



# Scrutiny Guide

**(For Councillors, Council officers, Members of the Public and for those giving evidence to a Scrutiny Committee)**

Version - May 2017

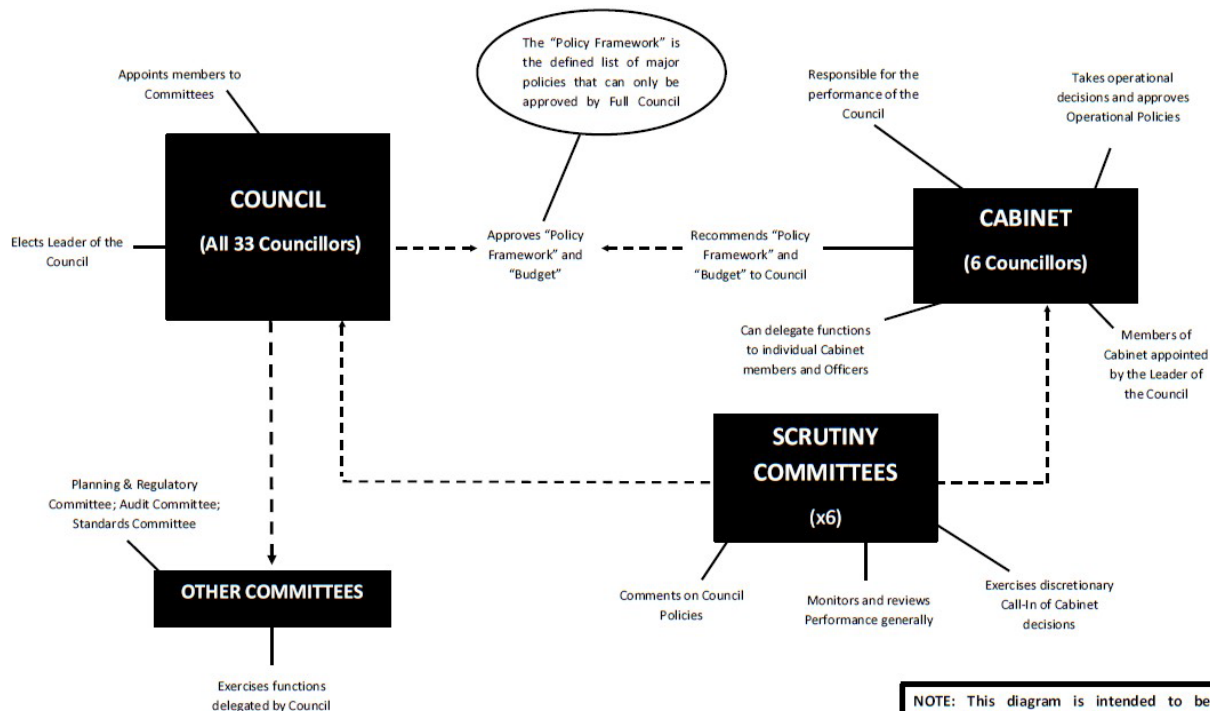
## Contents

Topic / subject	Page no.
<b>A. WHAT IS OVERVIEW AND SCRUTINY? THE AIMS, FUNCTIONS AND SCOPE OF SCRUTINY.</b>	5
1. Overview	5
2. Purpose	6
3. Role	8
4. Principles	9
<b>B. THE MECHANICS OF SCRUTINY</b>	11
1. Membership	11
2. Meetings	11
3. Help and Support	12
4. Reports by Scrutiny	14
<b>C. SCRUTINY IN ACTION</b>	16
1. The overall process	17
2. Source and selection of Agenda items	17
3. Developing a Scrutiny Work Programme	18
4. Undertaking a scrutiny review or investigation	20
5. How much Scrutiny	25
6. Information	26
7. Call-in Procedure	28
8. External Scrutiny	28
9. Taking Evidence	29
10. Crime and Disorder Scrutiny responsibilities	29
11. Councillor Call for Action	31
<b>D. GROUND RULES AND WAYS OF WORKING</b>	32
1. Practice at Meetings	33
2. Ground Rules	34
3. Ways of Working	34
4. Links with Others	36
<b>E PUBLIC PARTICIPATION - PUBLIC QUESTIONS</b>	37
<b>F SCRUTINY CHECKLIST - SOME DO'S AND DON'T</b>	39
<b>G KEY QUESTIONS</b>	41
<b>H SEVEN SCRUTINY SUCCESS FACTORS</b>	47
<b>I GIVING EVIDENCE TO A SCRUTINY COMMITTEE</b> (A Guide for Council Officers)	51
<b>J GIVING EVIDENCE TO A SCRUTINY COMMITTEE</b> (A Guide for Individuals and Organisations)	59

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<b><u>APPENDIX I</u></b>  <b>CfPS - UNDERSTANDING YOUR ROLE.</b>	67
<b><u>APPENDIX II</u></b>  <b>NATIONAL WELSH CHARACTERISTICS OF GOOD SCRUTINY</b>	73
<b><u>APPENDIX III</u></b>  <b>EXAMPLES OF TYPES OF SCRUTINY (WHAT IS APPROPRIATE FOR EACH TOPIC)</b>	77
<b><u>APPENDIX IV</u></b>  <b>a) The Wellbeing of Future Generations (Wales) Act 2015</b>  <b>b) Scrutinising Changes to Community Services- Guidance for Local Authorities</b>  (each of the above has some questions you may wish to consider)	81

## MTCBC Political Structure – How it Works



**NOTE:** This diagram is intended to be indicative of how the political structure of the Council works and does not seek to cover all aspects.

## a) WHAT IS OVERVIEW AND SCRUTINY? THE AIMS, FUNCTION AND SCOPE OF SCRUTINY

### 1 OVERVIEW

This guide introduces the concept of Overview and Scrutiny, and its place in the political structures of local authorities. It describes Merthyr Tydfil County Borough Council's Scrutiny Committees and their aims, functions and scope for operating.



This booklet does not cover every aspect of scrutiny work but as its title suggests, it is a guide. More detailed procedures are provided in the Council's Constitution.

Throughout this guide “overview and scrutiny” will be referred to as scrutiny (as it is more commonly known) or the scrutiny role; however for the sake of clarity a brief overview of the **difference between “Overview” and “Scrutiny”** is shown below.

**“Overview”** is sometimes referred to as policy review. It seeks to involve itself before a decision is made, to bring information and ideas to the table to help improve decision making. This gives Members a role in policy and decision making far earlier than had previously been possible. It also involves monitoring of on-going actions to ensure they are delivering the intended and best outcomes.



**“Scrutiny”** - the scrutinising of decisions takes place after decisions have been made. It is an opportunity to question why the course of action was taken, and if necessary propose an alternative. Decisions can be monitored over a longer period of time to ensure that the intended outcomes are realised. In its strongest form it can stop a decision being implemented until it has been scrutinised using a mechanism called “call-in” (more later).

The Local Government Act 2000 introduced major changes and was part of a wider government policy to strengthen local authorities' ability to deliver effective community leadership, democratic renewal and continuous improvement in services. Their purpose is to create efficient, accountable and transparent governance. The aim is also for local people to know more about how their local Council works and become more involved.

Scrutiny is the process by which the Council looks at its own performance, and that of other public sector services, to check how well they are doing. It aims to improve the way in which services are delivered by looking for new ways of working, reviewing existing policies, or suggesting new ones and challenging overall performance.

## **2      PURPOSE OF MTCBC'S OVERVIEW AND SCRUTINY COMMITTEES**

Merthyr Tydfil County Borough Council has six Scrutiny Committees, which have been established to monitor decisions, review policies and performance and to make recommendations for future action. **Scrutiny committees are not decision-making bodies** nor do they have the power to instruct decision-makers; their role is rather as an influencing body and 'critical friend' – checking and challenging decisions in a robust, constructive and purposeful way. Each Scrutiny Committee looks at different aspects of the Council's services (see table over).

As well as scrutinising individual decisions, Scrutiny Committees have an important role in reviewing Council policies and making recommendations to the Full Council or to the Cabinet on future policy options. They can also review the discharge of non-Cabinet functions and report on matters of more general concern.

Remember Scrutiny is not confined to looking at the Council. It can respond to the actions of other organisations in the County Borough whose operations affect local residents, *inviting* their representatives to attend meetings and answer questions.

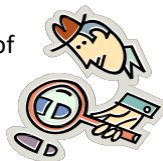
The various Committees should, in an impartial evidence based manner:

- analyse and assess the activities and processes of the Council
- analyse and assess the activities of other organisations
- consider local issues and concerns, and identify how and where things can be improved.



## 4 THE ROLE OF SCRUTINY COMMITTEES

Scrutiny is the process where non-executive Councillors examine the authority's functions and services, plus those of our partner organisations. The aim is to improve services provided to the local community through positive challenge. To do this, scrutiny is involved in:



1. **Holding the Executive (Cabinet) to account** for its decisions in its leadership of the local authority. This power is best represented by the process of “call-in”, whereby a specific decision can be arrested and reviewed in a formal scrutiny meeting with evidence from the decision maker and those calling in the decision. This involves scrutinising decisions of the Cabinet at a number of different stages of the decision making process: before decisions are made; before they are implemented; and after they are implemented. Following this and on the balance of the evidence received, the decision can be accepted or recommendations made to the decision-maker for it to be reconsidered or changed in some way.
2. **Policy review and development.** Scrutiny may decide to consider existing council policy or services to evaluate their effectiveness. Depending upon the evidence gathered it may be concluded that a policy or service is performing well, or recommendations may be made to improve or reshape the policy or service area.
3. **Performance Monitoring.** Scrutiny has an important role to play in the Performance Management systems of the local authority. Scrutiny can examine any aspect of the Councils performance, including services that we deliver through partnerships with other organisations. Each service area has targets and Key Performance Indicators to satisfy and that performance is reported upon. Scrutiny can be a very powerful force for improvement in highlighting areas of poor performance and investigating methods of improving that performance.
4. **External Scrutiny.** Scrutiny can engage in External Scrutiny. These initiatives are all concerned with ensuring local elected representatives have a greater say over public services which impact upon their communities, with the local electorate able to observe the transparent,



evidence based Scrutiny process. Aside from specific service areas, local authorities also have a power to promote the social and economic wellbeing of the area. Using this power, Scrutiny can scrutinise any matter, which has an impact on a community. This contributes to the perspective that elected local representatives can and should play a crucial role in ‘place-shaping’ and influencing the future vitality of their community.

### **What can Scrutiny lead to?**

If it's done effectively, Scrutiny can have the following outcomes:

- A Council which examines its own performance and reports to the public on how well it is meeting its commitments;
- Improved policies and services from the Council;
- Improved policies and services from other organisations;
- Public and other services that operate more effectively;
- More openness and accountability about the way decisions are made;
- A Council that holds to account those responsible for carrying out policies and delivering services

See also Appendix I “UNDERSTANDING YOUR ROLE” on page 67 for further details on this subject, as provided by the CfPS.

## **5. THE PRINCIPLES UNDER WHICH SCRUTINY COMMITTEES OPERATE**

The **principles** which Members of Scrutiny Committees will operate by, and which will underpin their work are –

- Be user focused
- Take account of public views
- Be an independent process, being both apolitical and separate from the Cabinet
- No Members should scrutinise the areas and decisions for which they have been responsible
- Members will avoid conflicts of interest

The **Centre for Public Scrutiny** has developed four principles of effective scrutiny. These four principles underpin the work of Scrutiny. The four principles are to:

*(Also see APPENDIX I on page 67 for further details)*

1. **Provide ‘critical friend’ challenge to executive policy-makers and decision-makers**  
*(How can non-executives most effectively provide constructive, robust and purposeful challenge that will prompt executive reflection on policy development and decision making?)*
2. **Carried out by ‘independent minded governors’ who lead and own the scrutiny process**  
*(How can scrutineers ensure their activities focus on issues of community concern and involve an ongoing dialogue with the public, which is heard and responded to?)*
3. **Drive improvement in public services.**  
*(How can non-executives most effectively champion the value of scrutiny among colleagues and the public, and proactively build towards a credible, independent scrutiny function?)*
4. **Enable the voice and concerns of the public and its communities.**  
*(How can scrutineers ensure their activities are having an impact on service delivery and resulting in improved community well-being?)*

## **b) THE MECHANICS OF SCRUTINY COMMITTEES**

This section looks at the nuts and bolts of Scrutiny Committees – how they are put together, their meetings, work with witnesses and the format for reporting to and by them. The wide-ranging remit for calling on witnesses and other types of professional support are also outlined.



### **1. MEMBERSHIP**

The Full Council of MTCBC will appoint the Councillor members of each Scrutiny Committee. These appointments will be on the basis of political proportionality. Full Council will make sure that no Members of the Cabinet are Members of the Scrutiny Committees.

Each Scrutiny Committee (other than the Joint Scrutiny Committee) will have 7 Councillors as members, and in addition can have 2 co-opted members appointed by public advert, 1 voluntary sector co-opted member nominated by Voluntary Action Merthyr Tydfil (VAMT), and 1 Youth Forum co-opted member nominated by the Merthyr Tydfil Borough Wide Youth Forum (MTBWYF). The Joint Scrutiny Committee's membership brings together all members of the five other scrutiny committees.

