

THE COMMITTEE ON STANDARDS IN PUBLIC LIFE

**Victor Salvi Room
Millennium Centre, Cardiff
26 March 2009
Morning Session**

Members Present: Sir Christopher Kelly KCB (Chair)

Lloyd Clarke QPM
Oliver Heald MP
Rt Hon Alun Michael JP MP
Sir Derek Morris MA DPhil
Dr Elizabeth Valance JP
Dame Denise Platt DBE
Dr Brian Woods-Scawen DL CBE

Secretariat: Ruth Alaile

Witnesses: Brian Gibbons, Minister for Social Justice and Local Government
Frank Cuthbert, Head of the Local Government Democracy Team
Jeremy Colman, Auditor General for Wales
Gill Lewis, Wales Audit Office
Akmul Hanuk, Chair of the Standards and Ethics Committee
Kate Berry, Monitoring Officer, Cardiff Council
Jenny Randerson AM, Liberal Democrat Party
Helen Mary Jones AM, Plaid Cymru
William Graham AM, Conservative Party
Councillor John Davies, Leader Welsh Local Government Association
Steve Thomas, Chief Executive, Welsh Local Government Association.
Daniel Hurford, Head of Policy, Welsh Local Government Association



WORDWAVESM

Transcript created by WordWave
190 Fleet Street, London EC4A 2AG
020 7404 1400
www.wordwave.co.uk

BRIAN GIBBONS, MINISTER FOR SOCIAL JUSTICE AND LOCAL GOVERNMENT and FRANK CUTHBERT, HEAD OF THE LOCAL GOVERNMENT DEMOCRACY TEAM

1. SIR CHRISTOPHER KELLY KCB (Chair): Thank you very much for coming. You are the first witness we are hearing in Cardiff. We are delighted to be here, despite the weather you have arranged for us. This is the second in our hearings in our inquiry into accountability and leadership and openness in local government. We are here to explore how well local councils observe the seven principles of public life and those principles mentioned in particular. We think there may be something for the rest of the UK to learn from some of the things that are happening in Wales, and potentially vice-versa, and we are looking forward to hearing whether you think that is the case.
2. We are grateful to you for sending us an opening statement¹ which we have all read. Is there anything else you want to say by introduction or shall we go straight into it?
3. BRIAN GIBBONS AC/AM (Minister for Social Justice and Local Government): No, I am happy to proceed.
4. SIR CHRISTOPHER KELLY: The first question is the changes that were introduced almost a decade ago were intended to bring about a number of improvements: improving decision making, better scrutiny and so on. Is it your view that in Wales they have achieved those objectives? If not, why not?
5. BRIAN GIBBONS: I do not think we could say we have ended up at an end destination. Organisations will be in a process of travel rather than arrival. I think the speed of progress is quite variable and we have some examples where the benefits of the new arrangements have worked well, with approximately 19 of the 22 taking up the full executive leader of cabinet role, and then 3 taking up what we call the fourth option, or alternative arrangements. There is a level of consistency there but there is a wide spectrum of performance as well from what we would say are “pretty good to exemplary” to “still struggling to cope”.
6. SIR CHRISTOPHER KELLY: When the current Local Democracy Construction Bill is passed you will have competencies that you do not have at the moment?
7. BRIAN GIBBONS: Yes.
8. SIR CHRISTOPHER KELLY: What changes would you be likely to bring about through that measure?

