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How best to hold local government to account

The scrutiny debate

by David Walker

with a preface by Clive Grace, Jane Martin and Janet Grauberg

SOLACE Foundation Imprint



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It's time to put scrutiny under the spotlight

by Clive Grace, Jane Martin and Janet Grauberg



We look towards a year full of proposals and analysis of the future local government world in Britain. Accountability and scrutiny are among the themes which should figure most strongly in all of that because they are at the heart of healthy local democracy. They also have a powerful potential to influence the quality of service delivery, to inform the strategic direction of councils and their communities, and to help connect together the priorities and plans of the many service delivery bodies found in every area.

The Solace Foundation Imprint together with the Centre for Public Scrutiny and the Public Management and Policy Association held a roundtable event at the end of March, which brought together people working in and around local authority scrutiny to reflect and share experiences. The opportunity was timely. At least three government departments – the Office of the Deputy Prime Minister, the Department of Health and the Home Office – are thinking about the value and potential of the local authority scrutiny function. How might it be reinforced as part of a local public accountability landscape which prompts local people to engage with problems, connect with local councillors and use their council to build solutions?

In the report of the roundtable which follows, three key issues emerge. First, local scrutiny looks quite different depending on where you are standing. The Centre for Public Scrutiny (CfPS) has worked closely with local authority officers and members engaged in scrutiny. Their commitment, confidence and, sometimes, courage, is now clear to see. There is a “scrutiny community” who understand the role and want to make it work. The level of activity is also impressive – over 1,000 scrutiny reviews on the CfPS on-line library of reviews demonstrate this. But the view of scrutiny from the executive side, especially from bodies outside councils, and from the public in general, looks different. How does it add any value to the political management of the authority? What’s the point of it? Why should I participate? So long as the scrutiny function is misunderstood and maligned, its efficacy will be in question.

What is scrutiny for?

Second, this raises the question: what is scrutiny for? If we can agree that it is a mechanism for local public accountability, can it be whatever it needs to be in the local context? Does it need more legislation to underpin it? Would a statutory requirement on executives to respond to scrutiny recommendations really make a difference, or simply result in some short and sweet thank-you letters? Are expectations of the impact of scrutiny in terms of driving service

change and improvement just too high? Should we just accept that good local scrutiny can be a very useful process, as David Walker suggests, for “improving the tone of the local conversation” between citizens and the local state? Some clarity is needed.

Third, on the point of clarity, there is certainly a need for all those engaged in local scrutiny and accountability to understand where they fit in and how the various mechanisms can be mutually supportive. This will mean asking some hard questions about the opportunities and limitations of the role of councillors who have the democratic legitimacy to be at the heart of a process which, we all agree, needs to hear the public voice. As the roundtable demonstrated, the scrutiny function is often described as “apart from” rather than a part of the whole council. As we move towards the possibility of a post-CPA world, this is surely an opportunity for the elected members of the authority in a scrutiny function to redefine their place in a local system of public accountability. Our discussion did not come up with a blueprint for the future, but it began to clear the way for thinking about how this might look.

Major opportunity

We think there is a major opportunity for both communities minister David Miliband and Sir Michael Lyons, deputy chairman of the Audit Commission, to strengthen accountability and scrutiny in the proposals they will bring forward. They have been charged with thinking through the purpose of local government in 21st century Britain, and perhaps offering a major redesign. The importance of scrutiny as a major plank in

ensuring accountability at local level means that they must work through both what scrutiny can do for their proposals, and also what their proposals can do for scrutiny. We hope this pamphlet will feed their thoughts.

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How best to hold local government to account

by David Walker, editor, Public magazine



Spelled with a small or a large “r”, reorganisation is in the offing this year for local government in England. Council boundaries may be redrawn and council functions reshaped; it’s possible new neighbourhood structures will be proposed. In Scotland, changes in political culture will affect organisation as local authorities anticipate the outcome of the 2007 elections, the first to be held under proportional representation. Labour’s political dominance may end. Single party control could become unusual, affecting both the style and shape of council business. In Wales, local services are under review by the assembly government amid debate about how far the country’s public sector should be more unified.

