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# Overview and Scrutiny – Fit For the Future? – **Carmarthenshire County Council**

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The team who delivered the work comprised Jeremy Evans, Alison Lewis and Gareth Lewis directed by Huw Rees.

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# Summary report

## Summary

- 1 This review explored with each of the 22 councils in Wales how 'fit for the future' their scrutiny functions are. We considered how councils are responding to current challenges for their scrutiny activity. These include the Well-being of Future Generations (Wales) Act 2015 and how councils are beginning to carry out scrutiny of Public Service Boards. We also examined how well placed councils are to respond to future challenges such as continued pressure on public finances and the possible move towards more regional working between local authorities.
- 2 As part of this review we also reviewed the progress that councils have made in addressing the recommendations of our earlier National Improvement Study **Good Scrutiny? Good Question?** (May 2014) (see [Appendix 2](#)). We also followed up on relevant proposals for improvement issued in local reports including those in our 2016-17 reviews of Savings Planning and Governance Arrangements for Determining Significant Service Changes.
- 3 Our review aimed to:
  - identify approaches to embedding the sustainable development principle into scrutiny processes and practices to inform practice sharing and future work of the Auditor General in relation to the Well-being of Future Generations (Wales) Act 2015;
  - provide assurance that scrutiny functions are well placed to respond to current and future challenges and expectations;
  - help to embed effective scrutiny by elected members from the start of the new electoral cycle; and
  - provide insight into how well councils have responded to the findings of our previous Scrutiny Improvement Study.
- 4 To inform our findings we based our review method around the Outcomes and Characteristics for Effective Local Government Overview and Scrutiny that were developed and agreed by scrutiny stakeholders in Wales following our previous National Improvement Study **Good Scrutiny? Good Question?**
- 5 We carried out our fieldwork during October 2017 and November 2017. We reviewed documents, interviewed officers and ran focus groups with councillors. We did this to understand their views on Carmarthenshire County Council's (the Council) current scrutiny arrangements. In particular how the Council is approaching and intends to respond to the challenges identified above.
- 6 We watched a sample of scrutiny meetings and reviewed relevant meeting documentation provided to councillors to support their scrutiny role, such as reports and presentations.
- 7 We concluded that while supportive of overview and scrutiny the Council's arrangements for the scrutiny function need strengthening to help meet current and future challenges. We came to this conclusion because:

- a. the Council has clearly defined the overview and scrutiny role but it needs to improve the environment in which scrutiny operates to help it meet current and future challenges;
- b. there are opportunities to strengthen the delivery of the overview and scrutiny function through better agenda planning and public engagement; and
- c. the Council does not evaluate the impact of overview and scrutiny activity and cannot demonstrate its overall effectiveness.

## Proposals for improvement

- 8 The table below contains our proposals for ways in which the Council could improve the effectiveness of its overview and scrutiny function to make it better placed to meet current and future challenges.

### Exhibit 1: proposals for improvement

Proposals for improvement	
<b>P1</b>	<b>Review the overview and scrutiny committee structure to ensure it is able to meet current and future challenges.</b>
<b>P2</b>	<b>Clarify the role of Executive Board members in the overview and scrutiny committee process, to ensure that committees are undertaking their role in holding the Executive to account.</b>
<b>P3</b>	<b>Be specific in the reports presented to overview and scrutiny why the committee is receiving the information and how this relates to the role of the scrutiny committee.</b>
<b>P4</b>	<b>Ensure that Chairs and committee members control committee agendas by deciding on and agreeing content and prioritising the issues that scrutiny examines, to allow enough time for more effective scrutiny.</b>
<b>P5</b>	<b>Identify and implement further ways to encourage greater public involvement in overview and scrutiny.</b>
<b>P6</b>	<b>Put in place arrangements for assessing the effectiveness and impact of overview and scrutiny.</b>

# Detailed report

## While supportive of overview and scrutiny the Council's arrangements for the scrutiny function need strengthening to help meet current and future challenges

### The Council has clearly defined the overview and scrutiny role but it needs to improve the environment in which scrutiny operates to help it meet current and future challenges

