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Dear All,

Scrutiny Improvement Review – CfGS consultancy support

I am writing to thank you for inviting the Centre for Governance and Scrutiny (CfGS) to carry out an evaluation of East Devon District Council's scrutiny function. This letter provides feedback on our review findings and offers suggestions on how the Council could develop its scrutiny process.

As part of this feedback stage, we would like to facilitate a series of workshops with Members and Officers to reflect on this review and to discuss options for improvement.

1. Introduction

The Centre for Governance and Scrutiny were commissioned by the Local Government Association and East Devon Council to conduct a scrutiny improvement review following a Motion at Full Council in July 2023. The work took place in October and November 2023 ahead of the LGA Corporate Peer Challenge (CPC) Peer Review which is scheduled to commence in early 2024. It is hoped that the findings from this review can be used to ensure that Scrutiny has the arrangements in place to support and maintain ongoing improvement at the council, further to the CPC's outcomes.

The review found that there was a drive to improve ways of working at East Devon and many of those spoken to, as part of the review, were optimistic about the future. That said, there are a number of practices and behaviours which are impinging on the ability for the Council's Overview and Scrutiny function to carry out its role effectively.

The review explored the following areas:

1. Organisational commitment and clarity of purpose
2. Members leading and fostering good relationships
3. Prioritising work and using evidence well
4. Having an impact and value

There are currently three committees that sit within the Overview and Scrutiny function in East Devon as follows:

Overview

- The Overview Committee's remit covers assisting the Council and Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues.
- The committee is chaired by a member of the Democratic Alliance Group.
- There are 13 members on the committee.
- Between June 2022 and 12 October 2023, the committee met 3 times.

Scrutiny

- The Scrutiny Committee's remit is to review how the Council is delivering services and working for the public and to check that policies have been implemented effectively.
- The committee is chaired by a member of the Conservative Party.
- There are 14 members on the committee.
- Between June 2022 to 5 October 2023, the committee met 15 times.

Housing Review Board

- The Housing Review Board considers matters relating to the council's landlord and housing management functions.
- The committee is chaired by a member of the Democratic Alliance Group.
- There are five Councillors, five tenants and leaseholder representatives, and two independent community representatives on this Board. The non-councillor members are co-opted members and have the right to vote.
- Between June 2022 and October 2023, the committee met 5 times.

The work of the committees is overseen by the Democratic Services Team who support these committees alongside a range of other regulatory committees and responsibilities. Each committee is also supported by a solicitor from the Council's Legal Services Team.

2. Methodology

CfGS's scrutiny improvement reviews (SIRs) follow a standard methodology, which involves some flexibility to incorporate whatever bespoke elements authorities need in order to take account of local circumstances. The standard methodology can be found at www.cfgs.org.uk/sir .

Full details of the evidence gathering;

- The survey was sent to 82 individuals (60 Elected Members and 22 officers)
- 39 people (28 Elected Members and 11 officers) completed the survey which was a 48 % response rate;
- carried out 23 interviews,
- reviewed agendas, minutes and reports of overview, scrutiny and housing review board meetings;
- observed recorded meetings;
- observed an Overview meeting in person, and;
- explored work programming and topic prioritisation.

The review was conducted by:

- [REDACTED] – Senior Governance Consultant, CfGS
- [REDACTED] – Researcher, CfGS

Quality Assurance and oversight was provided by:

- [REDACTED] Head of Consultancy, CfGS

3. Findings

3.1 Organisational commitment and clarity of purpose

3.1.1 Scrutiny's overall role and purpose

The survey identified issues at East Devon in relation to the communication and collaboration between the three overview and scrutiny committees. There was a call for clearer communication, better collaboration and wider understanding of the functions and remits of each and also in relation to the role that people play within the structure (which is picked up in greater depth in section 3.2).

Research from previous reviews conducted by CfGS has found that committee structures can be a sticking point in relation to the quality of scrutiny's work and impact. There is often a belief that if structures are altered then the effectiveness of scrutiny will increase.