¹ The opening statement is appended to this transcript

9. BRIAN GIBBONS: I think we would want to see a greater enhancement of the scrutiny role of local government. I think that is the big new competence that we would have both in terms of greater collaboration and scrutiny. In other words, that scrutiny would not be confined just to individual local authorities. There would be joint scrutiny across a number of local authorities or public bodies.
10. Equally the people partaking in the scrutiny process could be expanded, for example, to include key stakeholders. There is a general power to scrutinise more or less anything that affects local communities. We would like to see that enhanced to create a duty for a greater scrutiny. So at a minimum we would see local authorities and the scrutiny process in local authorities as being the key local forum to scrutinise all effectively devolved services as it affects local communities here in Wales. I think it is going to increase the value of the scrutiny process by broadening it to a certain extent. But equally giving increased status as being the key local mechanism for accountability for public services here in Wales.
11. SIR CHRISTOPHER KELLY: You said there was variability in how effective scrutiny was. What are the factors that affect whether an authority has good or poor scrutiny arrangements?
12. BRIAN GIBBONS: I think, first of all, the changes that occurred at the beginning of the decade, did occur not so long after a fairly substantial reorganisation of local government in Wales. We established 22 unitary authorities across Wales. Unitary authorities, I guess by English standards, were relatively small with possibly the exception of Cardiff, Rhondda Cynon Taf and maybe Swansea, but even those, by some English standards, would still be pretty small.
13. Councillors were already in the process of having to adjust to a new set of arrangements and responsibilities when they had then to incorporate in the new executive arrangements. I think that was a very challenging period for councillors here in Wales. One thing was a significant factor: political loyalty is something that is fairly important in a lot of the local authorities where there is a single or dominant party with a small coalition partner. I think that is important, particularly after the most recent elections. The role of independents in both leadership roles has increased quite significantly. The biggest party or group after the most recent local government elections in Wales have been the independents. I think that political loyalty to party on the one hand, and the growing prevalence of independents on the other, has made the picture more complex and has created challenges rather than maybe assisted the process of having an executive backbencher scrutiny role.
14. SIR CHRISTOPHER KELLY: For the avoidance of doubt, the party loyalty means that there is an inhibition on effective scrutiny of an executive of the same party?
15. BRIAN GIBBONS: No, I would not put it in a negative sense like that but I think people who have been elected on a political mandate would feel

that their first duty to their electorate is to deliver the mandate on which they were elected as part of a party. I think this would be seen to be a positive virtue: keeping faith with the electorate whom they stood to get a mandate from on the part of a particular political manifesto. Certainly people with a strong political loyalty do not easily understand that their role is to be “attacking” their own party as part of the scrutiny process.

16. SIR CHRISTOPHER KELLY: But that implies that scrutiny is about “attacking” rather than about challenging with a view to achieve better decisions or better implementation.
17. BRIAN GIBBONS: Yes, I think that is the key transition in people’s mind that has to be made. My own view would be that part of the challenge for people in the ruling party would be to see that the executive as much complied with the mandate that they were given from the electorate as anything else. I would think that if you were a member of the ruling party and operating a scrutiny role, one of your scrutiny roles would be to see that you remained accountable to the mandate that you were given by the electorate.
18. SIR CHRISTOPHER KELLY: That is not the only role of scrutiny.
19. BRIAN GIBBONS: No. I am just talking about the political context in which we find ourselves here in Wales. No, I accept that the wider governance role of backbenchers to hold the executive to account is obviously much wider. But for people to understand what constructive and creative role they can have as a loyal party supporter, respecting the democratic mandate that they have been given by the electorate, I think we need to be able to create that synthesis that it is possible to respect the mandate and yet be able to deliver value-added through the scrutiny process.
20. SIR CHRISTOPHER KELLY: How do we get there because it is now nine years since the introduction of the new arrangements? Is this a transitional problem with a very long transition or does it require something else to happen so party loyalists can understand that effective scrutiny of their own party executive is actually a very important part of delivering for their constituents?
21. BRIAN GIBBONS: I think it is a more generic issue because we did a survey about three years ago on attitudes of councillors here in Wales to their various duties. One of the areas that councillors in general found particularly problematic was the scrutiny role. Equally the importance that they placed on it as locally elected members was fairly low down on their list. Their key priority was being a representative of the local community and representing the mandate that they were given as part of the electoral process.
22. In fairness, even since that survey was done three or four years ago, I think that things have improved considerably in relation to the awareness of the importance of scrutiny. But I think that survey result was an important benchmark in terms of where councillor attitudes were at that particular

junction.

