

Practice guide 7

Effective scrutiny committee meetings

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This is one of a series of practice guides produced by the Centre for Public Scrutiny to assist those working in the overview and scrutiny functions of local authorities.

What is this guide about?

This guide is about ensuring that scrutiny committee meetings (ie formal meetings of overview and scrutiny committees) are focused, effective and secure meaningful outcomes for local people. It also contains detail on the setting up of joint committees.

While “task and finish” groups, where they are convened, will have a clear outcome in the form of a report, with recommendations, which are submitted to the council’s executive and monitored, the outcomes of committee meetings themselves can often be overlooked.

Why is it important that scrutiny meetings have effective outcomes?

Scrutiny committee meetings take effort to resource. The physical attendance at a meeting of members and officers (which is expensive, particularly in councils whose committees meet in the evening), the time spent by officers in preparing reports and collating agendas, and other ancillary activity (such as printing) mean that time spent at committee meetings must be well used. This means that they should add value, through securing tangible outcomes that have a positive impact on the lives of local people. While it would be unreasonable to require that every single item tabled at a scrutiny meeting should result in such a clear, tangible impact, there is still work that can be done to ensure that scrutiny focuses on outcomes, and that it makes a difference.

How do committee meetings work in law?

The law sets out a variety of requirements around formal committee meetings, but none in relation to less formal scrutiny task and finish groups.

Committee meetings

- Must be in public (**s100(1), Local Government Act 1972**). The public may be excluded, but only when any information covered by **Schedule 12A** of the 1972 Act is going to be discussed (**s100A**) – a “summary” of the discussion must be produced as part of the minutes (s100C);

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- Agenda and papers must also be made public (s100B), and must be placed on public deposit at least five clear working days before the date of the meeting, other than when the meeting is convened at shorter notice or there is a reason for urgency (s100B(3) and (4)). Certain papers may however be excluded from publication where an officer feels that it covers a matter covered by Schedule 12A (s100B(2) and (5)). Agendas, reports and minutes must be available at the council's offices for six years after the date of the meeting (s100C(1)). In practice, councils publish this information online as well. Background papers must also be made available in the same manner;
 - Councils must have constitutions, which should have rules of procedure for overview and scrutiny. Most constitutions are very similar, reflecting detailed guidance published at the time ("Modular constitutions for English local authorities" (DETR, 2000), <http://ow.ly/wzVsM>, "New council constitutions: guidance to English authorities" (DETR, 2000), <http://ow.ly/wzVGx>)
 - . Rules of procedure will include provisions on
 - Public questions and the public's right to speak at the meeting (some councils such as **Norfolk**, <http://ow.ly/wAkOC>, and **Bristol**, <http://ow.ly/wAlqA>, have a set point on the agenda when the public are invited to ask questions, although the public will need to bear in mind that scrutiny committees are not decision-making bodies);
 - Length of meetings and the use of guillotine motions to extend meetings where necessary;
 - How witnesses will be managed;
 - How the chair will, generally, conduct the meeting, including the formal right of the vice-chair to deputise in the event of the chair's absence.

Task groups

Scrutiny task groups are not covered in legislation but there are some general principles that, if followed, can ensure that they are effective too.

- Commitment to publishing information about task group meetings so as to conform to the terms of the 1972 Act (or at the very least publishing the minutes and papers of task group meetings as an appendix to the group's final report);
- Commitment to holding evidence gathering sessions in public;
- Commitment to publishing minutes of meetings (usually as an appendix to the final report of the group).

How do joint committees work?

Joint committees are ones established under the **Local Government Act 1972** (sections 101, 102, 103, 106 and 113(1)) which have representatives from two or more local authorities on them. Over the past decade they have been used most frequently for health scrutiny (such as the **Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber)** and the **Pan-London JHOSC**) but they have been used for other topics too (the **Prosiect Gwyrd Joint Scrutiny Panel** in south-east Wales). Joint committees tend to operate for a limited time given the complexity in setting them up and resourcing them.

In England, joint scrutiny committees are provided for under **section 123 of the Local Government and Public Involvement in Health Act 2007**. This section empowers the Secretary of State to make

regulations covering the establishment of joint committees. However, such regulations have not been produced by DCLG. In their absence CfPS considers that powers to establish joint committees for the purposes of scrutiny work (including the right of such committees to make recommendations to any person or organisation to which a single council's committee may) do still exist under the Local Government Act 1972, as noted above. Section 123 of the 2007 Act does not disapply ss101-113(1) of the 1972 Act.

In Wales, joint scrutiny committees are provided for by [section 58 of the Local Government \(Wales\) Measure 2011](#). Further to this legislation, regulations – the [Local Authority \(Joint Overview and Scrutiny Committees\) \(Wales\) Regulations 2013](#) – were produced. These cover membership, establishment, co-option and the process for the production, publication and agreement of reports.

Joint committees and health scrutiny

Different provisions apply to the establishment of joint overview and scrutiny committees for the transaction of specific health functions in England. We cover health scrutiny in general in [Guide 9](#).