The review found that both members and officers find the current structure difficult to navigate. Some members suggested that that topics are sent to the Overview Committee to gain an easier experience, rather than understanding the role it plays in pre-decision scrutiny. Suggestions were made in relation to new structures at East Devon, in both the survey and interviews, which varied in nature. Some respondents suggest merging the two 'Overview' and 'Scrutiny' committees to create a more unified structure with thematic committees. Other suggestions included more clarity on the roles and responsibilities of the different committees. It is crucial to note that structural changes on their own rarely lead to lasting improvement and analysis into CfGS annual national surveys shows no clear link between the structural arrangements and scrutiny's overall effectiveness.

There is a call for the Housing Review Board to be refocused and reinvigorated. This was noted from a number of the interviews carried out with concerns in relation to the number of information items, and misunderstanding in relation to its role by a number of the committee members (both elected members and co-opted members). Whilst officers note the importance of this group, from a regulatory perspective, this view was not mirrored by the elected members. Desktop research of documents relating to this Board found that agendas are often heavy, with multiple items 'to note' rather than providing the committee with an active role.

There is a clear need for this group to be doing more active and impactful scrutiny, with its principle function being defined alongside a push to encourage members of the board to arrive at the meetings ready to engage in this important work. It is pleasing to note that work has already started to take place in relation to improving ways of working, and that the new leadership team have a clear vision on how this committee could strengthen its approach.

The review found a distinct difference between the operation of the Scrutiny committee, Overview committee and Housing Review Boards. Each operates in a slightly different way. It was also noted that, at present, there is no mechanism for chairs to meet together to discuss ways of working and future agendas. In order to gain clarity and organisational commitment to scrutiny, it is important that there is a consistent understanding and set of behaviours across the entire function, and this is currently lacking in East Devon.

3.1.2 The extent to which scrutiny is supported by the organisation generally.

The survey also raised a theme in relation to organisational leadership and the importance of a cultural change to support successful scrutiny. This theme was also reiterated through the interviews conducted; however, people were largely positive about the direction of travel in this area and cited the new senior management leadership team as being highly effective and competent in their roles, and that the team provides real hope and ambition for the future. All of those spoken to want to improve the way that governance systems operate in East Devon which provides strong building blocks for the recommendations emerging from this report.

3.1.3 Resourcing

Currently the Democratic Services Team coordinate the work of the three overview and scrutiny committees alongside a range of other responsibilities. This limits the team's capacity to be able to provide enhanced support to the scrutiny chairs and wider committee members. Whilst it is not unusual to not have a dedicated scrutiny officer, it should be noted that scrutiny requires a level of support that is different to that of Democratic Services. Whilst the Secretariat Function forms one element of this support, there are wider areas to be taken under consideration for scrutiny to be able to play an enhanced role and work towards parity of esteem with the Cabinet, this includes policy support and research.

In order to effectively implement the recommendations within this report there will be a need to consider whether the current officer resource dedicated to this area is adequate. It is important to note that the team who currently support the Overview and Scrutiny function are well respected by elected members who are appreciative of the guidance received; however, note that the team are stretched, and that additional resource would be welcomed. In parallel to this, the team clearly have experience and enthusiasm to improve the quality of scrutiny at East Devon. Whilst it is understood that there may be limited scope to provide an additional resource to the function, opportunities should be explored in relation to whether the resources are currently being used in the best possible way.

3.2 Members leading and fostering good relationships

3.2.1 Member leadership

Findings from the survey and interviews highlighted a general lack of confidence in the effectiveness of the Scrutiny Function. Several responses to the survey hinted at political tensions within the scrutiny process, referencing perceived biases and challenges in maintaining a non-partisan approach to scrutiny's work. This was also reiterated in a number of the interviews conducted. This lack of confidence impacts on good relationships within the function.

It is important that chairs are independently minded and that they are people that can lead the way for their respective committees. There is some historic practice at East Devon, that is impacting on the ability to foster a more positive culture around leadership of the function. Moving forward, it will be crucial for chairs to have support from senior leaders to provide advice and guidance in relation to moving towards a more consensual culture across the three Overview and Scrutiny Committees.