23. SIR CHRISTOPHER KELLY: Having found that, are you allowing the system to mature on its own or are you taking steps to encourage that?
24. BRIAN GIBBONS: No, I go around Wales and have bilateral meetings with all chief executives and leaders of local authorities and I have a standard set of our 10 or 12 issues that are raised with them. But one of the standard questions is what they are doing on scrutiny. As well as that, in the last two years we have set up a scrutiny fund that is open for all local authorities to bid against and we hope that that scrutiny fund will develop good practice and lead to greater awareness of scrutiny. Equally, we have invested quite considerably in a software program called Ffynnon, which is a performance management tool that I guess exists only in Wales. One of the reasons we have invested fairly heavily in that is that, that particular tool will be available to the local authority themselves, so their own internal governance, but there will be a user friendly interface in which elected members will be able to use that particular performance framework to inform their own scrutiny process.
25. In another example linked to that, child poverty, for example, is a big priority for us as an Assembly Government as we have developed another tool called Child Poverty Solutions Wales, part of which is a strand by which elected members can access this software and subject their own authorities to scrutiny in relation to what they are doing on child poverty.
26. We are investing quite a lot in trying to empower the councillors themselves, but equally scrutiny is not going to be very effective if there is not genuine buy-in from the leadership which we are trying to promote through bilaterals and the Welsh Local Government Association and so forth.
27. SIR CHRISTOPHER KELLY: The other point you said that was affecting the situation was the increase in the number of independents. I am not sure what point you were making there.
28. BRIAN GIBBONS: I think two points: (1) the election of independents has meant there has been a change on the political landscape. For example, if you were in opposition and now find yourselves in leadership roles, clearly how you operate as a councillor, you have to adjust to that. Equally, if you are in power and you find yourself in opposition you have got to adjust to that as well. And (2) from an independent's point of view most have a very narrow local mandate. That is why they are not part of a political party but they very much see themselves representing an individual community with a one issue or two issue campaign. The challenge for them to take on board the wider corporate governance is probably that bit more challenging than somebody who is elected on a wider party manifesto covering the full range of issues local authority wide but in terms of issues that a local authority would deal with as well.
29. SIR CHRISTOPHER KELLY: Does that have implications for the support that needs to be provided by officers to people who find themselves in

that position?

30. BRIAN GIBBONS: Potentially, yes. I think in practice that independents do tend to coalesce in groups. Having said that, in many instances there is not a single independent group; the independents would be subdivided into different interest groups or even groups of people who get on better compared to others. But where there is some sort of group coherence it does make it easier for a local authority to empower those members. Though all newly elected members would obviously benefit from induction and do get induction in terms of their duties and tasks as elected members.
31. SIR CHRISTOPHER KELLY: I think one of the principal objectives of the new arrangements was to improve decision making both by giving clear accountability to people for taking decisions and separating out the scrutiny role. Do you think you now have better decision making in Wales as a result?
32. BRIAN GIBBONS: On balance very definitely. The cabinet members in particular are now in a better position to develop expertise; the fact they have a personal responsibility as the lead member encourages them to develop that expertise probably in a way that a chair of a Committee would not have had. Most local government is very stable so it does allow a relationship to build between the cabinet member and the lead officers. In most instances a relationship based on trust and challenge. As a generalisation I think the process has been beneficial. I think a significant minority of individual councillors have found the transition difficult and painful without any doubt.
33. SIR CHRISTOPHER KELLY: Is there any way you could evidence the fact that the new arrangements have led to better decision making?
34. BRIAN GIBBONS: Even though we have had a number of worrying failures in local government in Wales, and particularly in relation to children's social services but not exclusive, if you look at the performance framework that we have in Wales which has 80-120 indicators, against those indicators, probably 75% demonstrate improvement. But I think there is a better understanding and the lead councillors have a much greater grasp. Anecdotally as well, previously where a judge consultative council between health bodies and local authorities in Wales before unitary authorities came in, and I think that in the main they were pretty low status and were not taken too seriously. I think now that, for example, health bodies' interaction with local authorities would be a much greater relationship between equals and other people would see the value that the authority and the councillors can bring to the process.
35. SIR CHRISTOPHER KELLY: That is a function of both size and greater specialisation.
36. BRIAN GIBBONS: No, I think there were significantly fewer county councils that were abolished to make way for the unitary authorities so that education departments and social services departments would have had few senior councillors. I think that is an issue as well, probably both at an officer

level and maybe even at a member level, particularly in social services and education: it is a greater challenge to deliver capacity simply because there are 22 to be catered for compared to just 8 previously when we had the counties.