- 9 Overview and scrutiny has a clearly defined role in the Council. Councillors and officers both regard scrutiny as an important part of the Council's governance arrangements. However, the Council is at an early stage in preparing for the governance challenges associated with joint working with other public bodies. For example, it has yet to properly begin the work on scrutinising the Public Services Board. Plans to incorporate and strengthen scrutiny's contribution to Well-being of Future Generations (Wales) Act 2015 and regional collaborative arrangements are at an early stage.
- 10 The overview and scrutiny structure remains based on previous departmental arrangements. It does not align with either current chief officer remits or current Executive Board portfolios. Officers and members told us this makes it difficult to decide which overview and scrutiny committee items should go to and which Executive Board members and chief officers should attend which committees. There is no requirement for scrutiny committees to align with Executive Board and/or departmental portfolios, and we are aware that some councils have structured their committees along crosscutting or thematic lines. However, in view of the concerns raised by councillors and officers, and considering the time since the last review of the structure in 2012, it would be timely for the Council to consider if its overview and scrutiny structure remains appropriate.
- 11 In working to improve the effectiveness of scrutiny committee meetings the Council has recently introduced pre-meetings. These are helping committee members to prepare for the overview and scrutiny meetings, and pre-meeting notes are helping Chairs function more effectively. An agenda item entitled 'scrutiny action update' enables the committee to check the progress of its action log.
- 12 The Council's constitution clearly sets out the roles in overview and scrutiny for committee members, Executive Board members and Council officers at committee meetings. However, committee members told us that they were unclear on the role of Executive Board members in the overview and scrutiny process. For example, there is confusion about how to invite Executive Board members to committees and whether they should present reports. Overview and scrutiny committees do hold officers to account, but there are few examples of Executive Board members

presenting reports, taking questions and being held accountable at the committees. Both Executive Board members and overview and scrutiny members need to better understand the role of officers and Executive Board members in overview and scrutiny meetings. The Council recognises that the scrutiny function has been too officer-led in the past and is working with councillors to address this.

- 13 The information provided by officers to scrutiny members, which we saw as part of this review, was comprehensive. Where overview and scrutiny committees have identified that they lack enough information and data to carry out their role effectively, they have sought further information.
- 14 Presentations from external bodies at overview and scrutiny committee meetings are scheduled at the start of the meetings. In the meetings we observed, the information presented was not made available in advance and the agenda items did not have time limits. This meant that the presentations took up a disproportionate amount of the meeting, leaving less time for scrutiny.
- 15 The reason for items being on an agenda is not always clear. For committee members to be effective they need to be clear about why the committee is considering reports. Currently in many reports to overview and scrutiny committees, the purpose is listed as: 'for committee's information' or committees are 'asked to note', without a clear reason as to how this will help them fulfil their overview and scrutiny role.
- 16 Members of overview and scrutiny were unclear on how the committees drew on the work of audit, inspection and regulation. While certain committees see information from Estyn and Care Inspectorate Wales, there was little evidence of overview and scrutiny forward work programmes taking account of the work of internal audit or the Wales Audit Office.
- 17 The Council's democratic services officers provide dedicated officer support for the overview and scrutiny function. Officers told us that support for scrutiny is stretched, and there are vacancies in the team. Members of overview and scrutiny committees spoke highly of the support received from the democratic services officers. However, councillors have concerns about officers' capacity to support the overview and scrutiny function in the future. Currently, a change project is taking place looking at the best model for supporting the overview and scrutiny function.

## **There are opportunities to strengthen the delivery of the overview and scrutiny function through better agenda planning and public engagement**

- 18 There are clear forward work programmes for each of the overview and scrutiny committees, which are available on the Council's website. Committees use the forward work programme for the Executive Board to inform their own work programmes. Reviewing the work programme is a standard agenda item for the overview and scrutiny committees. There are items on the forward work programme covering key Council functions, for example: performance and budget

monitoring and the draft Annual Report and Improvement Plan. These are agreed as part of an annual review with Chairs and Vice Chairs. The systematic referral of reports from Executive Board means there are sometimes many items on overview and scrutiny committee agendas. This limits the time available to be given to each item, and the ability of committees to gather evidence from a wider range of sources. This weakens effective scrutiny.

19 Chairs and committee members need to ensure that they control committee agendas by deciding and agreeing the content. Each committee, as part of its forward work programming, also identifies:

- items carried over from previous work programmes;
- proposed items for this year's work programme;
- annual standing items;
- development sessions;
- site visits; and
- task and finish reviews.

However, not all the items identified are scheduled.

20 A wider range of evidence could inform the work of overview and scrutiny committees. In particular councillors highlighted to us the lack of public involvement in overview and scrutiny. The Council is reviewing its approach to public engagement, which could include adoption of Participation Cymru's 10 Principles of Public Engagement<sup>1</sup>. Overview and scrutiny committee members and officers told us that involving the public in scrutiny is a challenge. There is a standard agenda item for public questions at overview and scrutiny committee meetings, but they are not actually receiving many questions from the public. The Council do not webcast overview and scrutiny committee meetings, again reducing the ability of the public to participate. At the overview and scrutiny committee meetings that we observed, the Chairs did not make it clear at the beginning of the meeting who was present and what role they have in the meeting. If Chairs were to do this it would be helpful for any members of the public attending the meeting.

21 In the overview and scrutiny committees we observed, member engagement was variable, with some members leaving before the end of meetings. Better committee member preparation, meaningful engagement with the debate and full attendance would all improve the quality of meetings.

22 Training is available to councillors on scrutiny practice and chairing skills. The Council has improved its induction arrangements, including involving councillors in designing the induction programme. However, councillor attendance at training sessions has been low – for example, only three councillors attended the 'Introduction to Scrutiny Chairing' session run on 13 September 2017 and 20 councillors attended the 'Decisions for Future Generations' training on 21 July

<sup>1</sup> Participation Cymru - National Principles for Public Engagement

2017. Councillors could strengthen their understanding and of their role in overview and scrutiny by taking advantage of training and development opportunities open to them.