Under the [Local Authority \(Public Health, Health and Wellbeing Boards and Health Scrutiny\) Regulations 2013](#), where a responsible person proposes a substantial development in the health service in a local authority's area, that authority must be consulted ([Regulation 23](#)). Under [Regulation 30\(5\)](#), where two or more local authorities are consulted in this way, they must establish a joint overview and scrutiny committee. [Regulations 20 to 30](#) set out the way in which health scrutiny (including business at joint committees) should be transacted. Further guidance from the Department of Health is expected but at the time of writing (May 2014) has yet to be produced. The power to make these regulations came from [s244 of the National Health Service Act 2006](#), although there is additional detail on health scrutiny in the [Health and Social Care Act 2012](#).

What are the common pitfalls, and their solutions?

There are a number of potential practices which can suggest that scrutiny committees are not run as successfully as they might be.

Work programming

- No clear reason why individual items have been placed on the agenda. This can be solved through having clearer sets of criteria to be used to assess when items can go on agenda (see "[Tipping the scales](#)" (CfPS, 2012), <http://ow.ly/wNfXP>, and "[A cunning plan](#)" (CfPS, 2011), <http://ow.ly/wNg8p>;
 - Tendency to place items on committee agendas "to note", or for a general update. This is a poor use of members' time, and the time of officers preparing those reports and speaking to them at the meeting itself. Again, better prioritisation and planning can limit the risk of this happening. Some councils, such as [Denbighshire](#), have made conscious efforts to move away from this approach;
 - Tendency to have "repeat items" on the agenda (often because, at a previous meeting, discussion on the same issue concluded with uncertainty about how the issue would be taken forward, with 'bringing it back to the next meeting' seen as being a way to make it seem as though action was being taken);
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- Large number of substantive items on a committee agenda (evidence from our Annual Survey suggests that any more than three substantive items per meeting has a detrimental effect on effectiveness). Often, large numbers of items are placed on agendas because of a fear that not to do so would risk things slipping between the cracks. Effective agenda management – and developing a system whereby members are sent short briefings between meetings, can help to alleviate this problem. We also mention the use of key corporate sources of information to keep on top of critical issues in [Guide 8](#).

Member involvement

- Questioning dominated by one or two members, with some members making no contributions in the meeting at all (often due to poor preparation or a lack of interest in the item under discussion). Using a pre-meeting to plan questions - as happens in [East Sussex](#) (<http://ow.ly/wNlvt>) - can provide a solution, but often robust chairing is the best technique, along with clarity about why topics are chosen and a system for topic selection which is based on member interests;
- Disorganised questioning (no common effort being made by members to pick up on each others' questioning points and areas). Again, preparation can help here – both in terms of developing a consensual view about the outcomes and objectives of the meeting, and being able to take those objectives to witnesses, so that they know what to expect at the meeting itself. Some councils, such as [Vale of Glamorgan](#), provide a generic guide for witnesses (<http://ow.ly/wNkVu>) – many councils also brief forthcoming witnesses informally to ensure that they are prepared;
- Poor chairing (because of a lack of clarity about why the item has been put on the agenda, or an ability to channel and manage other members' questioning);

We address the solutions to these problems in depth in our [skills briefings on questioning and chairing skills](#) (<http://ow.ly/wNihR>).

Outcomes

- No clear recommendations arising from discussions. As far as possible, assessing the aims and objectives of the meeting, and discussing the general themes of the discussion with witnesses beforehand, will be important. However, the chair will also need to wrap up discussions and convert findings or conclusions into clear, concrete recommendations at the meeting – a difficult task which will itself require preparation and support from a scrutiny officer;
- No clear summary of discussions either at the meeting or in the minutes, making it difficult for officers to take lessons or points away. More effective action-focused minutes (rather than semi-verbatim transcripts) and post-meeting communication and followup with witnesses will help;
- No attempt to clearly follow up on outcomes or commitments made at the meeting (other than by bringing the issue back to a future meeting as a repeat item). Again, effective work programme management will assist here. Many councils, such as [South Ribble](#) (<http://ow.ly/wNnRV>), keep a check on “matters arising”.

Particular issues associated with joint committees

As ever, planning can limit the risks of issues arising with joint committees.

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- Logistical disagreements. Disagreements about when and where to hold meetings can hold things up. Will the committee move around, or convene in the same place every time? Is there a mutually convenient (or inconvenient) venue which will ensure that no one councillor or authority loses out? Examples of reasonably light-touch approaches to these logistical issues have been taken by Police and Crime Panels and joint committees in some areas.
 - Disagreements about the objectives of work. While there may be broad agreement on the need to establish a joint committee to look at a topic, there may be hidden disagreements about what the committee's aims and objectives should be in detail. As far as possible this debate needs to happen at the beginning of the process;
 - Political and personal disagreements. Bringing together a (potentially) large number of people to sit on a committee to look at a contentious local issue makes it more likely that disagreements will arise. The chair (who will need to be someone held in trust and respect by all those present) will need to manage such disagreements carefully;
 - Resource issues. The establishment and management of joint committees is a significant expense. The liability will need to be shared between authorities taking part, with contributions being based on clear and simple principles.
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