37. SIR CHRISTOPHER KELLY: The Auditor General for Wales, in a paper he produced for another Assembly Committee, identifies Cardiff as being particularly good at scrutiny. Is that because of a particular culture and leadership in Cardiff?
38. BRIAN GIBBONS: I do not think it would always be thus. Maybe six years ago Cardiff had a number of very serious service failures, particularly in social services but not exclusive so. They were subject to intervention by us as an Assembly Government. Clearly they had to face a fairly fundamental challenge as to how they were going to address their reputational status. I was closely involved in that because I was the Minister for Social Services at the time. And certainly I felt very strongly the development of effective scrutiny within the local authority was a key part of them turning what was a very poor social services performance into a level of performance that is probably good mainstream services by Welsh standards at the moment. Even when I was meeting political leaders from Cardiff I always asked if we could have the chair of the Scrutiny Committee to come in as well as an indication of the importance that we placed on scrutiny, but also part of the corporate responsibility of the back benchers. They had a role to play in driving performance and improvement in Cardiff.
39. Both in Cardiff and Blaenau Gwent - the other local authority which had particularly serious problems at the same time - we got an equally strong message where scrutiny was very, very helpful and constructive in driving performance improvement and turning social services in Blaenau Gwent from being possibly one of the worst in Wales to being probably one of the best.
40. SIR CHRISTOPHER KELLY: That is interesting because I can think of a number of parallels in local authorities in London. It also confirms in a sense some previous evidence we have had that suggests that although structures are important, leadership in making use of those structures, is actually the key. And the culture will depend on the history of the local authority and how they govern it.
41. One of the things that has also been said to us in evidence is that the new executive arrangements in particular, despite the presence of scrutiny Committees, has led to less rather than more openness about the way decisions are taken. Is that something you recognise in Wales?
42. BRIAN GIBBONS: I think that the previous decision-making process and Committees had developed a certain mystique of its own. I am not sure I would agree with that. I think the big areas are the director of social services, the director of local education and the political cabinet members covering those. For people that are involved, say, school governors, I would be very surprised in most areas if every school governor had a fair idea who the

director of education was and who the cabinet member covering education was. I think the fact there is clear responsibility for these tasks does mean people can be more effectively identified with those tasks and the performance around those tasks.

43. SIR CHRISTOPHER KELLY: That bit is clear enough but in the Committee structure you could actually come and observe the decisions being taken whereas now they are more likely to be taken by the executive member or in the cabinet.
44. BRIAN GIBBONS: Yes. My understanding is that most of the cabinets in Wales are actually held in public.
45. FRANK CUTHBERT: They must all be held in public but it is true that, say, for other levels of government, if cabinet ministers are delegated individual functions and so can make decisions in their own offices, then that is not apparently as open as a Committee voting on a subject. But there are firm rules about the necessity to publish those decisions covered in our Access to Information Regulations so the public and scrutiny function has access to those decisions. But I suppose it is a major change in how local government has made its decisions over the last ten years.
46. SIR CHRISTOPHER KELLY: When the cabinet meetings happen in public do they tend to be formal affairs, going through the motions, or are they real discussions?
47. FRANK CUTHBERT: Of my limited experience they vary according to the political makeup of the cabinet. If you have a one-party cabinet then you can be fairly sure that issues have been discussed in advance and the process has gone through a discussion. But in other authorities where there is more of a mix and perhaps a different culture, discussions take place in cabinet in an open way in a public arena.
48. RT HON ALUN MICHAEL JP MP: I wonder if I could explore something that you said, Brian, about people knowing who was responsible for taking decisions. Obviously I am drawing my experience from two local authorities in my constituency but I would have thought it was now clearer who is responsible in terms of the cabinet member, but quite difficult to know who is responsible for decisions within the officer hierarchy; partly because a smaller number of individuals form the strategic leadership and partly because sometimes it is not clear that there is a director of education or director of social services and therefore it is not clear whether the education responsibilities lies with the strategic director or further down. Do you understand?
49. BRIAN GIBBONS: Yes. I think in the wider sense there is some consistency across Wales in terms of officer leadership. You may have education and children, or housing and social services and so forth. Depending on those configurations I would agree that sometimes, notwithstanding what I have said, that in those situations it can be difficult, and

in practice is difficult for people to know quite who is responsible. If you move down the hierarchy I think you are absolutely right. Unless you are a very focused pressure group or you are a parent trying to access the service, I do not think anyone would have a clue who would exist below the senior officer.