These changes are in turn taking place against the backdrop of UK-wide reconsideration of politics, party, community involvement, public trust, equitable representation and the proper balance of central regulation of local authorities. The political class, central and local, is anxious about the public, while the public tell pollsters of their dislike of partisanship and aspects of politics itself.

It’s a good time, in other words, to take the temperature of one of the most interesting constitutional-cum-managerial innovations in the local space in modern times. The adoption by councils of formal overview and scrutiny altered the balance of functions

within the town and county halls. Backbench elected members had always scrutinised their colleagues occupying leadership positions; the new arrangements have made the exercise of power more transparent and for the first time created a specific role, among politicians, for monitors and “auditors”. A non-executive cadre has been formed, with the job of holding executive colleagues to account for their exercise of decision-making responsibilities.

The Centre for Public Scrutiny (1) maps and monitors the overview and scrutiny function, which was imposed on councils in England and Wales by the Local Government Act 2000 (2). Its roundtable in late March, convened together with Solace Foundation Imprint (3) and the Public Management and Policy Association (4), sought to bring the assessment of the new function up to the mark in a year when, at least in England, further shifts in policy are imminent. How, the roundtable was asked, can scrutiny “best support, inform and assist those developments”?

Scrutiny and democracy

Here, from the discussion, is a general answer to that question. Whatever might happen to structure or function, local authority scrutiny will remain a constitutional opportunity as much as a tool in the armoury of local service improvement.

Participants (listed left) included elected

members, officers and members of the inspectorate. Diverse by background, they came together in recognition of scrutiny's potential as democracy's helpmeet. If overview and scrutiny do not add to the public's sense of control over their government, what is their point? Command of the job properly belongs to elected representatives, who will be guided by values, passions and (participants hoped) a fierce sense of what is best for their people and their place.

That is because (as one participant put it) "the fundamental duty of scrutiny surely is to ensure that local bodies, either elected bodies, democratically elected bodies, or quangos, are actually doing the things in the interests of the public. That seems to me why we need to have scrutiny and we need to have councillors doing it".

So scrutiny makes for accountability in bodies vested with power within a democratic system. It is about how their operations are assessed and displayed, for the sake of better public understanding. How scrutiny should be organised becomes part of a "design for accountability". Does that design need to be formalised, to be set out in documentary form, to be planned?

Councils should be sketching that wider design, not just about their own accountability, but how power is deployed within the local civic space. They should be drafting a sort of local map of how the public sector answers to the people. This would of course need to take in the (national) regulatory bodies and also chart the relationship of other local service providers to their stakeholders. Some embody

elements of representation in their governance, others don't; some account "upwards" to government regional offices and Whitehall itself.

One suggestion that emerged from the event, described in more detail below, was that future regulation (by the Audit Commission for example) should address this local design, not service outcomes, which could be left to take care of themselves.

Is scrutiny an imposition?

Local authorities in England and Wales did not choose scrutiny. It was imposed. Participants asked whether the application of a certain – parliamentary – model of scrutiny and oversight six years ago was appropriate. Central government proceeded without consultation and preparation. A shadow hung over the roundtable: would councils left to themselves have chosen this way of operating? Would they continue with it if freed from the thrall of Whitehall?

Councils in Scotland, which have the choice, have so far been unenthusiastic about overview and scrutiny. Some English and Welsh councils might well opt for cabinets and centralisation of executive decision making but would they choose scrutiny and overview as the principal means of redesigning accountability?

The shadow lengthened as some participants voiced doubts about what was practised in Westminster and Whitehall. The roundtable had begun with a ringing endorsement of scrutiny. "I've seen it working at its best in the parliamentary context with select committees able to scrutinise a range of contributors and help to

identify policy issues and potential outcomes that perhaps would not have emerged through any other process.” This paean of praise to the operations of backbench committees in the House of Commons was roundly challenged. Where is the evidence?