The Learning & LAESCYP Scrutiny Committee (which covers Education) currently appoints 1x Roman Catholic representative and 2x parent governor representatives as representatives of the committee. All 3 of these Education representatives can only vote on matters that relate directly to Education matters

No member of scrutiny may be involved in scrutinising a decision in which he/she has been directly involved in.

### **2. MEETINGS**

5 of the 6 Scrutiny Committees shall each have at least 8 ordinary meetings in each year (as such they meet approx. every 6 weeks) and in addition extraordinary meetings may be called from time to time as and when appropriate. The 6<sup>th</sup> scrutiny committee (the Joint Scrutiny Committee) meets as and when required, normally when there is an item that is relevant to all the scrutiny committees e.g. budget proposals.

Scrutiny Committee meetings will normally be held in public and members of the public can be invited to speak and give evidence. (See part E “PUBLIC PARTICIPATION”)

Quorum - The quorum for the “**Joint Scrutiny Committee**” will be at least half the Councillor membership of the Committee eligible to be present; to include at least one Councillor Member from each of the Neighbourhood Services; Regeneration; Learning & LAESCYP; and Social Services Scrutiny Committees.

The quorum for the “**Governance, Performance, Business Change, and Corporate Services Scrutiny Committee**” is five Councillors present.

The quorum for “**Neighbourhood Services**”; “**Regeneration**”; “**Learning & LAESCYP**”; and “**Social Services**” Scrutiny Committees, is three Councillors present.

Some information can or must be withheld from the press and the public. Confidential information: This can include information provided by a Government department on the basis that it must not be disclosed, or information identified as confidential by an Act of Parliament or an Order of Court; and Exempt information: This is defined under schedule 12a of the Local Government Act 1972.

Subject to consultation with the Chair, officers may require that Scrutiny Committees move into closed sessions to discuss other sensitive issues. These may include:

- Contract Monitoring
- Industrial relations
- Commercial Sensitivity
- Personal Sensitivity

### 3 HELP & SUPPORT

How is support for Scrutiny provided? Support for Scrutiny comes from 3 main sources within the Council:

1. Democratic Services Team
2. Scrutiny Support
3. Council Departments (in general)

**1) THE ROLE OF THE DEMOCRATIC SERVICES TEAM IS –**

The Democratic Services Team is a shared resource with other Council Committees, arranging the programme of Committee meetings throughout the municipal year and providing suitable venues for the meetings. Their role is the compilation of agendas in discussion with the Scrutiny Officer and the Committee Chairs, and preparation of minutes.

**2) THE ROLE OF THE SCRUTINY SUPPORT OFFICER IS –**

**a) Generally**

To develop the Scrutiny function

To take a pro-active approach to the support role.

To support and advise the scrutiny committees on the application and operation of Scrutiny.

To assist the scrutiny committees in deciding on suitable subjects to look at or investigate.

To support and advise scrutiny committees on the achievement of their agreed objectives.

**b) To manage and carry out projects**

To help plan, prepare and manage scrutiny projects on behalf of committees.

To undertake research work for the scrutiny committees.

To arrange and support activities and events proposed by committees.

**c) Work and programme planning.**

To help develop and maintaining forward work programmes for scrutiny committees in conjunction with the committee.

**d) Building Agendas**

Follow the committees' work programmes.

Balance the range of scrutiny activities

Assist Chairs/Committees to prioritise items

Analyse and annotate reports

Advise Chairs on potential items for Scrutiny

**e) Producing reports**

Assist in the writing of reports on behalf of Committees when required.

**f) Engage the public and groups outside the Council**

Promote and publicise the Scrutiny function

Encourage participation

Find “experts” and appropriate co-optees and facilitate their attendance at Committee meetings, etc.

**3) THE ROLE OF COUNCIL DEPARTMENTS –**

The obligations of departmental officers with regard to Scrutiny are set out in Part IV of the Council’s Constitution (Scrutiny Procedure Rules). Input from departments is otherwise ad-hoc and dependent upon the agreement of the relevant service Chief Officer. Scrutiny Committees can ask Council staff for information and opinions.

**4. REPORTS BY SCRUTINY COMMITTEES**

Scrutiny Committees have no executive powers: they must make recommendations to Council or the Cabinet if they wish action to be taken. The report will go through the following stages;

- a) A draft report will be prepared by the relevant Scrutiny Committee and the Scrutiny Officer covering; the evidence taken; key issues identified; conclusions; and recommendations.

(If the scrutiny committee cannot agree on one single final report then up to one minority report may be prepared and submitted for consideration with the majority report.)

- b) The scrutiny committee will then send a draft copy of the report to the appropriate Chief Executive / Deputy Chief Executive / Chief Officer and Cabinet Portfolio Member for comment and return within 10 working days. This is to agree facts and to give the appropriate parties time to prepare their response once the report is presented to the Cabinet or Council as appropriate.
- c) Once the report is finalised taking into account comments received from the appropriate Chief Executive / Deputy Chief Executive / Chief Officer and Cabinet Portfolio

Member, It will be placed on the agenda for Cabinet or Council as appropriate.

The recommendations in Scrutiny reports should be evidence based. Where the Committee has not been able to find clear evidence the report should be based on justified and reasoned assumptions.

Final reports will present a full picture and seek properly to reflect the range of views within the Scrutiny Committee. The report will include clear recommendations where necessary and time-scales for implementation and review.





## c) SCRUTINY IN ACTION



This section looks at how Scrutiny works in practice and the decisions that have to be made before, during and after the Scrutiny process.

### 1. THE OVERALL PROCESS

Decisions have to be made about what to scrutinise and how to scrutinise it. Scrutiny Committees can be responsive to individual subjects. There are different types of Scrutiny to choose from as mentioned earlier in this guide i.e. in relation to; **Holding Cabinet to account; policy review and development; performance monitoring; and external Scrutiny.** (See earlier “The Role of Scrutiny”)

Whether it is a large, medium or small undertaking before it, the Scrutiny process will be made up of a number of key steps. Those steps will include all or some of:

- Agreeing the brief & planning the work
- Preparing the groundwork
- Finding out the views of stakeholders
- Interviewing witnesses & collecting evidence
- Scrutinising the evidence & reaching conclusions
- Considering the implications of those decisions
- Providing feedback to stakeholders and witnesses
- Reporting to the Cabinet or Full Council.

*(See also Section 4 – UNDERTAKING A SCRUTINY REVIEW OR INVESTIGATION)*

### 2. SOURCE AND SELECTION OF AGENDA ITEMS

Any Councillor, Full Council, Cabinet or a Scrutiny Committee can suggest items for the agenda. Each Scrutiny Committee will decide for itself what to put on its agendas. It will take account of:

- The Committee’s work programme
- What it already has to do
- What Full Council or Cabinet has referred to it
- What it wants to do

- What other individual Members have said it should do
- The resources needed and available
- How long it is likely to take.
- The likelihood of something significant or valuable coming from the work
- The availability of expert witnesses or other sources of independent and reliable evidence.
- Whether or not another body or agency more appropriately deals with the matter.

Much will depend on the priority the issue has or that the Scrutiny Committee perceives it to have. The questions that Scrutiny Committees may usefully ask include:

- What importance is this matter to people who use the service? to key stakeholders? to the electorate?
- Will work by the Scrutiny Committee be likely to have an impact on this?
- Is there evidence of a real or perceived or imminent failure in service delivery or in policy?
- Is a breach of statutory duties involved?
- Is there likely to be much press interest in this issue?
- Is the matter causing or likely to cause public concern?
- What do other Members think about this?
- What do senior officers think about this?
- How long since this was looked at by an investigating body?

### **3. DEVELOPING A WORK PROGRAMME**

**The success of scrutiny depends on:-**

- The Committee taking a lead in setting a clear, realistic, balanced work programme focused on priorities
- Linking the work programme with the Councils priorities
- Only selecting topics where scrutiny can add value
- Rigorous project planning and scoping of reviews
- Range of investigative methods
- Well presented evidence based final reports
- Follow-up

Below is useful guidance provided by the *Centre for Public Scrutiny*.



**6.1 Developing a Work Programme for Scrutiny.** Scrutiny committees' ownership and control of their own work programmes is crucial to the development of a strong and distinctive role. The committee needs to be clear, therefore, what its own priorities should be. When resources are limited, it is also important to be realistic: not taking on too much; starting small and doing a good job with the resources available and building up from there. Research has identified a number of important factors in developing a work programme:

- **Criteria for inclusion in work programme:** having a set of criteria helps the committee to focus clearly on key issues and avoid becoming sidetracked. The committee needs to develop its own criteria, which might include:
  - Council priority.
  - Member concern.
  - Public concern.
  - Poor performance.
  - Budget implications.
  - Government priority.
  - Issues on which action can be taken and therefore scrutiny can add value.
- **Consultation:** there should be wide consultation on the work programme, with other Members, the public and partners, to ensure relevance, timeliness and added value.
- **Ownership & Development of Work Programme:** The ideas which have come forward through consultation, reviews, performance monitoring and review of council priorities need to be fed into the discussion of the work programme, with all Members of the committee involved in the debate.
- **Balanced, prioritised, flexible work programme:** The work programme should be a balance of in-depth reviews, performance monitoring and external reviews; and should be prioritised to make the best use of scarce resources. It should be flexible, in order to respond to emerging concerns. It should also contain some 'quick wins', which will increase

the committee's confidence and demonstrate the value of overview and scrutiny to others.

- **Developing a Scrutiny Forward Work Programme for the year.** For Scrutiny Members, this helps with agenda planning, ensuring adequate time for discussion. For non-scrutiny Members and officers, it gives plenty of notice of attendance at scrutiny meetings and helps to maintain good relationships with non-scrutiny officers and Members.

#### 4. **UNDERTAKING A SCRUTINY REVIEW OR INVESTIGATION**

Scrutiny reviews need to be carefully planned and managed through their various stages. It is suggested that the following approach be adopted for all scrutiny reviews:

Stage 1	Agree the issue
Stage 2	<b>Determine the nature of member involvement</b>  The Scrutiny Committee will agree how the issue is to be investigated and will agree the membership of any working group.
Stage 3	<b>Scoping Exercise.</b>  At the first meeting, the committee/work group should identify the overarching question for the review, the information required and the organisations that need to be involved. The timetable of meetings and estimated completion date should also be agreed.
Stage 4	<b>Engage Partners, Public and the Media</b>
Stage 5	<b>Gather the evidence</b> – oral and written evidence
Stage 6	<b>Formulating recommendations and reporting</b>  The data and evidence gathered will need to be reviewed in order to form conclusions and recommendations. The final report will then be presented to the full Committee and Cabinet and/or Council.

Stage 7	<p><b>Follow-up</b></p> <p>Members will need to consider how the review will be followed up. If Cabinet produces an action plan in response to the review scrutiny members can monitor the action plan</p>
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### **Step 1: Agree the Issue**

The first step is for scrutiny members to be sure that the subject to be reviewed is significant. Undertaking in-depth investigations is resource-intensive – of member and officer resources. Investing such a high level of resources should only be undertaken for high priority issues.

The following are criteria, which could be used to ‘check’ a topic against, to ensure that it would make a worthwhile review:

- Issue identified by members as key issue (through members’ surgeries and other constituency activities);
- Poor performing service;
- Service ranked as important by community (through market research, citizens’ panels and so on);
- High level of user/general public dissatisfaction with service;
- Public interest issue highlighted in local media;
- High level of budgetary commitment to policy/service area;
- Pattern of budgetary overspends.
- Council corporate priority area;
- Central government priority area;
- Issue raised by external audit’s Management Letter, or in Inspectorate Reports
- New government guidance or legislation.
- Organisational arrangements

### **Step 2: Determine the nature of Member involvement**

The committee will need to decide how members will drive the investigation. There are two possible approaches to member involvement:

- The whole committee investigates the issue;

- A task and finish working group is established to drive the investigation;

All activities should be conducted in the same spirit with the same willingness to experiment, challenge and explore different ways of doing things. Vital to the whole review activity is that members take full control of which policy problems and solutions are explored and how that exploration takes place. Members need to take responsibility for, and ownership of, the outputs and outcomes of reviews.

### **Step 3: Scoping Exercise**

Any resource-intensive investigation requires careful project planning and the better the planning *beforehand* the more successful the review will be in the longer term.

Careful project management involves drawing up a project plan for the investigation. Such a plan covers *at the least* key issues such as:

- A fixed period for the activity.
- The creation by members of a ‘terms of reference’ for the investigation.
- Calling of independent and expert witnesses.
- Hearing of evidence from stakeholders, communities and citizens, led by members.
- Member visits, information and data collection: qualitative and quantitative.
- A series of events at which members sift, discuss and assess evidence gathered.
- Checking of member responses to evidence and data with stakeholders, communities, citizens and experts.
- Final report to council and/or cabinet – with provision for a minority report if felt necessary.
- Decision by council and/or cabinet reported to the committee.
- Review and up-date of the implementation or development of the policy – with targets and criteria for assessment

### **Step 4: Engage Partners, Public and the Media**

If scrutiny committees are going to realise their potential in terms of contributing to the community leadership work of their authorities, then they have to engage partners, the public and the press. Developing such an outward focus is challenging for scrutiny. Before starting the investigation,

Members should consider *whether* and *how* to engage partners, public and the media.