- 23 Training on future challenges for scrutiny is limited, for example on scrutiny of the Public Services Board and joint service arrangements. Councillors identified actions, to us, that could help them improve, including watching other councils' overview and scrutiny committees, and talking to chairs of committees in other councils.

### **The Council does not evaluate the impact of overview and scrutiny activity and cannot demonstrate its overall effectiveness**

- 24 There are some examples, before the 2017 council election, of scrutiny contributing to solutions to recognised problems, for example in relation to sickness absence. However, the late start of overview and scrutiny committees in this municipal year following the election process has meant that examples that are more recent are limited.
- 25 The Council has not conducted a review of its progress against the action plan and recommendations arising from the Wales Audit Office National Improvement Study 'Good Scrutiny? Good Question?' completed in May 2014 (see Appendix 2). Neither does the Council have a formal method for evaluating the effectiveness of overview and scrutiny. As a result, the Council is not able to assess the overall impact or effectiveness of its overview and scrutiny function.

# Appendix 1

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

Exhibit 2: outcomes and characteristics for effective local government overview and scrutiny

Outcomes	Characteristics
What does good scrutiny seek to achieve?	What would it look like? How could we recognise it?
<b>1. Democratic accountability drives improvement in public services. 'Better Services'</b>	<b>Environment</b> i) Scrutiny has a clearly defined and valued role in the council's improvement arrangements. 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. <b>Practice</b> iii) Overview and Scrutiny inquiries are non-political, methodologically sound and incorporate a wide range of evidence and perspectives. <b>Impact</b> iv) Overview and scrutiny regularly engages in evidence based challenge of decision makers and service providers. v) Scrutiny provides viable and well evidenced solutions to recognised problems.

Outcomes	Characteristics
<p><b>What does good scrutiny seek to achieve?</b></p>	<p><b>What would it look like? How could we recognise it?</b></p>
<p><b>2. Democratic decision making is accountable, inclusive and robust. 'Better decisions'</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 which 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><b>Environment</b></p> <ul style="list-style-type: none"> <li>i) Scrutiny is recognised by the Executive and Corporate Management team as an important council mechanism for community engagement.</li> </ul> <p><b>Practice</b></p> <ul style="list-style-type: none"> <li>ii) Scrutiny is characterised by effective communication to raise awareness of, and encourage participation in democratic accountability.</li> <li>iii) Scrutiny operates non-politically and deals effectively with sensitive political issues, tension and conflict.</li> <li>iv) Scrutiny builds trust and good relationships with a wide variety of internal and external stakeholders.</li> </ul> <p><b>Impact</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>

# Appendix 2

## Recommendations from the report of the Auditor General's national improvement study 'Good Scrutiny? Good Question?' (May 2014)

Exhibit 3: recommendations from **Good Scrutiny? Good Question?** Scrutiny Improvement Study

Recommendation	Responsible Partners
R1 Clarify the role of executive members and senior officers in contributing to scrutiny.	Councils, Welsh Government, Welsh Local Government Association
R2 Ensure that scrutiny members, and specifically scrutiny chairs, receive training and support to fully equip them with the skills required to undertake effective scrutiny.	Councils, Welsh Government, Welsh Local Government Association.
R3 Further develop scrutiny forward work programming to : <ul style="list-style-type: none"> <li>• provide a clear rationale for topic selection;</li> <li>• be more outcome focussed</li> <li>• ensure that the method of scrutiny is best suited to the topic area and the outcome desired; and</li> <li>• align scrutiny programmes with the council's performance management, self-evaluation and improvement arrangements.</li> </ul>	Councils.
R4 Ensure that scrutiny draws effectively on the work of audit, inspection and regulation and that its activities are complementary with the work of external review bodies.	Councils, Staff of the Wales Audit Office, CSSIW, Estyn.
R5 Ensure that external review bodies take account of scrutiny work programmes and the outputs of scrutiny activity, where appropriate, in planning and delivering their work.	Staff of the Wales Audit Office, CSSIW, Estyn.

Recommendation	Responsible Partners
R6 Ensure that the impact of scrutiny is properly evaluated and acted upon to improve the function's effectiveness; including following up on proposed actions and examining outcomes.	Councils, Welsh Government, Welsh Local Government Association.
R7 Undertake regular self-evaluation of scrutiny utilising the 'outcomes and characteristics of effective local government overview and scrutiny' developed by the Wales Overview & Scrutiny Officers' Network.	Councils.
R8 Implement scrutiny improvement action plans developed from the Wales Audit Office improvement study.	Councils.
R9 Adopt Participation Cymru's 10 Principles for Public Engagement in improving the way scrutiny engages with the public and stakeholders.	Councils.

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