For local authorities, the Office of the Deputy Prime Minister (ODPM) stipulates “a combination of effective leadership from the executive and effective and powerful scrutiny coming from the back benches...that combination is a very powerful one.” The roundtable found this a compelling ideal type. But where did the ODPM take it from? It certainly does not describe the relations of the crown and executive and the backbenches of the House of Commons or House of Lords. There executive leadership is powerful. Some might say it is over-mighty. Who would call backbench MPs “effective and powerful”?

Strong leadership ought to have no fears of scrutiny, indeed good leaders would welcome it. Insecure leaders feared scrutiny because it seemed to be a gift to opposition councillors, providing them with ammunition. It seemed to some participants that a more common if far from ideal type is strong, almost arrogant leadership, which is as unwelcoming to scrutiny as weak leadership.

The great experiment

If councils did not originally choose scrutiny, they – typically – have got on with it and made it work. Despite (or because of) scrutiny’s low profile in the media and among the public at large, councils have felt less constrained in working through practical answers to the question of how to examine

policies proactively and then afterwards, as they are implemented.

Scrutiny has been a great experiment, with many local laboratories assaying results. The roundtable chalked up multiple instances, from across England and Wales. Councils have made overview and scrutiny part of the daily flow of business, giving their non-executive elected members a new role, deepening the flow of information about how the council operates and offering an extra channel for holding the executive to account.

But the roundtable spent some time worrying about that word “extra”. In the regulatory jungle is scrutiny a teak soaring high from which you can look out over the other plants, or just another bush? And profound questions remain, among them, what it is really for.

You could define overview and scrutiny – and in some places this has been the case – as a neutral, technocratic exercise. Overview and scrutiny bring clear and dispassionate vision to bear on public policy decisions and their implementation. So is scrutiny a 21st century manifestation of the Enlightenment project of applying reason to clear the air of false or empirically unfounded ideas? Scrutineers are children of Voltaire and, looking at a policy or project, ask if it is working; do the assumptions on which it is based “stand to reason”? Perhaps there’s an analogy with the audit function: auditors ensure money is being spent according to law. They may ask if spending is effective. But it is not their job to ask whether a policy is worthwhile.

Yet some give overview and scrutiny a much more heroic role. By scrutinising a bad

policy you will uncover the “right” way forward in a local area. That’s a different idea from that held by those who see scrutiny as a sort of “under-labourer”, clearing the brushwood away so that politicians have more space in which to make judgments based on values and interests. On this definition, perhaps overview and scrutiny could safely be left to council staff, who of course do participate in scrutiny. But if scrutiny contains the seeds of a policy alternative, it surely belongs squarely in the province of councillors, who can contest with their political colleagues.

Assessing scrutiny to date

After five years, the roundtable’s starter for 10 had to be: does scrutiny work? “One of the good things about scrutiny over the last few years is that it has been a blank sheet. I know that’s been a threat to some people as opposed to an opportunity, but my goodness, what started as a kind of backwater has really blossomed into something really quite interesting and rather important. And the reason it has blossomed, I think, is because where it has blossomed is where people have not been worried about the structures.”

Overview and scrutiny works in the immediate and practical sense that it is up and running. Local authorities have constructed a new function from scratch. This has been a natural experiment, allowing comparison between areas where different arrangements apply.

But, participants pushed the question, does scrutiny work in the sense that service delivery or policy are now different? “What has happened, certainly in the best

examples, is a far more constructive approach to policy development and scrutiny than was previously the case. That is not so everywhere and there is a long way to go. We should be frank about the attitudes of leaders and cabinet members towards scrutiny. There are good examples where scrutiny is encouraged and the cases of cabinet members saying, how about scrutinising this? But more often the attitude is of grudging tolerance, hence the lack of resources that are provided – or outright hostility in cases where people start being independent.”

Improved decision making?

The Centre for Public Scrutiny has collected data suggesting that scrutiny committee recommendations are accepted – to a level of over 80%. The implication is that executive councillors show more than “grudging tolerance” to the work of their colleagues.

But the data suggests an intriguing difference of view between executive and non-executive members. The ELGNCE Councillors’ report (5) tracked executive members’ perceptions and found some 51% believed scrutiny never changed policy. Of course, measuring policy change is notoriously slippery. In the absence of hard general evidence of scrutiny’s impact on policy and service delivery, judgments necessarily rest on local experiences.