Consideration could be given to the following:

- Can partners/public/press be involved **as participants** in the investigation?
- Can partners/public serve **as co-opted members**?
- Can partners/public/press be invited **as observers/spectators**?
- Can partners/public be invited **as witnesses** to give evidence?

## **Step 5: Gather the evidence – written and oral evidence**

### Written and Secondary Evidence

This stage of the investigation involves the following:

- Calling for written evidence from a range of internal and external individuals and organisations. This very much follows the parliamentary select committee approach.
- Reviewing existing internal council plans, policies, strategies, service plans and reports which are relevant to the subject area;
- Reviewing relevant Government guidance, legislation and documentation;
- Reviewing relevant guidance, good practice guides from national and regional bodies (such as WLGA, IDeA);
- Reviewing good and innovative reports and plans from other authorities.

### Oral Evidence

If the authority has gathered written evidence from a range of organisations, then it can use this evidence as a guide for inviting a selected number of organisations to provide oral evidence to the committee.

Generally, internal witnesses would include relevant cabinet member(s) and relevant senior officers.

External witnesses can be drawn from a wide range of individuals and organisations, as the following demonstrates:

- Members and officers from other local authorities;

- Senior officers from external local public agencies e.g., directors of health trusts, health authorities, Learning and Skills Councils and so on;
- Senior officers from external regional public agencies e.g., Government Officers, Regional Development Agencies;
- Representatives from local voluntary sector organisations, regional organisations and national organisations;
- Representatives from professional associations;
- Representatives from trade unions;
- Representatives from the private sector (chamber of commerce and so on);
- Representatives of user groups (local, regional, national);
- Community representatives;
- Recognised experts in the subject area (academics, public or private sector managers).

### **Step 6: Formulating Recommendations and Reporting**

Members will need to review the data and evidence that has been collected to form their conclusions and recommendations and draft their report.

Good reports:

- Are evidence-based, outlining the written, oral and other evidence presented to the committee;
- Are user friendly, written in plain English;
- Use photographs, graphs, charts and other visual aids to engage the readers;
- Include a brief, concise summary;
- Include SMART (specific, measurable, accurate, realistic and timely) recommendations.

Sending draft reports to those individuals and organisations who provided evidence is also seen as good practice. Participants should also be given the opportunity to comment on any recommendations relating to their area of participation.

If a working group has been established, its report and recommendations must be presented to and approved by its parent scrutiny committee before reference to Cabinet. Cabinet should then be given the opportunity to comment on reports and it should determine its response to reports and action any agreed recommendations.



Any decision of the Cabinet in respect of the report will be referred to the next meeting of the scrutiny committee together with its observations.

### **Step 7: Follow-up**

Follow-up is key to successful investigations. Progress reports on actions taken from the investigation are valuable six months after the initial investigation has been completed. On completion of the review, Members should consider what follow-up action will be taken.

Sometimes issues may arise which do not merit a formal report but which a scrutiny committee or Chairman consider are worth raising with the Cabinet Member or Chief Executive / Deputy Chief Executive / Chief Officer. There is nothing to prevent this being done through informal dialogue but the Committee may wish to seek feedback on how the issue is to be taken forward.

## **5. HOW MUCH SCRUTINY?**

Scrutiny Committees will decide how a piece of work will be done. Do they need to interview a few people or get a wide selection of views?



Much will depend on the information – and its source – that is already available. Questions that a Scrutiny Committee can usefully ask at this stage include:

- Are statutory requirements being met effectively?
- Do people who need and use the service get what they need and when they need it?
- Are the specific needs of user groups being met?
- Are quality services being delivered?
- Does the service compare well with others and against national performance indicators?
- Is the service an improving one?
- Does the service know what changes are imminent or likely and are preparations being made?
- Is an Improvement Plan due (Wales Programme for Improvement)?
- Are any audits or external inspections due?

**The greater the number of these questions answered negatively or not at all, the greater the need for a Scrutiny Committee to get involved.** The answers to these questions may also help to gauge the amount of involvement needed.

Scrutiny Committees have a wide scope. They have license to scrutinise whatever policies or the implementation of policies or other relevant issues they feel appropriate. They cannot, however, consider the same issue continuously or without good reason.

The only issues that Scrutiny Committees may not investigate are those limited by issues of probity or subject to appeal.

## **6. INFORMATION**

**Rights of Access** - Subject to Rule 16.2 below, the Scrutiny Committees will be entitled to access to any document which is in the possession or control of the Cabinet or individual Members and which contains material relating to:

- (a) Any business transacted at a meeting of the Cabinet or its Committees;  
or
- (a) Any decision taken by an individual Member of the Cabinet.

**16.2 Limit on rights** - Scrutiny Committees will not be entitled to:

- (a) Confidential or exempt information.
- (b) Advice provided by a political adviser or assistant

unless that information is relevant to an action or decision that is being reviewed or scrutinised or any review is being undertaken in a programme of work by a Scrutiny Committee.

Scrutiny Committees can ask Council staff and other people for information and opinions. They should ensure, so far as is practicable, that what they receive is clear. When considering an issue, Members may wish to be informed about:

### **Background**

- Major changes over the last (say) 5 years
- Recommendations and outcomes of recent local reviews, inspections, audits etc.
- Challenges or opportunities facing the service

- Where provision or practice does not meet the public's needs or wishes
- How service delivery is affected by budgets
- Links with other organisations?
- What is the match to policy and plans?
- What major changes are foreseen? (Legislation, demand etc.)

#### Service delivery issues

- How the public's needs and wants are met.
- How are needs and wants understood and defined?
- What is communicated, to whom, and how? Is it effective?
- What resources are employed? People, buildings, equipment, information
- How are those resources deployed to meet priorities? Should these arrangements continue?
- Costs
- Partnership arrangements – current and potential.

#### Performance

- How effective is the service and how is this known?
- What trends do performance indicators show?
- What feedback has there been?
- How well does the service compare with others in the field?
- Performance against standards and targets
- External awards, accreditations.

## **7. CALL-IN**

Call-in should only be used in exceptional circumstances. These are where a Scrutiny Committee has evidence that suggests that the Cabinet (or individual Cabinet Members) did not take the decision in accordance with the principles set out in Article 13 (Decision Making) of the Constitution, and the policy and budgetary framework or within the key decision forward plan process.

Call-in allows a proposed decision of the Cabinet to be reviewed by a Scrutiny Committee prior to implementation. A scrutiny committee cannot change the decision, but it can refer it back to the decision maker

for reconsideration with recommendations for an alternate course of action.

The effect of call-in of a Cabinet decision is to suspend that decision pending: (a) Review of that decision by the appropriate Scrutiny Committee, and if the Committee supports the call in; (b) Referral of the decision back to the decision maker for reconsideration.

Call-in therefore has the potential to significantly delay the implementation of a decision by the decision maker to make a decision and therefore should be used with caution.

The call-in procedure rules are set out in detail in the Council's Constitution

## 8. SCRUTINISING EXTERNAL ORGANISATIONS

Scrutiny Committees can investigate specific matters of community interest. They do this in the same way that they investigate any other matter, and with the same powers and license to act as with other Scrutiny Committee investigations. These investigations may involve external organisations.

External organisations can be **invited** to send representatives to meet with and answer questions from the Scrutiny Committee, submit evidence or meet people appointed by the Scrutiny Committee to help with their investigation.

Scrutiny Committees can also scrutinise the effectiveness of partnership arrangements. This may be purely internally or involve the relevant external organisations.

Scrutiny exercises can be undertaken jointly with any of the Council's partner organisations. The same principles and terms of reference will apply. The suggestion for a joint Scrutiny may be made by either a member of a Scrutiny Committee or by the partner organisation.

## 9. TAKING EVIDENCE

A crucial part of the Scrutiny process is to take evidence from the public, witnesses or experts. A Scrutiny Committee can carry out a review simply to find out the views of the community about a particular service or policy. However, in most instances taking evidence will be one of many stages of the Scrutiny process.

In taking evidence, Members must ensure that they have:

- Allocated enough time to question and hear the views of witnesses
- Given full consideration to which groups, representatives, individuals will be asked to attend a hearing.
- Considered the service user's perspective
- Considered how hard to reach groups could be encouraged to attend meetings
- The room layout for meetings with witnesses
- The venues for meetings with witnesses
- How to feedback the recommendations of the inquiry

## 10. CRIME AND DISORDER SCRUTINY

Council has agreed that the **Regeneration and Public Protection Scrutiny Committee** will be the Council's **Crime and Disorder Scrutiny Committee**. The terms of reference of the committee are to scrutinise the work of the CSP and the partners who comprise it, insofar as their activities relate to the partnership itself.

In accordance with Part 3 of the Police and Justice Act 2006, local authorities have the power to scrutinise the Crime and Disorder Reduction Partnership in their area and make reports and recommendations to the Local Authority and the partnership.

CSPs consist primarily of five statutory 'responsible authorities' who are required to work together to jointly agree and deliver community safety priorities. The responsible authorities on the CSP are:

- The local authority.
- The police force.

- The police authority (no longer in operation – now Police and Crime Commissioner).
- The fire and rescue authority.
- The local health board.

There are also a range of bodies with whom the responsible authorities are required to co-operate, or to invite to participate in the work of the CSP.

At a basic level, the role of the committee is to do the following:

- To consider Councillor Calls for Action that arise through the council's agreed CCfA process.
- To consider actions undertaken by the responsible authorities on the CSP.
- Make reports or recommendations to the local authority with regard to those functions. In practice, the nature of the committee and its work should mean that recommendations will be directly for responsible partners as well.

Scrutiny can take a variety of different approaches to scrutinising community safety issues.

- **Policy development** - scrutiny committees may carry out in-depth scrutiny reviews focused on a specific topic relevant locally. Often this is done by means of a task and finish group, which will examine evidence from a wide variety of sources before producing a report and recommendations, to which partners and/or the council's executive will have to respond. These pieces of work arguably have the most impact on local policy making, and we will provide you with some examples of them below.

- **Contribution to the development of strategies** - if the CSP is putting together a strategy, plan, or policy, it may be useful to build in a process for scrutiny at draft stage. Councillors can provide valuable evidence to support the drafting process – especially intelligence from the local community.

- **Holding to account at formal hearings** - bringing in representatives of the partnership and questioning them about their roles, responsibilities, and activities. This is the simplest method for scrutiny to “hold the partnership to account”, though this has limitations in terms of constructive outcomes and should be a small part of interaction between scrutiny and the partnership.

- **Performance management** - examination of the performance of the partnership, often using high-level scorecards or, where appropriate, more detailed data. The best scrutiny functions will use this as an opportunity to look at performance “by exception” (which will highlight both particularly good, and particularly poor, performance). This could involve the committee looking at particularly good performance, to see what lessons can be learned, thus sharing good practice across all public and third sector organisations operating in the local area.

## **11      COUNCILLOR CALL FOR ACTION**

Councillor Call for Action (CCfA) for crime and disorder matters came into force in October 2009.

Any councillor can refer a local crime and disorder matter to the **Neighbourhood Services and Public Protection Scrutiny Committee**, whether they are members of the committee or not and to have it considered.

A local crime and disorder matter is a matter concerning crime and disorder or the misuse of drugs, alcohol and other substances affecting all or part of the electoral area for which the member is elected or any person who lives or works in that area. Scrutiny committees can then decide whether to use their powers to investigate the issue. If the committee decides not to consider any referred matter, they must provide an explanation to the councillor but if the matter is taken up, any report produced must be considered by the parent council or relevant community safety partner and they must spell out how they will respond and report back to the committee. (This is the so-called “councillor call for action” process).

There are a range of options available to committees in considering how to respond. They could, for example, instigate a review of policy, call members and officers to attend a meeting and answer questions or make recommendations to the executive. They can also require the executive to review a decision that it has made. Any report produced by the committees as a result of a CCfA should be sent to the local authority, the community safety partners and the local councillor who raised the issue.

Councillors will of course continue to resolve issues informally, as they do now. But where they are not satisfied that real action has been taken to

resolve the issue they have raised, they have the ability to ask the overview and scrutiny committee to take the matter further.



## **d) GROUND RULES AND WAYS OF WORKING**

### **1 PRACTICES AT MEETINGS**

- a) Scrutiny committee meetings are open to the public to promote openness and accountability. Members will be sensitive to certain issues, and meetings will move into closed session to deal with:
1. Contract monitoring
  2. Industrial relations
  3. Commercial sensitivity
  4. Personal sensitivity
- b) The aim of Scrutiny is to improve the delivery of policies and services. It is not the role of scrutiny to review the performance of an individual member of staff.
- c) Members themselves will set the agenda for Scrutiny. Any Member of the Council may suggest ideas for Scrutiny. Members of the Scrutiny Committee will define areas that they think should be scrutinised and incorporate these into the work programme, after full debate within Committee.
- d) Any Member may be invited to be an expert witness at the Scrutiny Committee.
- e) Members may require Cabinet Members and Officers (of suitable rank or position) to present information to the Committee and attend meetings of the Scrutiny Committee.
- f) Scrutiny Committees determine the frequency they meet (at least 8 times per year as per the Constitution)
- g) Final reports, when prepared, will present a full picture and seek properly to reflect the range of views within the Committee. Reports will include clear recommendations and suggested time-scales for implementation and review.
- h) Though Scrutiny should be rigorous, **it is not intended to be inquisitorial or to seek to blame:** rather it should enable Members (and officers) to be inquisitive and to seek to understand the causes of performance so as to be able to identify ways of improving.