3.2.2 Member engagement

A theme emerged through the review in relation to member engagement. This was noted through lack of attendance and contributions at formal meetings and also some lack of attendance at training and development sessions. There was recognition that the training sessions at the Council were of excellent quality; however, there were a cohort of members who did not attend such sessions. It was felt that while some councillors are effective within their own Wards, they have limited interaction with wider council business. It was noted that the timing of meetings could impact on member attendance; however, consensus reached that there was never an ideal fit for all councillors since other commitments were varied.

In the survey, some respondents expressed dissatisfaction with the frequency and reliability of meetings, in particular the Overview Committee. Details in relation to the scheduling of meetings is provided below:

Overview

- For the period June 22 to October 23 (inclusive) there were 9 scheduled Overview meetings.
 - 3 meetings out of the 9 took place.
 - Of the 6 that were cancelled:
 - 1 was postponed (to 13/10/22) due to national mourning following the Queen's passing (15/09/22)
 - 1 was inquorate (13/10/22)
 - 4 were cancelled as there were no items for the agenda (10/11/22, 19/01/23, 23/03/23, 14/09/23)

Scrutiny

- For the period June 22 to October 23 (inclusive) there were 13 scheduled Scrutiny meetings.
 - 15 meetings were held (there were 2 additional meetings with South West Water in November 2022)
 - 1 meeting out of the 13 scheduled was cancelled (April 2023 due to Purdah, which was replaced by a meeting in March)
 - No other meetings cancelled during that period.

Housing Review Board

- For the period June 22 to October 23 (inclusive) there were 6 scheduled Housing Review Board meetings.
 - 5 meetings were held
 - 1 meeting (November 2022) meeting was cancelled due to lack of business.

The evidence above suggests some issues with the scheduling and quoracy of meetings and member ownership of the agendas. This can inevitably lead to members feeling somewhat disengaged.

3.2.3 Relationships between Cabinet and scrutiny

Relationships between the Cabinet and Scrutiny showed some room for improvement, both from the survey analysis and in the interviews undertaken. There is a lack of trust between political groups and wariness about the way that both the Overview and Scrutiny Committee undertakes its role. (This issue did not extend to the Housing Review Board). Desktop research and analysis of the minutes and recordings of meetings also highlighted some tension in this area and an unusual practice in relation to the former Chair of the Scrutiny Committee drafting and presenting reports to the committee. These reports appear to be lacking in technical detail from Council officers. Such reports pose a risk in relation to accuracy of information, and therefore, the ability of scrutiny to carry out its role as effectively as it could. This also impacts on the relationship between Scrutiny and the Cabinet.

Scrutiny should be a critical friend to the Cabinet; however, there will undoubtedly be a need for scrutiny to conduct pieces of work or investigate areas that can feel counterproductive to the Cabinet. In East Devon, this often plays out as a sense that scrutiny is a problem and as such, the Cabinet sit in 'defense mode'. Whilst there is an appetite to improve scrutiny work by both the Cabinet, scrutiny members and Chairs, there is a mixed level of understanding as to what this improvement would look like in practical terms. At present the two versions of improvement are not wholly aligned. Currently, relationships between groups are cautious and distrustful which detracts from candor in meetings.

CfGS observed October's Overview Committee meeting and noted an item to consult committee members on a new protocol for the work of the function. This is a welcome addition but should be introduced alongside a programme of training that ensures full of understanding

of how it should work in practical terms and the importance of maintaining boundaries and establishing strong and trusted working relationships.

3.2.4 Relationships between members and officers

The survey highlighted a faith in the senior leadership team across all parties and there was a widespread view that senior officers now have a grip on scrutiny and the need for its support. Members have seen a shift in approach following the appointment of the new senior leadership officers and are welcoming of the openness and approachable nature of the team. There is clearly a history of some difficult relationships but all of those spoken to during the review said that this now worked well with elected members citing that they held trusted relationships with their senior management team.

In relation to wider support for the function, elected members are largely comfortable with the way that reports are drafted and presented back to them and have admiration for the technical level of expertise and professionalism of Council officers. This sentiment extends to the Democratic Services function, who are talked about as being highly professional and helpful. However, there was recognition that the quality of some reports fails to meet an expected standard and that members would appreciate a more standardised approach in this area.