What participants said was that after initial suspicion, a new structure has been embedded. In many areas, backbench councillors have acquired new zest and purpose thanks to scrutiny. Some said scrutiny had served to “enhance and improve

The Centre for Public Scrutiny has been created to promote the value of scrutiny in modern and effective government and support non-executives in their scrutiny role. Our vision of scrutiny recognises its potential for improving the quality of public services as well as its function in holding executives to account in the public interest.



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the good scrutiny guide

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The Public Scrutiny roundtable was chaired by Nick Raynsford MP and held at CIPFA's offices in Robert Street, London

the quality of local government and local government decision making”.

A knotty example was offered from a Midlands authority, an instance of where scrutiny may be making the best of a bad job in implementing changes in education policy mandated by the Department for Education and Skills. “We are looking into academies in X. There is not a single member of our 54 councillors [including five political parties] who think they are a good idea. But they have done some very good work by analysing the pluses, minuses, recognising that this is the only road we can go down, and I think are now going to make much better decisions about how they will approach that than they would have done before.”

Learning more

At best, scrutiny is an educational device, for elected members, officers and the public alike, and it’s iterative. Thanks to their participation in overview and scrutiny, backbench members are “learning more about council process and how the council itself works. And therefore the engagement with general public improves on a day to day level and therefore the public feel much more engaged in the process because they are getting better explanations about what’s happening from their individual members.” This view did not go unchallenged. How far had scrutiny brought the local public and government any closer together? Professor Steve Leach of De Montfort University has looked at the relationship: he concluded scrutiny was too far away from the public at large. This is discussed in more detail below.

Chicken feed

Scrutiny has “pushed executive and non-executive members apart”. It has imposed costs. “Scrutiny is actually quite a challenge for our members in terms of just availability and time if we are going to do that, not to mention the development that’s needed.” Scrutiny has asked questions about the knowledge and skills of members and of the willingness of councils to pay for training and support. The roundtable agreed that councils’ financial commitment to scrutiny has been light – support budgets average only £18,000 a year, paying for only small teams. This is “chicken feed”, according to one participant. Scrutiny was said to need a lead officer of some standing but they are few.

It’s a mixed picture. Councils in Wales, for example, are comparatively well-resourced for overview and scrutiny and all have at least one dedicated officer – this was encouraged by the Welsh Assembly’s local government and public services committee, which recommended dedicated staff in a report in 2004.

But making the case for resources is hard when the evidence does not clearly associate any one approach to scrutiny with recognised measures of performance. Take the comprehensive performance assessment (CPA) managed by the Audit Commission. No single approach to supporting overview and scrutiny was found to correlate with CPA scores.

Bipartisanship

Scrutiny broaches a thorny question for elective local government: how partisan should it be? Put the question another way. Is

there a sphere that should be immune from the play of partisan alignments? If it is too large, then local authorities may become technocracies, offering electors no distinct choices between candidates. If it is too small, councils fail to agree, policies are overturned too quickly and sustained or long-run decisions do not get made.

Scrutiny and tribalism don't mix. Scrutiny, it was argued, depends on bipartisanship and the willingness of non-executive councillors to work across party lines. "Systems should not deny the political identity of elected members", said one contributor. But what about the "party identity" of councillors: does scrutiny not depend on members' willingness to submerge partisan alliances beneath either the wider interests of the local authority or, at any given time, the need to establish oversight rights over executive members?

The roundtable did not suggest that local government has solved a question which bedevils parliamentary operations. Some argue the House of Commons select committees, having in recent years been given greater resources and recognition in terms of the timings and culture of the house, are stronger than ever. But on matters critical to executive government, or perceived as such by government whips, partisan alignments weigh more heavily than either the collective interest of the committee or the wider principle of parliamentary supervision of executive power.