## 2 GROUND RULES

The following 'ground rules' apply to Scrutiny

- INFORMAL STYLE & OPEN
- INTERACTIVE AND PARTICIPATORY
- CHALLENGING
- EFFECTIVE LISTENING
- WISE USE OF CONFIDENTIALITY
- FLEXIBILITY
- NO 'SHOOTING DOWN IN FLAMES'
- COMPETENCE IN SCRUTINY TO BE ACQUIRED AND DEMONSTRATED
- NO PARTY POLITICAL SLANT
- STICK TO THE STRATEGIC
- PLAIN ENGLISH
- USE THE PROTOCOLS, WAYS OF WORKING, DO'S AND DON'T AND GROUND RULES
- UNDERSTAND THE REMIT AND BRIEF
- CHOOSE WITNESSES CAREFULLY AND BE CLEAR ABOUT WHAT IS EXPECTED FROM THEM
- AVOID RED HERRINGS
- AVOID BIAS, AND BE AWARE WHERE IT IS SHOWN. BE CLEAR WHETHER 'EVIDENCE' IS BASED ON POLICY, PERCEPTION, INFORMATION OR JUDGEMENT
- USE A VARIETY OF APPROACHES – TAKE WRITTEN EVIDENCE OR ORAL VIEWS, OR USE QUESTION AND ANSWER SESSIONS
- MAINTAIN BALANCE

## 3 WAYS OF WORKING

In line with the ways Council conducts its business, the Scrutiny Committees are encouraged to consider how they can be most effective, interesting and relevant to the people of Merthyr Tydfil

County Borough. The committees should be flexible, creative, identify what works, and use it, rather than seeking any ideal approach.

#### **a) Style of meetings**

Meetings should be open and transparent. Informal ways of working are to be encouraged. Officers should be encouraged to be less formal and to present material in an open way. It should be recognised that the Scrutiny role may not be comfortable for Members or officers – support will be needed to ensure that they are able to question colleagues honestly and openly without provoking defensiveness or resistance.



#### **b) Location of meetings**

These will not necessarily take place in the Committee rooms in the Civic Centre. Other venues in the county borough can be used. Sometimes the involvement of the public will oblige meetings to be held out of the Civic Centre. Scrutiny Committees represent a major opportunity to involve the public, who often perceive the Civic Centre to be remote and unwelcoming.

#### **c) Conduct of meetings**

The Scrutiny Committees and each commission should agree rules of conduct covering:

1. How people from outside bodies will be invited to participate
2. Procedures for speaking
3. The role of officers – answering questions or joining in debates?
4. Whether any meetings or part of meetings of the scrutiny committee will be closed to the public
5. How the input from users, staff and interest groups will be considered.
6. The extent to which submissions (written or oral) from the public will be invited.

#### **d) Information**

Consideration should be given to the type and quantity of information required, and whether written reports are always necessary. Presentations or question and answer sessions may be preferred. Where reports are needed, these should be short, clear

and focused, and designed to enable information to be easily absorbed and to help debate and inquiry. While Members should be persistent in seeking information, it needs to be recognised that it may not always be available – and that there may be costs to its collection.

#### **b) Webcasting of Scrutiny meetings**

Scrutiny meetings will be webcast on YouTube as is the procedure with Full Council and Planning.

### **4 LINKS WITH OTHERS**

The views and ideas of service users (and non-users), service providers and organisations and other agencies with an interest in the topic under review are all valuable in effective Scrutiny. Invitations to others to participate should be promoted. This participation may come in a variety of ways:

1. Through serving on a Committee as a co-opted Member
2. Through joint reviews
3. Attending a meeting
5. Providing oral or written evidence
6. Giving views – through questionnaires, telephone surveys.

Joint working may include partners taking Scrutiny reports back into their own organisations for debate and action.

Where money is provided to external bodies, the results of the work of these bodies and how effectively money has been spent may be included in Scrutiny processes.

It is essential to provide proper feedback to all those involved in a Scrutiny review. All those contributing will value being informed about the findings of a Scrutiny Committee and the results of any recommendations.

## **e) PUBLIC PARTICIPATION & PUBLIC QUESTIONS**

Scrutiny has arrangements to allow people who live or work in the local authority area to make representations on any matter being discussed. There are many different ways the public can get involved in the work of scrutiny, including:

- suggesting a topic for scrutiny to investigate;
- attending a meeting to listen to discussion and the debate;
- attending a meeting to speak on an agenda item; or
- Providing information and evidence as a witness, to inform a particular piece of review work being undertaken by a scrutiny committee.
- Suggesting a topic or issue for scrutiny work - If a member of the public would like to suggest an issue for an item of scrutiny work, they can complete the on-line suggestion form or alternatively email their suggestion(s) to the Scrutiny Officer.

Merthyr Tydfil County Borough Council welcomes and encourages the active participation of its citizens whenever possible and an opportunity exists for members of the public to speak at Scrutiny Committee meetings on an item on the agenda.

Scrutiny Committees will consider requests to examine issues put forward from any sector of the public.

To qualify, requests must: affect a group or community of people; relate to a service, event or issue in which the Council has a significant stake; not be an issue which scrutiny has considered during the last 12 months; not be a matter dealt with by another County Borough Council Committee (e.g. planning issues) except where the issue relates to the Council's decision-making process



## **f) SCRUTINY SOME DO'S AND DON'TS CHECKLIST**

### **Do...**

- ✓ Be persistent and inquisitive
- ✓ Remember that Scrutiny is about learning and being a 'critical friend'; it should be a positive process
- ✓ Remember that Scrutiny should result in improved value and enhanced performance
- ✓ Take an overview and keep an eye on the wider picture
- ✓ Take account of local needs, priorities and policies
- ✓ Ask effective questions – be constructive not judgmental
- ✓ Be open-minded and self aware – encourage openness and self criticism in services
- ✓ Listen to users and the public, seek the voices that are often not heard, seek the views of others – and balance all of these
- ✓ Praise good practice – and seek to spread this throughout the authority
- ✓ Provide feedback to those who have been involved in the review and to stakeholders
- ✓ Anticipate difficulties in Members challenging colleagues from their own party and officers challenging their colleagues
- ✓ Take time to review your own performance
- ✓ Check performance against local standards and targets and national standards, and compare results with other authorities
- ✓ Benchmark performance against local and national performance indicators, using the results to ask more informed questions
- ✓ Use commissions to get underneath performance information
- ✓ Remember that Scrutiny is not opposition



### **Don't...**

- ✗ Get bogged down in the detail
- ✗ Be frightened of asking basic questions
- ✗ Undertake too many issues in insufficient depth
- ✗ Underestimate the task
- ✗ Lose track of the main purpose of Scrutiny
- ✗ Lack sensitivity to other stakeholders
- ✗ Succumb to organisational inertia
- ✗ Witch-hunt or use performance review as punishment
- ✗ Be party political/partisan
- ✗ Blame valid risk taking or stifle initiative or creativity
- ✗ Treat Scrutiny as an add-on
- ✗ Start without a clear brief and remit
- ✗ Duck facing failure – learn from it and support change and development
- ✗ Be driven by data or be paralysed by analysis – keep a strategic overview, and expect officers to provide high-level information and analysis to help.



## **g) KEY QUESTIONS**

(Also see page 80 for suggested questions in respect of the **Well Being of Future Generations Act**; and page 83 some questions suggested by the **Older People's Commissioner for Wales**)

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At each meeting the committee will agree the agenda items for their next meeting and in preparation may in advance wish to ask the following questions.

**Q) Why has the item been placed on a scrutiny work programme?**

- a. Does this item/topic contribute to the delivery of the Council's Corporate Plan and priorities?
- b. Is this item/topic relating to service performance concerns?
- c. Is this item/topic of significant public interest?
- d. Has the item/topic got budgetary implications?
- e. Is this a item/topic where Scrutiny involvement will make a significant difference and achieve tangible outcomes?
- f. Can effective Scrutiny of this issue be delivered from within available resources?

**Q) What is the specific role of the committee? This will depend on the item – for example the role could be:**

- a. to determine if performance levels are acceptable in relation to a particular department
- b. to determine if a specific policy is fit for purpose
- c. to satisfy itself that the Authority is working well with its partners in tackling a major issue.
- d. to gather the views of specific stakeholders as part of an on-going scrutiny investigation / review
- e. to explore possible solutions to an issue

**Q) What outcome is the committee seeking from the consideration of this item?**

- a. To comment on the proposed budget and make suggestions to cabinet regarding the proposed budget's ability to deliver the priorities of the council
- b. Identification of any causes for concern and note successes.
- c. To receive an overview presentation.
- d. To gain an understanding of and to comment on a policy / strategy
- e. To explore ideas around the setting of budgets while considering the pressures facing each service. This also helps provide an overview of the policy frame work.
- f. For the scrutiny committee to gain an overview and refresh their knowledge of the corporate plan / other plan / other strategy.
- g. Improvement in service delivery

**Q) What information does the committee need to fulfil this role / achieve this outcome?**

What is the Committee trying to do? You might be trying to do some or all of the following i.e. establish facts; gather opinions; or explore new ideas / solutions.

**Q) Who should be invited to the meeting to provide the information? Depending on the information you need you might want to hear from a range of witnesses – e.g. Cabinet members, Senior Officers, Service users, and External partners – e.g. Police, Health Board etc**

**Q) Does the committee need to ask for written representations?**

The Committee may wish to pose some questions to the Directorate / Cabinet member / External Partner etc prior to the meeting. This may help in instances when the committee is looking for something specific to be addressed. This will assist whoever is attending ensure that they have the information / answer ready for the meeting.

**Q) Which meeting format / venue would be most appropriate for the item and for the witnesses that will be invited to attend?**

Meetings do not have to be held in a formal committee room environment. You may wish to hold occasional meetings out in the

community e.g. community centres, sports facilities etc. It depends on the subject. Some people find the formal setting intimidating. Site visits for example may be more appropriate to see first-hand what the committee is investigating / obtaining information on e.g. waste sites, regeneration projects etc.

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**At scrutiny meetings Cabinet members can be expected to answer questions about:-**

- a) The general direction and content of policies, e.g.
- Why do you think this is the right policy?
  - What factors lead you to implement this policy?
  - Council X is known to have had problems in this area – why do you think the same thing won't happen in Southampton?
  - What are the key results and outcomes you would expect to see in 6/12 months' time?
- b) The reasons for chosen priorities, e.g.
- Why are you proposing to do X before Y?
  - Why are you allocating resources to this proposal now when Y is in such a bad way?
- c) Performance within their portfolio area
- What is your opinion of the overall performance of your portfolio this quarter?
  - Which areas of under-performance are currently of greatest concern to you?
  - What steps do you propose to undertake to ensure any areas of underperformance are improved?
  - It seems to me there are problems/shortcomings with X:-
    - How serious do you think they are?
    - What steps do you intend to take to improve the service?
    - How soon do you think we can expect to see significant improvements?
  - It seems to me that something went seriously wrong with X:-
  - What involvement did you have in overseeing the process (name whatever the process is)?
  - Do you think you knew enough about what was happening, and if not, why not?

- Why weren't you aware of any problem(s) earlier?
- What steps have you taken to make sure this won't happen again?
- Do you think these steps go far enough? (And refer to any areas where you think the cabinet member is not going far enough)

If the Cabinet Member defers to officers for questions of this type, it is quite in order for the Scrutiny Member to indicate they would like the response to come from the Cabinet Member. If the Cabinet Member is unable or unwilling to do so then the Scrutiny Member may wish to make a comment on it.

**At scrutiny meetings Officers can be expected to answer questions about:-**

- a) Technical terms and jargon referred to in a report
  - What does X mean?
  - Can you explain how X will work?
- b) The methodology for collecting data referred to in a report
  - How did you go about collecting the figures set out in paragraph X?
  - To what extent do these figures convey the overall picture?
- c) The detailed interpretation of data referred to in a report
  - What period do these figures cover? (If not clearly labelled)
- d) Detailed issues of technical implementation
  - I see from the report that there were problems with X. Why were these not highlighted earlier?
- e) Detailed issues of technical problem solving
  - How soon do you think these remedies will take effect? (The Cabinet Member can then be asked if they think this is soon enough)
- f) Advice given to the Cabinet Member
  - Does the decision proposed/implemented reflect the advice provided to the Cabinet Member?

### **Positive Questioning Strategies**

**Open questions** – Are the best place to start a discussion as they encourage the person being questioned to say as much as possible and raise whatever they want without being constrained, prompted or influenced by others.