There are sound building blocks at East Devon, with a clear enthusiasm for improvement work. It will be important to convene members and officers to think about how these actions could be implemented and about the necessary changes in both behaviours and processes. Officers and members will need to work alongside each other for the intended outcomes from the recommendations within this report to be realised and sustained.

3.2.5 Member skills

Effective scrutiny is an iterative process which requires a range of different elements to be working well, and having a clear and consistent understanding of what scrutiny is and how to approach it (whether officer or member) will help it to realise its full potential. Without this understanding, scrutiny can struggle to have its voice heard. Within the survey, just over half of both members and officers advised that there was some room for improvement in terms of training and development. It is also clear that some members feel disengaged suggesting more focus should be placed on learning and development and upskilling members to understand how their involvement can have an impact.

Ongoing learning and development will be crucial at East Devon alongside some wider scrutiny awareness raising work amongst a wider cohort of elected members and Council officers. Specific learning sessions might include, questioning skills, work programming or scoping and managing task and finish work. There will also be a need to revisit the Council's scrutiny protocol and supporting documents and provide reminders on key features to help

embed a positive culture for the Overview and Scrutiny function and work towards a positive future where the narrative around ways of working is a constructive one, based on positive culture, behaviours and interactions between the Cabinet and Scrutiny.

3.3 Prioritising work and using evidence well

3.3.1 Use of information to inform work programming

Currently there is a lack of understanding on the process for how to nominate items for the work programmes. Officers have introduced a Prioritisation Form in an attempt to prioritise topic selection; however, this does not work in practice. Elected members state that they find the process time consuming, cumbersome and off-putting with some expressing a view that it is designed to put them off. There is a prevailing view that topics are largely chosen by officers or chairs rather than members feeling that they own their own specific work programmes. As a result of the lack of traction for the Prioritisation Form, there is no indication that topics are selected based on evidence or the strategic focus of the Council.

The work of each committee does not appear to be consistent or well-coordinated, with some committee agendas heavy on topics, and others light (for instance cancellation of Overview meetings due to lack of topics as highlighted in section 3.2.2). There is also evidence of a number of topics returning to scrutiny (for instance car parking) but with little evidence of impact or progress. Portfolio Holder reports are produced periodically and provide a good way to give scrutiny a better framework for work programming. This insight could provide a steer for the committee in relation to emerging areas of risk and current strategic priorities.

There is little evidence that scrutiny is visible to the public and does not engage with the public in relation to using public insight to inform work programming.

There is some interest amongst elected members to conduct in-depth scrutiny work. They state a lack of officer capacity as a reason why these do not happen. It is felt that if in-depth work was scheduled and effectively scoped, that these could add real value and impact to the work of the function and also assist with relationships between committee members, helping them to feel and act like a team within the scrutiny space.

3.3.2 Quality of formal meetings and agenda packs

Whilst largely comfortable with the quality of agenda packs and office reports, some dissatisfaction was expressed in relation to the length of meetings. We heard that meetings would benefit from being better coordinated, so that questions and answers sessions are more focused on the objective of the report and can lead to quality discussion, evidence provision and impact.

There is recognition that meetings can be places for information to be shared or members briefed rather than places where constructive scrutiny takes place (this is particularly relevant to the Housing Review Board). A clarity on member officer expectations from these meetings can alleviate any tensions and provide clarity of purpose.

3.4 Having an impact

Currently there is limited evidence of impact arising from scrutiny's work. In the survey, when asked how effective the scrutiny function is overall, 7% stated that they felt it worked well. This could stem from a general lack of confidence in the effectiveness of the function and the perception by some that the committees are too political. If the function as a whole can develop towards a more consensual and constructive environment, then there would be greater opportunities for robust recommendations to be made that lead to service improvements. Additionally, a lack of focus and refined work programme can also impinge on the ability of scrutiny to have an impact. An example of this is the role of the Housing Review Board, which has not been operating as a scrutiny committee in terms of providing members with an active role to hold Cabinet members to account.