Separating overview and scrutiny

Councils have various schemes. For some, the key is to differentiate overview from

scrutiny, defining the former as a more consensual exercise, taking policy in the round, and making large recommendations to cabinet. Scrutiny, on the other hand, was more directly attuned to the daily policy round, more likely to be negative and critical. One county councillor reported a scrutiny team that "that looks at the decision making process of the cabinet and then, separately, there's the overview, which is a much more consensual constructive group which looks at the policy formation of the council. Personally I find that much more helpful than trying to do two things at once, and I think they are two different things, and I think this is where some councils have great difficulty in knowing what exactly they're doing." Most councils do not make a formal distinction between the two. Some which did have integrated them and many successfully operate a single structure where overview and scrutiny are mutually reinforcing.

Scrutiny outside the council

Questions were asked about "outwards-facing" scrutiny and participants found it hard to point to unambiguous examples of where councillors have influenced policy and implementation in other public bodies; the judgment was "disappointing progress" in external scrutiny, with the large exception of health where surveillance by local authorities was now established.

This result stemmed partly from the way local area governance has itself been changing: scrutiny has had to run to keep up. To scrutinise, local authorities need to look in several directions at once. Oversight of transport would be carried out best at the

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sub-regional level, perhaps involving consortia of authorities. Councils had not been helped by the ambiguous and inconsistent approach to scrutiny taken by Whitehall departments, which differed among themselves in their attitude to the new function.

Perhaps scrutiny cannot be assessed separately from the partnerships within which local authorities are now embedded. If a council is “first among equals” in a local strategic partnership, does that mean its scrutiny function supersedes the way(s) other local bodies are held to account? In health, for example, patient and public forums exercise some oversight. With goodwill they might mesh with local overview and scrutiny committees but there is also a danger of scrutiny overload. The generally accepted dictum is that scrutiny must be proportionate but this could mean observing some subtle distinctions, such as that between asking questions “inquiringly but not interrogatively”.

Bringing the public in

In some places scrutiny officers have worked hard and successfully to reach out to the public at large but they tend to be exceptions. Generally, scrutiny has yet to excite the public’s interest and attention. One participant suggested scrutiny should be renamed self-scrutiny. Public bodies had a right, perhaps even a duty to subject themselves to inspection, but this was not the same as the invigilation of their work by the people they claimed to represent and who paid for them. A question buried here was about the directness of democracy.

Scrutiny committees could act as the public’s voice, but that was not the same as the public themselves quizzing power holders and, where necessary, reprimanding and demanding redress.

Scrutiny, evidently, was not the only channel through which the public might participate in shaping services or voicing discontent. (Few participants cited scrutiny as a vehicle for public approbation.) One went further, suggesting that if democracy were more direct, the very need for scrutiny might come into question. If service users are involved in decision making and could then claim some responsibility for service outcomes, would there then be any case for subsequent scrutiny by the selfsame public?

Local dialogue

Should a distinction be made between scrutiny and the general quality of local dialogue between people and government. Surely the latter matters more. But why treat them separately? Doesn’t effective scrutiny itself improve the tone of the local conversation? If non-executive councillors expand their knowledge of council affairs and as a result of their participation in overview and scrutiny then operate more convincingly as ward members – for example by answering constituents’ questions better – then a useful purpose has been served.

In one county council, proceedings of scrutiny committees are webcast and they elicit questions from the public. Scrutiny, therefore, expands the channels of communication. Some scrutiny committees have been served with Freedom of Information notices, which they have

welcomed as an index of enhanced public interest (even if it focuses on parking restrictions). The questions put to citizens' juries, area assemblies and area-wide reviews are often questions which scrutiny can help answer.

Democracy

Participants differed over the proposition that "scrutiny is the only show in town in terms of democratic accountability" – in other words, that scrutiny ought to be the principal mechanism by which the public finds out what the council is doing or rather how well it is doing it. Surely, some argued in reply, this is to confuse scrutiny with democratic purpose at large.

Debate ranged over whether scrutiny is essentially about information or whether scrutiny committees, embodying the public's will, should reshape services. If the government goes ahead with some kind of citizens' trigger or policy recall, should scrutiny be the vehicle? The trouble with this line of thinking, others said, is that it fissures the council and could create two executives.