*“What do you think about the Council’s recycling strategy?”*

*“How does the Council’s recycling performance compare against other authorities?”*

**Challenging questions** – to gain further information behind some of the facts or figures previously mentioned:

*“Thank you for your answer, when you say providing weekly recycling will cost more, what are the financial consequences for not introducing weekly recycling collections?”*

*“What is being done to encourage households to use the recycling service?”*

**Encouraging questions** – Are those that use compliments as a means of gaining more information.

*“You really have done well in meeting your recycling target. What challenges are still in front of you to be the best in Wales?”*

*“I know you have made great progress in improving recycling levels over recently months. What have you done differently?”*

**Repeating questions** – Repeating information shows that the scrutineer is paying attention to proceedings and can be used to highlight issues, trigger further explanation or clarify facts.

Officer: *“The weekly recycling service covers most of the county borough”*

Scrutineer: *“You said the weekly recycling service covers most of the county borough...”*

**Reviewing questions** – These can be used to check statements and information given.

Officer: *“The weekly recycling service covers most of the county borough”*

Scrutineer: *“Can you put the recycling coverage in percentage terms?”*

**Directing questions** – Using direct open questions is an effective way of finding out more about a specific issue raised by the respondent. This type of questioning also allows respondents to raise anything they feel is important to the discussion. Simple questions starting with what, when, where or how are typical.

*“When will the whole county borough receive weekly recycling collections?”*

### **Negative Questioning Strategies**

Negative questioning should be avoided as it has a detrimental effect on the legitimate ‘critical friend’ challenge. Far from being a positive exchange of views, negative questioning leads to respondents feeling suspicious about the scrutiny process and will result in a loss of trust between scrutineers and respondents making working relationships difficult to maintain. Negative questions can be identified as ones that could lead respondents to believe:

- They are being trapped.
- They are being pressed to say something they do not believe to be true.
- Scrutineers have already made up their mind.

**Examples of types of negative questions are given below.**

**Double Blind questions** – Are closed questions (which only require a yes or no answer) constructed in such a way that they are impossible to answer without respondents incriminating themselves. They demonstrate all three identifiers of negative questions mentioned above.

*“Will the Council’s recycling performance decline unless you carry on cooking the books?”*

**Biased questions** – Are questions that have an inherent bias towards a particular belief and demonstrate the scrutineer already has a fixed mindset.

*“What are your views on the useless contractor employed to collect the recycling?”*

**Leading questions** – Invites the respondent to think in a certain way and agree with the scrutineer’s question.

*“Do you agree that the Council’s recycling service is the best in country?”*

*“How much will the cost of operating the recycling service increase above the rate of inflation next year?”*

**Statements** – Of course aren’t questions but merely announcements of something related to the issues under discussion. Statements should only be made when they are short and used to put a following question in context.

*“I accept recycling rates have improved significantly over the last 3 years, however, they are still well behind the national average. When will our recycling rates match the national average?”*

## **h) SEVEN SCRUTINY SUCCESS FACTORS**

1. Genuine Officer and Member Commitment, Involvement & Participation.
2. Focusing on the right things.
3. Organising what you do.
4. The right level of support.
5. Independent and Objective Perspectives.
6. Learning & Development.
7. Getting the right outcomes.

### **1) Genuine Officer and Member Commitment, Involvement & Participation.**

- “Ownership and commitment to making scrutiny work has to come from the top...**but it has to be genuine**”
- “Ensure reviews are **Member Led**”
- “Reading Officer reports...is no substitute for scrutiny Members undertaking visits and **seeing things for themselves**”.
- “Reviews are most successful when Members work together **in a consensual and constructive way**”.

### **2) Focusing on the right things.**

“In choosing a topic, consider trends in performance, messages from Audit and inspection reports, public concerns, the Authority’s whole analysis of risks, and **focus on the topics that will have most impact and improvement** for the Council”

- “When **planning** your **Work Programme** consult with all the Members of the committee, encourage the public to feed in their ideas, look at corporate priorities and forward plans.”
- “**Choosing the right topic** is of vital importance in smaller Authorities especially where there are few staff able to give officer support”
- “If you are looking into a specific service area, take evidence first on **strategy**, then **management**, and finally on **service delivery**.”

### **3) Organising what you do.**

- “**Prepare thoroughly** for meetings in order to ask the right probing questions”

- **“Plan ahead.** Set a six - twelve month work programme and plan for the next meeting at every meeting. Get the right balance of short and longer reviews. **Be realistic what you can achieve”.**
- **“Set the right mood for scrutiny”**
- **“Set a clear remit and measurable outcomes”.**

#### 4) The right level of support.

- **“Ensure dedicated and sufficient levels** of scrutiny support.
- **“Engender good working relationships** with Executive Members and Chief Executive / Deputy Chief Executive / Chief Officer responsible for the delivery of the service, and with partners and experts who have relevant perspectives and evidence to give”.
- **“Ensure effective back office and information support – encourage Members to seek out information** on the subjects.”
- **“The use of information technology** has helped so much in keeping Members properly briefed and informed”.

#### 5) Independent and Objective Perspectives.

- **“Never compromise** the independence and influence of Scrutiny – don’t get too close or too distant, and always base your discussions on a variety of **appropriate evidence.”**
- **“Choosing the right witnesses and questioning them effectively** will open your review to much greater results.”
- **“Ensure that you obtain a balanced view from all** interested parties”.
- **“Invite a few witnesses with topical, controversial opinions to introduce new ideas and generate debate”**
- **“Don’t be afraid to bring in expert help and opinion”**

#### 6) Learning & Development.

- **“Learn by looking at your own scrutiny committee.** Ask another committee to **assess your committee performance.** This helped us to make instant improvements to scrutiny and the way we conducted ourselves, and the meetings”.
- **“Prepare an ongoing member and Officer development programme for scrutiny – for all Members and Officers”.**
- **“Learn from good practice elsewhere – don’t reinvent the wheel”**



- “Prepare a feedback form and get feedback from those you have invited to scrutiny and from the public that attend, so that you can **find out what works** and what more you need to do to **make scrutiny more effective**”.

## 7) Getting the right outcomes.

- “Include follow-up procedures in the project planning to **monitor implementation of recommendations**.”
- “Many issues **do not have ideal solutions**. Sometimes there have to be winners and losers. However scrutiny should not be seen to duck such issues”.
- “Ensure that the review is **evidence based**.”
- “Make final recommendations practical and realistic but don’t shy away from proposing **more radical options** for improvement if relevant.”
- “Identify ownership of recommendations in order to ensure they are acted upon and remain focused”



## **i) GIVING EVIDENCE TO A SCRUTINY COMMITTEE**

### **A Guide for Council Officers**



#### **Introduction**

This section addresses specific issues for Merthyr Tydfil County Borough Council staff who have been asked to provide written or oral evidence to a scrutiny committee. Since May 2010 Merthyr Tydfil County Borough Council has been operating its new political management arrangements, which includes a Cabinet (the day to day decision maker of the Council) and six Scrutiny Committees which investigate key issues and make recommendations for change if so required.

Scrutiny in Merthyr Tydfil helps Councillors ensure that the Council's Cabinet makes the best decisions. However scrutiny is also about improving the Council's policies and performance. The Scrutiny Committees and their responsibilities are shown over the page.

#### **What Scrutiny doesn't do**

Scrutiny doesn't deal with individual queries, concerns or complaints about Council services - these are passed on to the appropriate Council department or are dealt with by the Council's complaints procedure. Scrutiny doesn't undertake consultation programmes on behalf of Council departments, but it may undertake some consultation as part of its work.

# MTBC Scrutiny Committee Remits

GARETH CHAPMAN (Chief Executive)				ELLIS COOPER (Deputy Chief Executive)	
DOROTHY HAINES <b>LEARNING</b>	LISA CARTERS-JONES <b>SOCIAL SERVICES</b>	CHERYLEE EVANS <b>COMMUNITY CARE</b>	ALYN OWEN <b>SCOTTISH COMMUNITY</b>	MARK THOMSON <b>Food &amp; Corporate Services</b>	CARYS KERRIN <b>Health &amp; Local Government</b>
Chief Executive (Other (Chairman Role)) Chairman & Chairwoman (Chairman Role) Chairman & Chairwoman (Chairman Role) Chairman & Chairwoman (Chairman Role) Chairman & Chairwoman (Chairman Role) Chairman & Chairwoman (Chairman Role)	Chairman of Social Services Chairman & Chairwoman (Chairman Role) Chairman & Chairwoman (Chairman Role) Chairman & Chairwoman (Chairman Role) Chairman & Chairwoman (Chairman Role) Chairman & Chairwoman (Chairman Role)	Chairman of Community Care Chairman & Chairwoman (Chairman Role) Chairman & Chairwoman (Chairman Role) Chairman & Chairwoman (Chairman Role) Chairman & Chairwoman (Chairman Role) Chairman & Chairwoman (Chairman Role)	Chairman of Scottish Community Chairman & Chairwoman (Chairman Role) Chairman & Chairwoman (Chairman Role) Chairman & Chairwoman (Chairman Role) Chairman & Chairwoman (Chairman Role) Chairman & Chairwoman (Chairman Role)	Chairman of Food & Corporate Services Chairman & Chairwoman (Chairman Role) Chairman & Chairwoman (Chairman Role) Chairman & Chairwoman (Chairman Role) Chairman & Chairwoman (Chairman Role) Chairman & Chairwoman (Chairman Role)	Chairman of Health & Local Government Chairman & Chairwoman (Chairman Role) Chairman & Chairwoman (Chairman Role) Chairman & Chairwoman (Chairman Role) Chairman & Chairwoman (Chairman Role) Chairman & Chairwoman (Chairman Role)
<b>Learning and L&amp;ESCP</b> <b>Scrutiny Committee</b>	<b>Social Services</b> <b>Scrutiny Committee</b>	<b>Neighbourhood Services, Planning</b> <b>Scrutiny Committee</b>	<b>Regeneration and Public</b> <b>Scrutiny Committee</b> (Two Councillors & Deputy Councillors)	<b>Governance, Performance, Business Change</b> <b>Scrutiny Committee</b>	<b>Other Department -</b> <b>Other Department -</b> <b>Other Department -</b> <b>Other Department -</b> <b>Other Department -</b> <b>Other Department -</b>
Chief Lisa Wilson (Joint to Member for Learning)	Chief David Hughes (Joint to Member for Social Services)	Chief Stewart Burns (Joint to Member for Neighbourhood Services, Planning & Countryside)	Chief Gwenda Thomas (Joint to Member for Regeneration and Public Protection)	Chief Andrew Barry (Joint to Member for Governance and Corporate Services)	Chief Gwenda Thomas (Joint to Member for Regeneration and Public Protection)

### **Q1: What is a scrutiny committee?**

Scrutiny Committees get to the heart of issues and problems. In some ways, a scrutiny committee meeting looks a bit like a parliamentary select committee. But in Merthyr Tydfil it's much less formal. For one thing, Councillors, rather than MPs, sit on the committees. Scrutiny committees can also co-opt other people such as service users, voluntary sector representatives or other outside experts.

Scrutiny Committees call Cabinet Members, Council officers and other witnesses to answer questions and give evidence about the issue being looked at. They collect evidence and then on occasion and depending on the subject being looked at, produce a report for the Cabinet or full Council to consider. Topics the scrutiny committees could be looking at include things like street lighting, playing fields, waste disposal, housing issues, etc.

Each scrutiny committee has a Chairman who is an elected Member of the Council and in Merthyr Tydfil's case, each of the 6 scrutiny committees is made up of non-executive Councillors and in addition there are co-opted members on each of the committees.

### **Q2: Who are the contacts for scrutiny committees?**

The Scrutiny Support Officer(s) is based in the Democratic Services department at the Civic Centre and can provide advice on the issues or concerns you may have. Do raise any issues or concerns you have early on in the scrutiny process.

The Scrutiny Support Officer organises the programme of meetings and ensures that papers are sent out to all parties within the agreed timescales. He/she will attend the meeting and in addition a Committee Clerk will attend the meetings to take minutes. You could also speak to the Chair of the scrutiny committee you have been invited to attend as well.

### **Q3: How long do I have to produce evidence requested by a scrutiny committee?**

Scrutiny Committee meetings are normally held approximately every 8 weeks. If you are approached to provide documents or have been sent a list of questions to address you will normally be given a minimum of two

weeks to respond but in some cases it may be less time in order to coincide with the meetings timetable.

This will allow the Scrutiny Support Officer to receive your response and distribute same to the committee members prior to the meeting you have been invited to attend.

In some instances a written response will suffice and there is no need for you to attend a scrutiny committee meeting but this will be explained in the request letter sent to you.

#### **Q4: What should I include in written evidence?**

There are certain fixed rules for the written evidence submitted to scrutiny committees. What follows is guidance based on what scrutiny committees have found helpful so far.

Written evidence needs to:

- . Be concise and factually accurate
- . Explain any jargon, abbreviations and technical terms used
- . Address the specific questions the scrutiny committee has asked
- . Avoid the use of irrelevant information.
- . Refer to or include relevant policy and other key documents where necessary.

