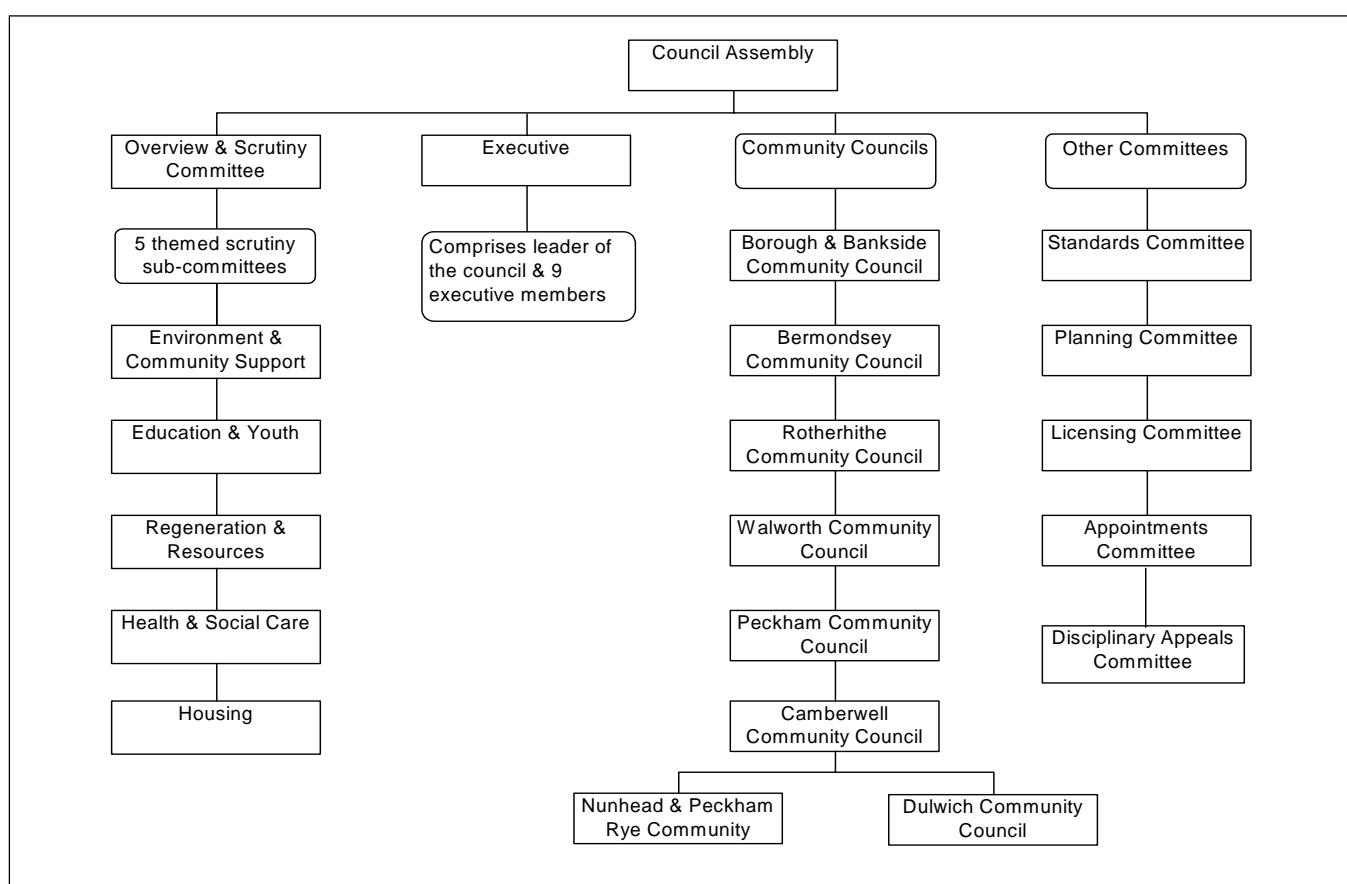


Scrutiny annual report 2004/5

This year's annual report discusses the experience of conducting scrutiny in a hung council. It aims to contribute to Southwark's development of its governance arrangements and we hope to the national debate.

There is (rightly, in our view) no detailed guidance on how scrutiny should work, and academic studies suggest that it is developing very differently around the country with varying degrees of success. We believe that a hung council presents a particular challenge to the modernised governance arrangements, particularly in scrutiny because of the overlap between the "critical friend" and opposition roles.

In Southwark, this has led to scrutiny developing in particular ways – a relatively formal committee structure with a greater emphasis on policy review and holding the executive to account, and less policy development.



What is the role of scrutiny?

The original government guidance on scrutiny envisaged 4 principal roles for scrutiny: policy development and review; best value; external scrutiny, encompassing health scrutiny; holding the executive to account. The Centre for Public Scrutiny developed these into the following four principles of public scrutiny in their 2004 Good Scrutiny Guide.:

Effective public scrutineers should.....

- Provide critical friend challenge to executives and external authorities
- Reflect the voice and concerns of the public
- Take the lead and own the scrutiny process on behalf of the public
- Make an impact on the delivery of public services

This report uses our work in 2004/5 to examine how we are applying these principles in practice and raises ideas for further consideration, particularly when the council comes to review its constitutional arrangements after the local elections in 2006.

How does scrutiny work in Southwark?