In the interviews, the majority of people failed to articulate where scrutiny made a difference or how it improved decision making. In the survey, there was a range of perceptions about the impact of scrutiny on decision making and policy development. Some see it as too detailed and operational, while others question its overall effectiveness in achieving positive outcomes.

Also, within the survey, across the questions on 'impact', there is a consistent theme of a need for improvement, indicating potential areas for enhancement in the scrutiny process. Officers tend to be more critical in their assessments, expressing higher levels of uncertainty and negative sentiments. Members, on the other hand, often exhibit a more positive outlook. There is a notable level of uncertainty among both officers and members, particularly in areas such as the quality of external witnesses and the evaluation of scrutiny impact. This suggests a lack of clarity or consensus on these aspects. The evaluation of scrutiny impact and the committee's ability to improve outcomes for residents emerge as specific areas of concern, with a notable proportion expressing the need for improvement.

4. Recommendations

4.1 Organisational commitment and clarity of purpose

Recommendation 1

We recommend that the current structure of three committees is maintained but that work takes place to ensure that they operate in a complementary manner. This recommendation should include a rework of the terms of reference for the three committees.

Recommendation 2

That consideration is given to providing a short term investment to the scrutiny function to ensure that the actions and recommendations arising from this report can be implemented and that 'added value' scrutiny can take place. This recommendation might include backfilling some of the secretariat functions to allow democratic services officers to utilise their skills to providing additional support to the scrutiny function with a view to making this change permanent if the additional investment realises impact and a clear business case can be made.

4.2 Members leading and fostering good relationships

Recommendation 3

We recommend that the three scrutiny committees are assigned a senior officer to provide expertise and advice to guide and support each of the respective Chairs and to retain oversight of the function, work programmes and help ensure that they work within their terms of reference and within the scrutiny protocol.

Recommendation 4

We recommend that the Council provides learning and development opportunities for all Elected Members to include (but not limited to) the following areas:

- Questioning skills
- Scoping and Managing In-depth scrutiny
- Making recommendations
- Access and use of information and work programming
- An indepth look at the scrutiny protocol and terms of reference for the committees, focusing on expectations, behaviours, and garnering ongoing support for participation.

4.3 Prioritising work and using evidence well

Recommendation 5

That the approach to work programming for scrutiny is redesigned so that the work programme is anchored by long term strategic issues for East Devon. This should include (but not limited to)

- Capacity to conduct in-depth scrutiny outside of the formal meetings
- Regular collaboration with scrutiny Chairs which might involve
 - routine sharing of work programmes for committees or possibly the consideration of the development of a single work programme for the entire function which is agreed annually. (with scope to flex throughout the year)
 - Chairs to collectively decide on member suggestions on proposal forms for what goes on the work programme – based on clear criteria that members themselves agree – process should look and feel challenging. Forward Plan could also go to this meeting for discussion (Portfolio Holder reports could go here too)
- Planned space on the work programme for detailed scrutiny of forthcoming decisions in a way that is planned in advance – for most complex / contentious issues – allowing for managed and proportionate political debate.
- Use insight from the public (ward work, corporate complaints) to inform work programming – in a proportionate way.
- Proactively share Forward Plan with members outside of committee; signpost members to background reports where necessary.
- Organise separate All- member briefings for members on forthcoming / high profile things which are for information rather than taking up space on the formal agenda.
- Continue with production of regular Portfolio Holder reports but integrate this better into work programming.

Recommendation 6

Consideration of cross-party pre-meetings being held (ideally) before the meeting and led in a way that helps committee members prepare for scrutiny sessions by reviewing the key lines of enquiry and coordinating their questioning approaches.

Recommendation 7

Provide development support and training for Officers across the Council to build, refresh and enhance their knowledge and understanding of the role, purpose, and powers of scrutiny. This should also include the approach to report writing and presenting and answering questions at committee meetings.

4.4 Having an impact

Recommendation 8

We recommend that a process is designed and implemented that tracks recommendations made and impact arising and that this is communicated back to all Elected Members.

Thank you and acknowledgements

Thank you to all the officers and members who shared their views as part of this review. It is hoped that the recommendations made will contribute towards the overall effectiveness of your Scrutiny Function to help improve services for people living, working and visiting East Devon.