#### **Q5: Does written evidence have to be in any particular format?**

Yes. Reports should normally be in the format of “Where we were”; “Where we are now”; “Where we want to be”; and “What we need to do next”. The Scrutiny Support Officer will provide you with more details.

#### **Q6: Can I submit exempt evidence to a scrutiny committee?**

Ideally, all evidence considered by scrutiny committees should be made available to the public. However if there are reasons why you want to give some or all of your evidence in private then contact the Scrutiny Support Officer at an early stage.

Certain types of evidence can be made "exempt" which means that only the committee members and some Council Officers would be able to view it. For example, if your evidence refers to individual persons or

details of someone's financial or business affairs, then it might be possible to treat this information as "exempt". Above all, please make it absolutely clear to us when submitting your evidence if you think it ought to be "exempt".

**Q7: Which Council members & Officers need to attend scrutiny committees?**

Scrutiny committees can require Cabinet Members, the Chief Executive / Deputy Chief Executive / Chief Officers and other Officers to attend and give evidence. At your Chief Officers discretion, junior officers can attend to give evidence but can be accompanied by their manager if they wish.

**Q8: What if I cannot attend on the date of the committee?**

Scrutiny committees group witnesses together in a logical way to help the flow of information. Scrutiny committees work to tight timescales and so it is often impossible to rearrange meetings so that everyone can attend. Therefore it is important to come along on the day requested.

If you cannot attend, you can nominate and brief another person to come on your behalf. Or, it may be possible for the scrutiny committee to consider a written submission from you and come back to you later if there are still outstanding matters. This is something you can discuss with the Scrutiny Support Officer.

**Q9: Will I have to give a presentation?**

No, not normally but the Scrutiny Support Officer will discuss this with you. The 'key' features of most successful meetings are defined as; a brief presentation of the report by the Cabinet Member / Officer lasting no more than 15 minutes; the appropriately robust questions prepared in advance by scrutiny members; then follow-up questions to initial responses.

**Q10: What do I do if scrutiny committee members ask questions I consider to be wholly unacceptable?**

Scrutiny committees recognise that there is value in creating a comfortable environment if they are to obtain the information they need. They do appreciate the hard work officers do and are more likely to say so than to try to "catch you out". Members are discovering that scrutiny gives them the opportunity to explore in detail many parts of the Council's work than was possible previously.

If you find yourself in a scrutiny committee meeting feeling uncomfortable with a line of questioning you consider inappropriate, then it is entirely reasonable to explain to the committee why you feel that way.

**Q12 What happens after the scrutiny committees meeting**

About a week after the meeting, the minutes of the meeting will be available on the Internet / Intranet, which summarise the main salient points. The minutes may also quote some of the things you said. From the minutes you will also be able to identify and send the scrutiny committee any supplementary information requested.

After the scrutiny committee has finished collecting all its evidence, it may produce a report summarising its findings. The report may make recommendations for future action or changes in policy. We will send your Chief Executive / Deputy Chief Executive / Chief Officer a draft copy of any report and will respond to any comments you have about its factual accuracy.

The Cabinet, or Council as appropriate, considers the scrutiny committees report and decides whether or not to implement any recommendations.

Remember Scrutiny committees are not decision makers – their role is to make recommendations where they feel it is necessary. If Cabinet or Council is unable to implement any recommendations of scrutiny, they will give details or reasons why.



**Q13: Is there a right of reply for officers to respond to issues raised in scrutiny committee meetings?**

Yes. As mentioned in Q12 a draft copy of the report will be sent to your Chief Executive / Deputy Chief Executive / Chief Officer giving them 10 days to respond. Any response will be taken into account by the committee chair before the report is finalised.

When the report is submitted to Cabinet (or Council) they may decide that they want a response from the appropriate Chief Executive / Deputy Chief Executive / Chief Officer on the issues raised in the scrutiny report. Past experience shows that the Cabinet has then asked the responsible Chief Executive / Deputy Chief Executive / Chief Officer to respond to the scrutiny report by submitting his or her own report to Cabinet.

**Q14: Will scrutiny carry out research and consultation to assist departments with their work?**

Scrutiny does not carry out consultation that should be undertaken by Council Departments. So, for example, you cannot rely on scrutiny to carry out user feedback surveys on your behalf even though scrutiny may gather the views of a number of stakeholders as part of any of its own scrutiny investigations.

For further information please contact Scrutiny Support on (01685) 725207



## **j) GIVING EVIDENCE TO A SCRUTINY COMMITTEE**

### **A Guide for Individuals and Organisations.**



#### **Introduction**

This section addresses specific issues for Individuals and Organisations who have been asked to provide written or oral evidence to a scrutiny committee. Since May 2010 Merthyr Tydfil County Borough Council has been operating its new political management arrangements, which includes a Cabinet (the decision maker) and six Scrutiny Committees who investigate key issues and make recommendations for change if so required.

Scrutiny in Merthyr Tydfil helps Councillors and Co-opted members ensure that the Council's Cabinet makes the best decisions. However scrutiny is also about improving the Council's policies and performance. The Scrutiny Committees and their responsibilities are shown over the page.

#### **What Scrutiny doesn't do**

Scrutiny doesn't deal with individual queries, concerns or complaints about Council services - these are passed on to the appropriate Council department or are dealt with by the Council's complaints procedure.



**Q1: What is a scrutiny committee?**

Scrutiny Committees get to the heart of issues and problems. In some ways, a scrutiny committee meeting looks a bit like a parliamentary select committee. But in Merthyr Tydfil it's much less formal. For one thing, Councillors, rather than MPs, sit on the scrutiny committees. Committees can also co-opt other people such as service users, voluntary sector representatives or other outside experts.

Scrutiny Committees call Cabinet Members, Council officers and other witnesses to answer questions and give evidence about the issue being looked at. They collect evidence and then on occasion and depending on the subject being looked at, produce a report for the Cabinet or full Council to consider. Topics the scrutiny committees could be looking at include things like street lighting, playing fields, waste disposal, littering issues, etc.

Each scrutiny committee has a Chairman who is an elected Member of the Council and in Merthyr Tydfil's case, each of the 6 scrutiny committees is made up of non-executive Councillors and in addition there are co-opted members on each of the committees.

**Q2: Who is the contacts for scrutiny committees?**

The Scrutiny Support Officer(s) is based in the Democratic Services department at the Civic Centre and can provide advice on the issues or concerns you may have. Do raise any issues or concerns you have early on in the scrutiny process.

The Scrutiny Support Officer organises the programme of meetings and ensures that papers are sent out to all parties within the agreed timescales. The Scrutiny Support Officer will attend the meeting and in addition a Democratic Services officer will attend the meetings to take minutes. You could also speak to the Chair of the scrutiny committees you have been invited to attend as well.

**Q3: If I am invited to give evidence to the scrutiny committee, must I attend?**

Scrutiny committees can require Cabinet members of the Council and senior Council Officers to attend and give evidence. But, there is no such obligation for people from outside the Council to attend a meeting.

You can nominate another person to come on your behalf if they are fully briefed on the issue. Scrutiny Committees sometimes invite an organisation, rather than an individual, to give evidence. In this case, it is up to you to decide who would be most appropriate to attend.

**Q4: What if I cannot attend on the date of the scrutiny committee?**

Scrutiny committees group witnesses together in a logical way to help the flow of information. Committees also work to tight timescales and so it is often impossible to rearrange meetings so that everyone can attend. Therefore it is important to come along on the day requested.

If you cannot attend, you can nominate another person to come on your behalf. Or it may be possible for the committee to consider a written submission from you and come back to you later if there are still matters that have not been dealt with. This is something you can discuss with the Scrutiny Support Officer.

**Q5: What will I be asked?**

You will be able to discuss with the Scrutiny Support Officer the issues that the scrutiny committee wants to discuss with you. If necessary about a week before the meeting we will send you a list of any specific questions on topics the scrutiny committee will want to discuss with you. The idea is that these points encourage discussion around the topic and the scrutiny committee may therefore also ask supplementary questions.

It may be the case that you are invited to an “around-the-table” discussion with other invited parties and there are no pre set questions. This will be explained in the letter or email inviting you to attend.

A Committee may also ask you to send them further information in writing afterwards

**Q6: Will I have to give a presentation?**

A Scrutiny committee may ask witnesses to give a short presentation, or may prefer to focus on discussion and questions from the outset. It is best to make sure that you keep your own notes on all the main points you want to make. If you make a presentation it is usually best to keep it short, to say, around fifteen to twenty minutes. The committee may then ask you some questions about what you have said. Again this will be explained in a letter / email to

you beforehand.

The scrutiny support officer will advise you how long you will have for your "slot" at the Committee meeting.

**Q7: Who will be present at a scrutiny committee meeting?**

As well as the scrutiny committee members, there will be a Scrutiny Support Officer, Committee Clerk and sometimes other Council officers present. Scrutiny committee meetings are open to the public unless confidential information is discussed, although this is very rare. Members of the press may also be at the meeting. If you feel that the presence of these people could make you feel uncomfortable in any way when giving your evidence, then do speak to the Scrutiny Support Officer beforehand who will assist you in any way he/she can to help you get your points across effectively.

Scrutiny committees may hear from more than one set of witnesses at a single meeting. In such cases it would be helpful if you could attend the whole of the meeting so that if necessary you can comment on the evidence already given.

**Q8: Where are scrutiny committee meetings held and are they accessible?**

Committee meetings normally take place in one of the committee rooms at the Civic Centre in Castle Street, Merthyr Tydfil. The venues where we hold scrutiny committee meetings are wheelchair accessible.

**Q9: If required, what should I include in any written evidence to a scrutiny committee?**

There are no fixed rules about the format of written evidence. What follows is guidance based on what committees have found helpful so far.

Written evidence should ideally:

- Be concise, accurate and should address matters within the scope of the scrutiny committee
- Explain any jargon, abbreviations or technical terms used
- Include a brief introduction about the person(s) or organisations submitting it, perhaps stating their area of knowledge or expertise, etc.
- Answer any questions the committee has asked.

- Contain any factual information to help the committee to draw conclusions, or that could be put to other witnesses for their reactions
- Include any suggestions for recommendations for action if appropriate. The committee will then decide whether to put these in its report.

You can send us and refer to additional material such as published reports, leaflets, press articles, etc. But please summarise the main points you want to make rather than leave other documents to stand on their own.

**Q10: Where and when should I send written evidence? Written evidence can be:**

- Posted or delivered to Scrutiny Support Officer, Merthyr Tydfil County Borough Council, Civic Centre, Castle Street, Merthyr Tydfil, CF47 8AN.
- Emailed to the Scrutiny Support Officer– [scrutiny@merthyr.gov.uk](mailto:scrutiny@merthyr.gov.uk)

**Q11: What will happen to my written evidence?**

Firstly, the scrutiny officer will read your submission. We will then reproduce and circulate your evidence to members of the committee, the press and any members of the public who request a copy. We will not withhold written evidence submitted from a scrutiny committee except if:

- Its content falls outside the scrutiny committees terms of reference, or
- It contains any material we consider to be defamatory or offensive.

We may edit material falling outside the terms of reference. If we do this, we will show you any changes we make before your evidence is circulated.

If your written evidence appears to contain defamatory or offensive material we will, after consulting with legal officers to reach an agreed view:

- Request you to submit a revised document minus the offending wording.
- In the event that you persist in wishing to submit the document without amendment.
- Inform you that the document will not be put before the scrutiny



**Q12: Can I submit written evidence to a scrutiny committee anonymously?**

You must tell us your name and address when you give us evidence for a committee. Unless you ask us otherwise, we will include your name and address with your evidence when it is circulated to the scrutiny committee and public.

However, if you prefer, we can circulate your evidence without including your name and address in it. Please make your preference clear when you submit your evidence to us.

**Q13: Can I submit written evidence to a scrutiny committee without it being made available to the public?**

Ideally, all evidence considered by scrutiny committees should be made available to the public. However, if there are particular reasons why you want to give some or all of your evidence in private, contact the scrutiny support officer at an early stage.

Certain types of evidence can be made "exempt". This means that only the committee's members and some Council officers would be able to see it. For example, if your evidence refers to individual persons or details of someone's financial or business affairs, say, then it might be possible to treat this information as "exempt".

**Q14 What happens after the meeting?**

About a week after the meeting, the minutes summarising the main arguments people made will be available on the Councils website. The minutes may also quote some of the things that you said. From the minutes you will also be able to identify and send us any supplementary information asked for by members of the scrutiny committee.

After the scrutiny committee has finished collecting all its evidence, it may produce a report summarising its findings. The report may make recommendations for future action and acknowledges the source of all the written and oral evidence provided to the committee.

The Council's Cabinet or full Council considers scrutiny committees' reports and decides whether or not to implement any recommendations, if indeed

there are any. The Cabinet or full Council are urged to provide an explanation where it feels unable to implement a recommendation of scrutiny.