The structure comprises an overview and scrutiny committee and 5 sub-committees, whose terms of references are based on the council's departmental structure

Main committee:

Overview and scrutiny

Sub-committees:

Education and youth

Environment and community support

Health and social care

Housing

Regeneration and resources

The bulk of scrutiny activity takes place in the 5 sub-committees, while the overview and scrutiny committee hears call-ins, conducts cross-cutting reviews, coordinates work programmes and receives final reports from the sub-committees for relaying to the executive.

All committees are asked to interview their respective executive members formally at least once a year, and to receive the council's quarterly performance monitoring reports. It is left to each committee to determine its own work programme and decide how much time it spends on topics. This relatively loose approach allows committees to set their own styles of working, which is advantageous for scrutiny members. Its disadvantage is that with no standard approach, it is harder to brief officers on how to work with scrutiny. However we believe that this is a necessary part of the independence of the scrutiny function and that we are still learning how

best to approach the topics from the perspective of non-executive councillors. This “no templates” approach has allowed us a degree of flexibility to explore methodologies, and scrutiny has matured over the past 3 years as our experience has grown. There is still much room for improvement, particularly in the relationship between scrutiny and executive, which is only just beginning to work, but we have made good progress and will continue to do so.

Call-in

One area where the Southwark experience seems to differ from other authorities is in our use of call-in of executive decisions. We have used call-in where there is a significant degree of member and/or community concern about a decision. A number of decisions, particularly around housing management, have been called in to scrutiny and subsequently amended by the executive, and we believe this is an important part of the necessary checks and balances on a single party decision making body.

The 4 principles of effective public scrutiny:

.....“critical friend” challenge to executives as well as external authorities and agencies

The regeneration and resources sub-committee has been looking at the council's proposals for the **Elephant and Castle** and hearing from the small businesses that face displacement when the shopping centre is eventually demolished. The committee held the executive member and senior officers to account, testing the adequacy of the advice and liaison arrangements they have in place for the small businesses.

The health and social care sub-committee carries out a statutory role on behalf of the council by looking at proposed changes to local NHS services, and declaring whether it considers the change to be substantial, triggering more detailed scrutiny. This year, the committee has determined two proposals from the South London and Maudsley NHS trust to be substantial: one jointly with Lambeth on the trust's review of **emergency psychiatric services**, and one on the **proposed closure of a nursing home, Beckett House**. The committee will review both these proposals with the aim of ensuring the best outcome for local people who use the services.

The overview and scrutiny committee called in 8 decisions of which 7 were open and one closed, executive decisions for review during 2004/5. The decisions called in were: the first annual review of the integrated cleaning contract, the council's regeneration proposals for the East Dulwich estate, the financial assumptions behind the customer service centre, changes to neighbourhood forum constitutions, the Bemondsey cash office, the arrangements for the Peckham one stop shop, the home to school transport contract, and the procurement arrangements for the integrated waste management service

.....reflect the voice and concerns of the public

The housing sub-committee reviewed the **Bellenden renewal scheme**, in response to a request from the Bellenden residents group. The council was preparing to create two more renewal areas in the borough, and the aim of the scrutiny review was to ensure that the council learned from the negative experiences in Bellenden, as well as the many positives.

The housing sub-committee had looked at the **council's response to emergencies** in the case of two fires in council blocks, and overview and scrutiny similarly in the case of the major water burst in late 2003. Similar points were made by residents who were affected by all these incidents – for example the need for better communication at the time of the incident, and follow up discussions where other agencies/utilities are involved. Overview and scrutiny pulled these issues together into one report to the executive, as it was not evident to us that officers were drawing together the lessons of separate emergencies. Housing sub-committee will be following this up in the coming months, to see what changes have been made in area office practices.

The council was consulted on **post office closures**, and the loss of a fire engine in the London Safety Plan, and scrutiny played its part in looking at the implications of these proposals. The London Safety Plan raised an issue about how the council considers external agencies' proposals when they have a differential impact on parts of the borough.

.....take the lead and own the scrutiny process on behalf of the public

The health and social care sub-committee reviewed the **nature and level of services to black male teenagers** and found a wealth of creative, user focussed practice, and particularly strong partnerships working across the voluntary and statutory sectors. The report called for more and better early intervention, further strengthening of partnership working, better training and education for professionals working with black teenagers, and further exploration of the links between drug abuse and mental ill-health.

Overview and scrutiny reviewed **the links between the council and the Local Strategic Partnership**, Southwark Alliance, in response to strong feeling among many non-executive councillors that they are effectively locked out of those parts of the community leadership that are led by the borough's partnerships. The review found that the LSP and the council's decision making structures operate in parallel with few and underdeveloped links between them, and that this creates a democratic deficit around the LSP in terms of its forward programme and its arrangements for public engagement and accountability

.....make an impact on the delivery of public services

The tenants and residents association on **Canada Estate** in Rotherhithe brought us a series of concerns about how the estate's refurbishment has been managed by the council. The original contract had failed, and subsequent arrangements had resulted in poor quality work, continued bad living conditions for some tenants and an apparent lack of accountability for those involved in overseeing the contract. We had looked at this contract last year, and thought that matters were being satisfactorily resolved, but that was not so. This time, we asked the executive member to commission an investigation into exactly what had happened, who is accountable and what it tells us about the council's contract management processes. The investigation report back found that there had been a systems failure with instances of poor decision making, lack of clarity of roles and responsibilities, poor communication, lack of experience and expertise, failures to address technical and relationship problems, and inadequate processes, procedures and record keeping. The council must demonstrate that it is learning from these instances, and scrutiny can help by continuing to ask the awkward questions and reality check the outcomes.