local members and mindful of our jobs"** and another responding **"I take the public very seriously, but not the 'rent a mob' agitators".**

2.150 It is clear from our research that apart from a few highly motivated individuals, the public tend to be topic driven **"People only get engaged in issues, not processes"**. All councils surveyed have taken steps to improve public involvement with a range of events but the public want to influence decisions, not attend meetings which can be very difficult to interpret. Recent budget cuts have greatly increased public engagement. As one cabinet member explained **"I would be disappointed if activists didn't get angry – they should be angry – I would be".** In one authority 18 'useable' ideas came forward from the Budget Scrutiny Exercise. **"When we went out on budget proposals it was very significant that people said 'charge us more and don't cut services' – that kind of feedback is very, very valuable".**

2.151 There is however generally a limited understanding by the public about the limitations on local government decision making and a failure by some to recognise that there are no easy answers. As one officer put it **"The budget consultation produced a 'don't cut this, don't cut that' public response. The council is not in a position to listen to these views when £60-70m of cuts need to be made".** This inability to respond positively is understandably frustrating and annoying for the public who have been engaged. This doesn't apply universally and as one Leader put it "**These people are intelligent, they can work things out – just be open and honest with them".**

2.152 The role of the media can be significant and is hampered by often inexperienced reporters writing sensationalised headings based on little evidence. They sometimes write reports based on papers rather than actually what happens in the relevant meeting. More needs to be done to ensure the context of local government decision making is better understood by local media.

2.153 There is a need to change the 'product' and rethink how meetings, such as full council, could best be run to engage all councillors and be of interest to the general public. Full meetings of 'The Council' are in some cases seen as little more than political theatre, as one officer commented **"At its worst I think how much is this costing – at its best we have opposition motions that get passed by all members – is it added value?" If we live streamed some of our meetings the title would have to be 'Carry On Council'. It is political theatre but not very sophisticated theatre".** However, this is where the 'politics' occurs with perhaps 30% of the time spent on reports and 70% on questions, motions, etc. – councils are political institutions and **"If you didn't have full council the opportunity for the opposition to be political would migrate and intrude into scrutiny".**

2.154 There is limited public understanding of the role of full council beyond the ceremonial. There is an assumption that **"this is where all the big decisions are made, just like they think it is Parliament that make the decisions – the reality is somewhat different".** There are Notices of Motion (sometimes limited in number), questions to cabinet members

etc. but these are often stage managed and detailed follow up questions often responded to in writing. As one very experienced observer commented **"It looks, sounds, feels and is no different to how it was thirty years ago. It was dated then and it is even more dated now".**

Recommendations

- Councils need to give more thought on how engagement could most effectively be handled to avoid raising expectations and increasing public cynicism. This will involve a much clearer explanation, by local and national government, of what is and what is not possible in current circumstances.

- Councils should be encouraged to review their websites so local councillors can be readily identified directly from the 'home page' without the need to search menus etc.

3 A framework for evaluating executive and scrutiny arrangements

3.1 Our findings reveal that there are variations in the manner in which executive arrangements and scrutiny are implemented and operated in Welsh local government. One of our study councils hold pre-meetings before scrutiny committees as recommended by the WAO, a process viewed with horror by another. In one council, scrutiny chairs are invited to present their reports to cabinet and join in a discussion, in another council, scrutiny chairs are not allowed to speak. In some councils, pre-decision scrutiny occurs regularly and makes a difference, in others it doesn't happen at all.

3.2 It is also apparent that there is limited sharing and even less adoption of best practice and innovation across Wales. It is our view that local authorities are best placed to determine the most appropriate execution of executive arrangements and scrutiny according to their local conditions but that they should also be mindful of principles set out by Welsh Government and of the need to regularly review and refresh arrangements to ensure best practice.

3.3 We recommend authorities undertake an ongoing process of self-assessment regarding their approach to governance. To support local authorities, we have outlined a simple framework of questions, which could be further developed by the local government family, to review all aspects of executive arrangements and scrutiny and offer it as a first step towards facilitating improvement and innovation.

3.4 We recommend that the Head of Democratic Services facilitate a review of current arrangements, using the framework for guidance, and engaging with members and officers to obtain their views. This review could use simple 'red, amber, green' ratings attached to each question to highlight priority areas for development.

3.5 **Outcomes**

- Are good quality decisions, supported by evidence, made in a timely manner?
- Is the decision making process clear and understood?
- Is accountability clear and understood?
- Is local democracy enhanced through decision-making and scrutiny processes?
- Are local communities adequately represented?

- Is leadership transparent, visible and effective?

3.6 **Evidence of Impact**

- What evidence is gathered to show these outcomes are being achieved?
- Are heads of service routinely capturing information to enable scrutiny?
- Is best practice in relation to the outcomes identified and benchmarked against?
- Do cabinet members and scrutiny chairs have objectives against which their performance can be evaluated?

3.7 **Planning and Monitoring**

- Are decision-making and scrutiny processes mapped and is the map available for councillors, stakeholders and members of the public?
- Is there a joint and integrated plan for scrutiny and decision making processes?
- Are cabinet agendas managed to enable effective decision-making?
- Is scrutiny supported with timely analysis and documentation?
- Is there a documented process for review of effectiveness of decision-making and scrutiny arrangements?

3.8 **Skills and Capabilities**

- Are the skills and capabilities for effective decision-making and scrutiny understood and documented?
- Are cabinet members, scrutiny chairs and members training needs understood and documented?
- Are training plans in place to provide necessary training in a timely manner?
- Are there arrangements in place for cabinet and scrutiny to monitor their effectiveness, identify and implement improvements?
- Are steps being taken to develop the public's ability to participate and engage in decision making and scrutiny?

4 Conclusions

4.1 Our findings provide a multi-dimensional snap shot of how things are now and how far along a journey organisations have come in making their executive and scrutiny arrangements as effective as they can be. We have outlined a series of recommendations which can be developed to provide a route map for the future of executive and scrutiny arrangements.

4.2 As the Reforming Local Government White Paper recognises, the Welsh Government 'do not need to manage the detail of Local Authority business. We can, and should, leave more autonomy and decision-making with those who manage the delivery of services' (2014: 12). Legislation, regulation, statutory guidance and 'direction from above' on structures are not necessarily what cabinet and scrutiny need to improve.

4.3 A more effective approach would be to recognise that councils are political entities. Politicians have political as well as service objectives and how these operate depend on the nature of the council involved. In effect, a 'one party state' operates differently to a 'hung council' and one size will not fit all.

4.4 We believe that once a framework of principles for the arrangement of executive and scrutiny processes is in place, councils should have the freedom to determine the structures that work for them in full knowledge of the range of possibilities and 'good practice'. If there is little room for innovation, there will be limited improvement.

4.5 We are particularly keen that due recognition is given to the 'local voice/ local representative' role of all councillors, a role they maintain however 'high' they might rise within the councillors political hierarchy. It is the reason that most councillors put themselves forward for election in the first place and is what the public value (alongside efficient and high quality services) about local government. Any action to enhance the status of this role will, in our view, significantly strengthen local democracy.

5 References

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