As a valued contributor to the committee, we will undertake to keep you informed on future progress. If a report is prepared, we will send you a copy with its recommendations and details of the Cabinet or full Councils decision

For further information please contact Scrutiny Support on (01685) 725207

## UNDERSTANDING YOUR ROLE.

(adapted from CfPS publication)



- **UNDERSTANDING YOUR ROLE**

1. Policy review and development.
2. Holding decision-makers to account.
3. Performance Management and Best Value.
4. External scrutiny.
5. Engaging with the public and outside bodies.

**1 POLICY REVIEW AND DEVELOPMENT** The Office of the Deputy Prime Minister (ODPM) research in 2002 found that this was the most impressive aspect of overview and scrutiny and that traditional committees had rarely carried out this work. Policy development and review work can present a real opportunity to demonstrate the new and distinctive role of overview and scrutiny: both in relation to the issues being examined; and the way in which the committees are going about their work.

The key factors in successful policy review and development are set out below.

- **Selecting significant review topics** where scrutiny can add value:
  - Crosscutting issues
  - Issues of public concern
  - Issues where there are statutory requirements not being met
  - Issues with significant financial implications
- **Rigorous project planning** with careful scoping of:
  - Terms of reference
  - Key issues and objectives
  - Information required
  - Methods to be adopted
  - Resources required.

Including external expertise

- **Range of Investigative Methods** ensuring that a range of experiences and views is represented:
  - The formal 'select committee' approach of witnesses
  - Focus groups
  - Public meetings
  - Site visits to meet Members of the public and see the service in situ.
  - Mystery shopping
  - Specific measures to obtain the views of people who have not traditionally become involved in council consultations, for example, young people, or people from black and minority ethnic groups.
- **Well presented final reports**, which review the evidence, summarise the main points and make clear recommendations for service innovation and development, based on the evidence.
- **Follow up of recommendations** to ensure that action is taken and the review leads to service improvement. This can be done through such means as follow-up surveys; or the requirement for the appropriate committee chair or senior officer to produce an action plan to implement the recommendations.

**2 HOLDING DECISION-MAKERS TO ACCOUNT** In Authorities the decision-makers could be, depending on the circumstances: full council, policy committees, committee chairs, the leader of the council or senior officers. Activities that fall into the category of 'holding to account' are:

- **Examining minutes, agendas and any forward plans regularly**, to ensure decisions have been properly taken and that the right kinds of issues are being discussed. (Examination of minutes and agendas can of course also be a way of identifying performance and review issues that need to be examined in more depth.)
- **Attending policy committee meetings**, to observe proceedings and get a wider view of the issues on the agenda.
- **Calling policy or service committee chairs or other Members, or senior officers**, as witnesses or to present progress reports, so that they can be questioned about policy and performance issues in their areas of responsibility.

- **Officer briefings**, in order to ensure that the committees are kept up to date.
- **Regular meetings with the council leader and other senior Members**, in order to discuss informally policy and performance issues.
- **Using call-in procedures**: reasons for lack of use could be positive (issues are resolved without recourse to formal procedures through the acceptance of scrutiny recommendations); or negative (cumbersome procedures; or political reservations). However, call-in presents an opportunity to have important issues more widely debated and, if presented in this way, could be seen as less divisive and more constructive. The mechanism for call-in should be clear and simple, so that it can be easily used when necessary.

**3 PERFORMANCE MANAGEMENT AND BEST VALUE** - Best Value has been a particular responsibility of overview and scrutiny committees since the new structures were introduced and this has helped to emphasise overview and scrutiny's important role in driving up performance. Overview and scrutiny committees are now playing a key role in the development and monitoring of Comprehensive Performance Assessments (CPA) action plans (*These do not apply to Wales*). However, scrutiny has a wider role in the independent monitoring and review of performance, complementing the role of policy committees. ODPM research, and evidence from CPA, suggests the following elements of good practice:

- **Building the scrutiny process into the Council's Performance Management Framework (PMF)**, so that it is seen as integral to performance management in the Authority, and not as an 'add on'. The PMF should set out what kind of reports should come before overview and scrutiny and at what frequency.
- **Focus on key targets at the strategic level**: the Corporate Plan, departmental plans and improvement plans which relate to key corporate issues
- **Different approaches to scrutiny of budget issues**, for example: examination of corporate priorities and non-priorities; examination of specific budget issues; scrutiny of budget papers; budget monitoring.
- **Focus on strategic issues in Best Value work** rather than detailed involvement with individual Best Value Reviews. This includes reviewing:

The content and presentation of the Best Value Performance Plan, to ensure that the public and partners will find it useful and comprehensible  
The Best Value Review Programme, to ensure that public concerns and failing services have been given sufficient priority  
The packaging of Best Value Reviews, to ensure that they make sense to elected Members, the public and partners.

**4 EXTERNAL SCRUTINY** - The ODPM research in 2002 found that councils were carrying out scrutiny of external organisations. However, this is a very distinctive and crucial role that only scrutiny committees can play. It could be developed further to enhance the role of scrutiny in councils. The approach to reviews should be the same as for internal policy review and development, in terms of: choosing a significant topic; planning and managing the review; using a variety of investigative methods; involving the public and other partners; producing a robust and evidence based report and following up recommendations.

- **Community leadership**: external scrutiny is important in responding to issues of public concern and demonstrating community leadership.
- **Partnership working**: external reviews can promote partnership working, for example by:
  - Looking at cross-cutting issues
  - Looking at how the council itself works in partnership with others
  - Monitoring and evaluating the Community Strategy and Local Strategic Partnership.
- **Health scrutiny**: this is a fairly new area and one that is the responsibility of County Councils in two tier systems. However, County Councils can delegate this function to one or more districts or can work with districts in other ways. (Not a role of Welsh LA's at present)

**5 ENGAGING WITH THE PUBLIC AND OUTSIDE BODIES** – The overview and scrutiny process is about openness, transparency and learning. Explaining the role of scrutiny to the public has been identified as an issue for some councils. It is essential, therefore, that overview and scrutiny committees engage with the outside world in a variety of ways:

- **Involving the public** in a variety of ways, including: consultation on the work programme and selecting topics for investigation; consultation in reviews; public attendance at meetings, preferably with speaking rights (this needs inclusive but firm chairing); moving meetings out of the town hall to more accessible and appropriate community venues
- **Keeping the public and partners informed** through: inviting Members of the public to join a scrutiny mailing list and circulating information and invitations to meetings by letter, e-mail and texting, particularly for younger people; scrutiny page on the council's web-site; leaflets; posters; council newspaper; using the media; presentations and newsletters for partner organisations. It is helpful to develop a communications plan so that there is a coherent approach.
- **Seeking feedback from the public** for example through: public feedback forms available at all meetings, to gather public views on layout, venue, conduct of the meeting; whether the meeting was welcoming, understandable and gave an opportunity for them to have a say.
- **Involving the media.** The media can be a powerful means of promoting overview and scrutiny, if they can be persuaded to take a constructive interest in the work of the committee. Useful methods include: media conferences to launch reports; regular meetings between the chair and local editors; press/media releases before every meeting. It may also be possible on occasion to involve the media in reviews (for example, reviews of promotions and publicity), either as expert witnesses or through temporary co-option.
- **Learning from experts.** Bringing in experts to advise on reviews of technical topics. This may require a budget, but not always. Where resources are tight, it is worth exploring free advice through professional organisations.
- **Learning from other authorities** through: visits to other councils to learn from best practice; hosting visits from other councils; joining overview and scrutiny networks; making use of resources such as CfPS website, which has details of research, good practice and a database of scrutiny reviews.





## **National Welsh Characteristics of Good Scrutiny**

### **Outcomes and characteristics for effective local government scrutiny**

#### **Democratic accountability drives improvement in public services:**

##### **Better Outcomes**

- Has a clearly defined and valued role in the council's improvement and governance
- Has the dedicated officer support it needs from officers who are able to undertake independent research effectively, and provides councillors with high-quality analysis, advice and training
- Inquiries are non-political, methodologically sound and incorporate a wide range of evidence and perspectives
- Regularly engages in evidence based challenge of decision makers and service providers
- Provides viable and well evidenced solutions to recognised problems

#### **Democratic decision making is accountable, inclusive and robust:**

##### **Better Decisions**

- Overview and scrutiny councillors have the training opportunities they need to undertake their role effectively
- The process receives effective support from the council's corporate management team who ensure that information provided to overview and scrutiny is of high quality and is provided in a timely and consistent manner
- Overview and scrutiny is councillor-led, takes into account the views of the public, partners and regulators, and balances the prioritisation of community concerns against issues of strategic risk and importance

- Overview and scrutiny meetings and activities are well-planned, chaired effectively and make best use of the resources available to it
- Decision makers give public account for themselves at scrutiny committees for their portfolio responsibilities

**The public is engaged in democratic debate about the current and future delivery of public services:**

**Better Engagement**

- Overview and scrutiny is recognised by the executive and corporate management team as an important council mechanism for community engagement, and facilitates greater citizen involvement in governance
- Overview and scrutiny is characterised by effective communication to raise awareness of, and encourage participation in democratic accountability
- Scrutiny operates non-politically and deals effectively with sensitive political issues, tension and conflict
- Overview and scrutiny builds trust and good relationships with a wide variety of internal and external stakeholders
- Overview and scrutiny enables the 'voice' of local people and communities across the area to be heard as part of decision and policymaking processes

<p>Outcome</p> <p><b><i>What does good scrutiny seek to achieve?</i></b></p>	<p>Characteristics</p> <p><b><i>What would it look like? How could we recognise it?</i></b></p>
<p>1. Democratic accountability drives improvement in public services.</p> <p><b><i>“Better Services”</i></b></p>	<p><b>Environment</b></p> <ul style="list-style-type: none"> <li>i) Scrutiny has a clearly defined and valued role in the council's improvement arrangements.</li> <li>ii) Scrutiny has the dedicated officer support it needs from officers who are able to undertake independent research effectively, and provide Scrutiny members with high-quality analysis, advice and training.</li> </ul> <p><b>Practice</b></p> <ul style="list-style-type: none"> <li>iii) Overview and Scrutiny inquiries are non-political, methodologically sound and incorporate a wide range of evidence and perspectives.</li> </ul> <p><b>Impact</b></p> <ul style="list-style-type: none"> <li>iv) Overview and scrutiny regularly engages in evidence based challenge of decision makers and service providers.</li> <li>v) Scrutiny provides viable and well evidenced solutions to recognised problems.</li> </ul>
<p>2. Democratic decision making is accountable, inclusive and robust.</p> <p><b><i>“Better decisions”</i></b></p>	<p><b>Environment</b></p> <ul style="list-style-type: none"> <li>i) Scrutiny councillors have the training and development opportunities they need to undertake their role effectively.</li> <li>ii) The process receives effective support from the Council's Corporate Management Team who ensures that information provided to scrutiny is of high quality and is provided in a timely and consistent manner.</li> </ul> <p><b>Practice</b></p> <ul style="list-style-type: none"> <li>iii) Scrutiny is Member led and has 'ownership' of its work programme taking into account the views of the public, partners and regulators whilst balancing between prioritising community concerns against issues of strategic risk and importance.</li> <li>iv) Stakeholders have the ability to contribute to the development and delivery of scrutiny forward work programmes.</li> <li>v) Overview and scrutiny meetings and activities are well-planned, chaired effectively and make best use of the resources available to it.</li> </ul> <p><b>Impact</b></p> <ul style="list-style-type: none"> <li>vi) Non-executive Members provide an evidence based check and balance to Executive decision making.</li> <li>vii) Decision makers give public account for themselves at scrutiny committees for their portfolio responsibilities.</li> </ul>

<p><b>3. The public is engaged in democratic debate about the current and future delivery of public services.</b></p> <p><i>"Better engagement"</i></p>	<p><b>Environment</b></p> <p>i) Scrutiny is recognised by the Executive and Corporate Management team as an important council mechanism for community engagement.</p> <p><b>Practice</b></p> <p>ii) Scrutiny is characterised by effective communication to raise awareness of, and encourage participation in democratic accountability.</p> <p>iii) Scrutiny operates non-politically and deals effectively with sensitive political issues, tension and conflict.</p> <p>iv) Scrutiny builds trust and good relationships with a wide variety of internal and external stakeholders.</p> <p><b>Impact</b></p> <p>v) Overview and scrutiny enables the 'voice' of local people and communities across the area to be heard as part of decision and policy-making processes.</p>
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Examples of types of scrutiny (what is appropriate for each topic)

1. **Policy Review & Development** – where the Committee contributes to the development of policy by scrutinising and making recommendations on policy proposals. Scrutiny Members may wish to be kept informed regarding new legislation, policy refreshing exercises and the outcomes of external assessments in order to provide recommendations to the Cabinet on policy.
2. **Pre-Decision Scrutiny** - Where the Committee evaluates and comments upon policy proposals before they go to the Cabinet, giving the Cabinet the opportunity to know Scrutiny Members' views prior to making their decision. Members may wish to keep informed of areas coming up on the agenda of Cabinet, in case they wish to pre-scrutinise items.
3. **Performance Monitoring** – where the Committee regularly analyses key performance data from the service areas within its remit in order to: highlight good performance; identify poor performance; examine trends over time; benchmark against other authorities; and examine the impact that initiatives and changes in resources have on performance and service delivery. By undertaking this role scrutiny may identify subjects that require further investigation
4. **Task and Finish** – where the Committee examines a clearly defined topic using a planned approach over a set period of time, including: receiving evidence from Cabinet, officers and external witnesses; collating good practice; site visits where necessary; consulting stakeholders; and delivering a clear set of key findings and recommendations.
5. **Briefing Papers** – where the Committee is receiving information on a topic to facilitate future scrutiny and analysis of that issue.
6. **Call-in** – where the Committee is considering a recent Cabinet or officer decision that a non-executive Councillor has requested be re-

considered, and which meets the Council’s criteria for Call-in as per the Constitution.