What role does scrutiny have, if any, in reconciling public wishes with the allocation of resources, where functions are assigned by statute? Conventional responses from the public about local authorities focus on street services, ignoring the fact that half of council spending goes on schools and a quarter on social care. "How do you balance [this misperception] against the wider interest of health and education [and] a holistic approach towards local services?" The answer was dialogue and deliberation. "You can interpret those results as a reflection on

the extent to which the public is excluded from the discussion about what the community needs, how the money availability to that community in its totality should be spent, what is the relative importance of investing in the future versus meeting today's needs, and all of that." Scrutiny had a role to play in such deliberation, but opinions differed about its centrality.

Accountability

Is scrutiny an adjunct form of accountability for executive power holders or the central mechanism by which they are inspected by their "legislative" colleagues? In the local government scrutiny debate some contenders have implied that non-executive councillors are closer to the people, that executive members become more distant from the public. Scrutiny thus becomes a principal mechanism for subjecting the executive members to review, criticism and supervision.

Inspection

But, of course, other mechanisms exist to check council executives and the most obvious is external monitoring by national regulators. The arguments here are conceptual and institutional. Where, one participant asked, does scrutiny stop and audit begin? There is of course a formal, statutory answer but it's a good question.

Much scrutiny ends up asking about value for money, which otherwise might be said to be the province of the Audit Commission. Questions posed, in scrutiny, of a primary care trust might be replicated in assessments by the Healthcare Commission.

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“So why can’t we have inspectors regulating, and auditing and supporting local scrutiny in a way that helps to join up the system?”

Corporate commitment

To the argument that scrutiny should push the agenda for service improvement, one participant said any self-respecting council would already have instilled an authority-wide culture of continuous improvement. The issue here is how far scrutiny should be about strategies and programmes about which there is wide agreement.

Some councils have experimented with “task and finish” groups, seeking to maximise cross party unity in pursuit of more effective programme delivery and project management. Should scrutiny, similarly, deal with consensual matters or even – as some participants suggested – themselves foment common understandings. Scrutiny committees should insist on service to the general wellbeing of the area. But is the general wellbeing not likely to be contestable? Some participants were uneasy at the idea that scrutiny committees were somehow value-free zones.

Community

Should a local authority seek to exercise scrutiny, especially over other public bodies, on behalf of “its” or “their” community? Some participants refused to be squeamish about this question. Other public agencies in local strategic partnerships might report upwards and outwards but have only a weak sense of local or downwards accountability. That is where the local authority and its scrutiny committee might come in.

Scrutiny might, in addition, act as the impresario of community by providing an avenue for action on local concern and so reassuring local people that wrongs can be righted and grievances addressed. One participant described synergy between scrutiny and area assemblies as “collections and clusters of local concerns [that are] fed into an overview and scrutiny set up”.

Area governance

Some of the organisations in partnership with local authorities are “delicate flowers” and might find scrutiny hard to take. If partners are less robust, yet less accountable, how should councils balance the case for scrutinising them? Civil servants and other officials may not be used to the treatment. “Perhaps officers of central government departments or other agencies at local level are not used to being questioned in the same way [as in local government]. The classic example for me is around health scrutiny where there’s a very, very different perception of where policy comes from, and it’s very much handed down for local implementation, whereas in the local government setting people are very used to debating and discussing policy and policy development.” Perhaps it’s just a matter of the style of question – more dialogue, more listening, less inquisition.

If community groups or neighbourhoods are given a “call to action” or some rights over policy and implementation, how might that fit with scrutiny. Perhaps scrutiny should be more area based, coterminous with communities. Perhaps the “call to action” could be a right to demand a scrutiny-led

inquiry. Views differ. "I think most authorities are going to be in big trouble if all community calls for action go straight to the scrutiny agenda without actually being taken out of the loop by effective action at all council level in the first place."

Specialisation

As scrutiny has become embedded in local government in England and Wales, it has inevitably acquired some of the attributes of a new profession. Do scrutiny and overview committees need dedicated staff or merely tap into the existing infrastructure? Some practitioners believe scrutiny is a self-contained function that demands specialist skills. Others fear the creation of another group of professionals, adding another layer to council staffing.