7. **In-depth topic reviews** – Scrutiny Members may identify a topic they wish to review in depth. This enables Members to take time to consider evidence about the service area or organisation in question from various stakeholders, and present wide ranging recommendations aimed at service improvement.
8. **Overview** - one of scrutiny’s main functions is to monitor the Council’s budget, service performance, and key decisions. The Scrutiny Committees also have an ‘overview’ remit and may have items on the agenda to brief Members about an area of work relevant to their terms of reference. Oversight of these areas is routine business and normally planned in advance. By undertaking this monitoring scrutiny may identify subjects that require further investigation.
9. **Short “scrutinies”** - Scrutiny members can question senior officers and cabinet members about an issue in just one or two meetings. This approach enables scrutiny to address key, topical issues quickly. It is a useful way of holding to account or of highlighting quickly the work being done by the Council in relation to residents' areas of concern, or to have an update from a previous scrutiny to monitor progress. These short scrutinies are also a useful way for members to monitor and challenge a service or policy over a period of time and carry out broad, light touch, overview of services. The outcomes of these discussions are likely to be comments to the Cabinet Member, rather than detailed reports with a number of evidence-based recommendations.

### **The Wellbeing of Future Generations (Wales) Act 2015**

The Act achieved Royal Assent in April 2015 and the legislation came into force in April 2016. The Act requires public bodies to improve social, economic, environmental and cultural wellbeing, by taking action in accordance with the sustainable development principle, aimed at achieving the 'Wellbeing Goals'.

The Act also established Public Services Boards (PSBs) for each local authority area in Wales. These replaced existing Local Service Boards (LSBs) and are statutory. The PSB is responsible for publishing an assessment of local wellbeing and a Local Wellbeing Plan.

There are two distinct roles for scrutiny:

- All Scrutiny Committees will need to ensure that the Council applies the duties of the Act to its own decisions and policies – this will require scrutiny members to challenge whether the Council is implementing the Act across all the services that it delivers.
- Purposeful scrutiny of the Public Services Board – this should be strategic and focussed on the work of the Public Service Board as a whole.

The creation of the joint Cwm Taf Public Services Board, rather than separate a Merthyr Tydfil Public Services Board and a Rhondda Cynon Taf Public Services Board, was agreed on 12<sup>th</sup> May 2016.

This local authority in conjunction with RCTCBC has established a joint scrutiny committee to scrutinise the Cwm Taf Public Services Board, rather than each authority having a separate designated scrutiny committee.

### **Examples of questions that might be asked by Scrutiny committees in the light of the Well Being of Future Generations Act.**

The Wellbeing of Future Generations (Wales) Act is about improving the social, economic, environmental and cultural wellbeing of Wales. It has **seven well-being goals** (see over) and tells organisations how to work more sustainably together to meet their duties under the Act by following **five ways of working**.

The Act puts in place a ‘**sustainable development principle**’ which tells organisations how to go about meeting their duty under the Act. Doing something “in accordance with the sustainable development principle” means that the body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Public bodies need to make sure that when making their decisions they take into account the impact they could have on people living their lives in Wales in the future.

There are 5 things that public bodies need to think about to show that they have applied the sustainable development principle. Following these 5 ways of working will help us work together better, avoid repeating past mistakes and tackle some of the long-term challenges we are facing. The 5 ways of working (as shown below) will enable you as a scrutiny member to inform how you do things, structure what you are looking into in pre-decision, Policy development, Performance Monitoring or Investigative Scrutiny. Officers and Members will know what they need to do and how they need to scope and shape a thorough approach from the start.

**Long term** - taking account of how what we do now may affect communities and services in the future.

- Q1      What do we hope to achieve by 2050 by implementing this policy?
- Q2      We can learn from the trends over the last 20-30 years. Looking forwards what impact could this action/policy have on people in 2020, in 2030, in 2050?
- [Based on current populations and demographic groups in this area we can predict numbers who will be in the 20 to 30 age group, 30 to 40 age groups.]
- Q3      Will this policy help to contribute to the 7 well-being goals?

**Prevention** - acting to prevent problems occurring or getting worse.

- Q4      We have a current problem, how can we prevent the current situation getting any worse - and how can we prevent the situation



from repeating itself next year and subsequent years? No just a short term fix!

**Integration** - considering how our well-being objectives contribute to each of the well-being goals, affect our other objectives, or those of other public bodies.

- Q5 Have all relevant and appropriate departments in MTCBC been involved and contributed to this project?
- Q6 Are there other pieces of legislation which may have an impact upon this project?
- Q7 Will this project have an impact on work within these pieces of legislation?

**Collaboration** – working with others to meet our well-being objectives.

- Q8 Are there any organisations in the public and/or private sector who may have an interest and a contribution to make to this project?
- Q9 How will this policy impact upon the work of the Health Service, Natural Resources Wales, Sports Wales?
- Q10 Who else can we work with to make this happen?

**Involvement** - involving people in achieving the well-being goals, and ensuring that those people reflect the diversity of the communities in the County Borough.

- Q11 How have you determined what people will need/want in 20-30 years time?
- Q12 Have you consulted with the people from all the different communities in town as to how this issue could be addressed?
- Q13 How could the people in the communities help to deliver this?
- Q14 How would you expect people in 30 years to reflect on this course of action that you are proposing- will they thank you or curse you?

<b>A prosperous Wales</b>	An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.
<b>A resilient Wales</b>	A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).
<b>A healthier Wales</b>	A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.
<b>A more equal Wales</b>	A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances).
<b>A Wales of cohesive communities</b>	Attractive, viable, safe and well-connected communities.
<b>A Wales of vibrant culture and thriving Welsh language</b>	A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation.
<b>A globally responsible Wales</b>	A globally responsible Wales. A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being, and the capacity to adapt to change (for example climate change).

## Scrutinising Changes to Community Services Guidance for Local Authorities

### Guidance for Scrutiny from the Older People's Commissioner for Wales

The Commissioner has prepared guidance<sup>1</sup> which is designed to ensure that robust scrutiny is undertaken when changes to community services are proposed, essential to ensure that there is not a disproportionate impact upon older people and that alternative approaches are considered.

Part 2 of the statutory guidance examines the crucial role of scrutiny around changes to community services and is targeted towards elected members and officers in local government. The aim is to improve the quality of scrutiny and ensure that the impact of closing down or reducing the provision of a community service on older people is thoroughly and rigorously analysed and considered

The effective use of EHRIAs (Equality and Human Rights Impact Assessments)	<ul style="list-style-type: none"><li>• Has an EHRIA been carried out? If so, can the Leader and Cabinet/Senior Officers provide members with copies and a detailed explanation of the EHRIA conducted in respect of these proposals? Have specific actions been identified to mitigate the impact on older people?</li><li>• What engagement and consultation work with older people was conducted with older people as part of the EHRIA of these proposals? Have the National Principles for Public Engagement in Wales been applied?</li><li>• Does the Local Authority's EHRIA process adequately capture the needs and views of</li></ul>
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<sup>1</sup> Older Peoples Commissioner for Wales – "[Scrutinising Changes to Community Services. Guidance for Local Authorities](#)" issued under Section 12 of the Commissioner for Older People (Wales) Act 2006

	<p>older people? What steps have been taken to ensure that older people have been given every opportunity to voice their needs and concerns? Are these fully reflected in the EHRIA?</p>
<p>Compliance with the Equality and Human Rights Legal Framework</p>	<ul style="list-style-type: none"> <li>• Can the Leader and Cabinet/ Senior Officers assure members that these proposals comply with Equality and Human Rights legislation in respect of older people? Do the proposals comply with the Local Authority's Strategic Equality Plan?</li> <li>• What steps has the Local Authority taken to ensure these proposals meet statutory commitments to older people under the Equality Act 2010 and Human Rights Act 1998?</li> <li>• Is there any danger these proposals may represent a breach of older people's human rights? Are older people with multiple protected characteristics affected? Have the UN Principles for Older Persons and Declaration of Rights for Older People in Wales been fully considered and applied? Has the UN Convention on the Rights of Persons with Disabilities been considered?</li> <li>• Have the National Welsh Characteristics of Good Scrutiny been applied (See Appendix C)?</li> </ul>
<p>Mitigating the effects of austerity measures</p>	<ul style="list-style-type: none"> <li>• What is the anticipated impact on older people? Can the Leader and Cabinet/Senior Officers provide members with details of the plans to mitigate the impact of these proposals on older people?</li> <li>• If...These proposals clearly have a disproportionate impact on older people. How will the Local Authority manage this?</li> </ul>

	<p>Have alternative arrangements and provision been put in place? Have innovative cost saving approaches e.g. Community Asset Transfer been explored?</p> <ul style="list-style-type: none"> <li>• How much will maintaining the community service cost? Is this cost for this financial year or is it ongoing? What happens if this is not funded? Is there any external funding available? Could a charge be made for this? Can the proposal be deferred? Will the impact on older people be monitored and reviewed?</li> <li>• How does the proposal contribute to the Local Authority's medium to long-term savings plan? How were decisions arrived at in order to decide between options? Were groups of older people, including the local 50+ Forum, consulted with?</li> <li>• Taking the asset-based approach to community services, how do the decisions contribute to the 'older people as assets' model and help increase their £1bn annual contribution to the Welsh economy, helping individuals, communities and local economies in the process?</li> <li>• How do the decisions contribute to the Older People's Commissioner' 'Quality of Life' model for older people i.e. 'I feel safe and listened to, valued and respected'; 'I can do the things that matter to me'; 'I can get the help that I need'; 'I live in a place that suits me and my life'?</li> <li>• The Local Authority is committed to establishing age-friendly communities via the Dublin Declaration, a commitment as part of</li> </ul>
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	<p>the Ageing Well in Wales Programme. How do these proposals contribute to the establishment of age-friendly communities and the Local Authority's commitment to empower older people and maintain their health and independence?</p>
Specific questions on community services	<p><b>Public buses</b></p> <p>Public transport is vital to reduce physical and mental health problems amongst older people. It is also crucial to connect older people with their friends and family, GPs and hospitals, shops and key services, and does much to tackle social isolation. A free bus pass for older people is worth little without a bus:</p> <ul style="list-style-type: none"> <li>• Has the Local Authority fully considered the potentially devastating impact of removing this 'lifeline' service on older people</li> </ul> <p>Is there alternative provision e.g. a community transport scheme in place to mitigate the impact?</p> <p><b>Public toilets</b></p> <p>Public toilets are crucial in maintaining the health and independence of older people. Without the provision of public conveniences, older people and others will not leave their homes, and as a result are exposed to a wide range of physical and mental health problems. Everyone needs a public toilet, and removing these facilities can make our villages/towns/cities 'no go' areas:</p> <ul style="list-style-type: none"> <li>• Has the Local Authority fully explored the impact of closing down this public toilet not only on older people but others in society (including the impact on tourism)?</li> <li>• Have alternative arrangements been explored or put in place e.g. local businesses</li> </ul>

	<p>offering their toilet facilities to the public, or community asset transfer plans?</p> <p><b>Public libraries</b></p> <p>Libraries play a significant role in the lives of older people. The importance of libraries goes far beyond books, they are places where older people develop digital skills, socialise and undertake a range of activities that helps to keep them physically and mentally active:</p> <ul style="list-style-type: none"><li>• Has the Local Authority fully considered the impact of closing down this library on older people?</li><li>• What alternative arrangements are in place to ensure that older people can continue to access books, digital learning and other social activities?</li><li>• Does the Local Authority have another community hub in place for older people? Is the Local Authority committed to tackling loneliness and isolation amongst older people by proposing other venues where older people can meet, socialise and contribute to their local communities (these questions also apply to proposals around community and day centres)?</li></ul> <p><b>Lifelong learning</b></p> <p>Learning for older people has a range of benefits. For some, it is an important way of helping them to keep physically and mentally active in retirement. For others, it is a crucial way of remaining in or re-entering employment. Learning helps to tackle social isolation, contributes to the development of personal skillsets and increases efficiency as workers or volunteers:</p>
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	<ul style="list-style-type: none"> <li>• Has the Local Authority fully explored the impact of closing down this lifelong learning provision on older people and others?</li> <li>• Has the Local Authority provided alternative arrangements so that older people can continue to access much needed learning opportunities?</li> </ul>
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**Contact us about scrutiny**

**Scrutiny Support Officer  
Howard Jones**

**Tel: (01685) 725464  
Email: [Howard.Jones@merthyr.gov.uk](mailto:Howard.Jones@merthyr.gov.uk)**

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