The suggestion that staff be seconded to scrutiny work was resisted. Similarly there was opposition to the idea that young officers from, say the graduate recruitment track be deployed as scrutiny staff – scrutiny demands wisdom, experience and forensic skills.

Scrutiny, by its very nature, demands first-class knowledge management. It depends on research and data collection; these may require specialists. Take the scrutiny of health. "It is a high-level technical job to scrutinise the local health sector and to get round all of it... and to know what to do and how to pick out the right issues. [That need for knowledge] needs to be taken into account that if the role is to be effective and also to attract a kind of respect and authority, it's got to be further developed."

Ways forward

In the nature of a roundtable, discussion rarely comes to an agreed set of conclusions. Discussion did, however, reach a number of peaks...

- **Embedding a constitutional change.**

A test for scrutiny is how far executive members welcome the attentions of their non-executive colleagues. The roundtable identified preconditions. The civic spirit has to be the "opposite of adversarial". All players have to commit to serving the interests of the area at large, rather than party or department. Space has to be retained for partisan affiliations yes, or at least for "politics" but that space may have to narrow.

- **Bringing the public in.** Scrutiny should encourage public participation and not just act as a proxy for the public's involvement. But is public engagement not also an imperative for the executive function? Should it not, one participant asked "come from the centre of local government"? The object, for all players, is to get the public into dialogue.

- **Inspection.** The division of labour between scrutiny and inspection needs addressing. A general view at the roundtable was that inspection should retreat further. Scrutiny itself should be the subject of inspection, in the sense of ensuring that councils have redoubtable arrangements in place. And not just councils. Inspectors other than the Audit Commission also need to audit local accountability.

"I think we need to get to a position where the function of the inspection agencies is less to tick and inspect the detail of particular approaches and more to examine whether the organisations on that patch have

developed a sensible and satisfactory strategy in relation to scrutiny, accountability, governance, and have set about implementing that in a pretty enthusiastic manner.”

• **A design for accountability.** The roundtable agreed that scrutiny was an element in and not a substitute for accountability – for the local authority, its partner organisations and other bodies operating in the local space. The way accountability worked needed to be modelled in a sort of local plan though some participants were not so sure the scheme should be formalised.

It was proposed that councils be given a statutory duty “to prepare, publish and implement a design for accountability in its area in conjunction with the local strategic partnership and in consultation with public, private and volunteer agencies in their area”. Councils should appoint a “scrutiny and accountability officer”, with functions analogous to those of a monitoring or electoral registration officer.

Not surprisingly, this proposition provoked lively discussion. New laws would encourage Whitehall to prescribe in ponderous detail how it thought accountability should operate. The need for a new, designated officer was questioned. Isn't accountability part of the chief executive's responsibility. As for a formal claim on resources, accountability must be open-ended. There is no state of perfect accountability and the number of organisations which might be subject to a test of accountability – including central government bodies operating locally – is

legion. No limit could practically be imposed, in advance, on where the search for accountability might go.

• **Feeding into policy.** With a substantive statement of government policy in the offing – a white paper is promised in June – the accomplishment and challenge of overview and scrutiny deserves ministers' attention. Reorganisation and/or the creation of new neighbourhood structures could usefully be informed by the analysis presented above. There is more to discuss. Solace Imprint organised an event with Sir Michael Lyons, offering him an opportunity to pick up on contemporary thinking. We might do the same for the minister for communities, David Miliband, on overview and scrutiny.

Notes

(1) *The Centre for Public Scrutiny was created in 2003 to promote the value of scrutiny in modern and effective government and support non-executives in their scrutiny role.* www.cfps.org.uk

(2) *CfPS 2005 survey of overview and scrutiny in local government*

(3) *Solace Foundation Imprint aims in a series of booklets and events to fill the gap between policy analysts and researchers on the one hand and practitioners on the other* www.solacefoundation.org.uk/imprint

(4) *Public Management and Policy Association is a membership body supported by the Chartered Institute of Public Finance and Accountancy to promote dialogue and analysis in public policy* www.pmpa.co.uk

(5) www.elgnce.org.uk

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