50. RT HON ALUN MICHAEL: You referred earlier to the difference of structure with independents with different groupings. To what extent do you think scrutiny refers the leadership of councillors' back to manifesto commitments?
51. BRIAN GIBBONS: My experience would be limited to one political party. I generally would not be allowed into the internal workings of other parties but clearly there are cases where political parties will have a big beast who will rule the roost. Except in those situations I think there is a tremendous amount of accountability within political party groups and keeping your own party group on side. In the instance that Frank gave in relation to one-party cabinet rule, I guess the real challenge and scrutiny comes within the party groups. In some localities that can be of a very high quality and pretty fierce and an important way of keeping cabinet in check.
52. SIR CHRISTOPHER KELLY: A couple of quick questions before I pass the microphone on: no elected mayors? One referendum heavily defeated. Is there a simple explanation for that?
53. BRIAN GIBBONS: I think Wales is a highly democratic country. We are not too deferential and I think that has probably got as much to do with it; very suspicious of somebody setting themselves up as the kingpin. Clearly you could see a strong personality happen particularly if one or two issues became a particular focus in a community. But I think Wales is a fairly horizontal society in terms of its social composition and there are very strong democratic traditions.
54. SIR CHRISTOPHER KELLY: I am not sure I quite understand. That sounds as if you think an elected mayor is somehow less democratic.
55. BRIAN GIBBONS: The mayor would obviously have a democratic mandate but the mayor would then be elevated to being above accountability to party or group and I think clearly the mayor would have a democratic mandate. But I just do not feel there is a very strong political culture in Wales that wants to put somebody on a pedestal way above everybody else and is not subject to the routine democratic accountability that everybody else should be subject to.
56. SIR CHRISTOPHER KELLY: I accept that some argue that if you have an elected mayor who has an independent mandate, as it were, then that means that members of all other political parties will scrutinise one.
57. BRIAN GIBBONS: Yes, I accept that. The party system in many respects is well established. Having said that, at a local government level in Wales there are probably four or five organised political groups competing for

political allegiance. In the last election independents emerged as being the strongest group and I think that reflects the independent mindedness of people here in Wales not to be constrained. But I do accept you could get particular relevant issues that would create a flashpoint that the local political establishment failed to adequately address. I am sure in those circumstances it would not be impossible for a campaign for a mayor-type thing to happen but I think it would take something exceptional rather than for it to be the norm.

58. SIR CHRISTOPHER KELLY: Have the current arrangements increased trust in government in Wales?
59. BRIAN GIBBONS: It is difficult. Participation in elections is fairly static; it is not brilliant in Wales. I would say on balance yes because people do know who the main people are who are responsible in the main areas of activity, and the process is more transparent. But the reality is all politicians are struggling to establish credibility so I do not think councillors are any different from the rest of us, whether we are members of parliament, members of the House of Lords, members of the assembly or members of a parish council. We are all struggling.
60. SIR CHRISTOPHER KELLY: Thank you.
61. DAME DENISE PLATT DBE: We have had a lot of evidence submitted about the weakness of overview and scrutiny. A number of people have said, "Does it matter if you have weakness in overview and scrutiny because there are Standards Committees, monitoring officers, Audit Committees, all of which provide a tighter formal look at what the council is up to?" I would be interested in your views on that.
62. BRIAN GIBBONS: I am strong believer in scrutiny. We have had some significant failures in local authorities across Wales over recent years and quite apart from the fact that people were not getting the quality of service that they were entitled to, the other really disturbing factor was probably the elected members did not know that that serious failure was taking place, almost invariably until an independent regulator published their judgment. Even when that service failure happened elected members almost invariably were completely mystified and shocked and did not have the high level of knowledge about what was happening. In some instances fairly adverse reports have been produced by independent regulators and possibly a significant number of elected members still were not fully aware of the seriousness of the service failure. I think that is very worrying, that an authority could find itself with such serious problems and the elected members, in the main, to be completely caught offside by the reports.
63. For those local authorities that have turned themselves around from pretty poor or dire positions, the empirical evidence from them is that the scrutiny process has been an important catalyst for improvement and change and maintaining that improvement.

64. DAME DENISE PLATT: So, is that about the opportunity to look in-depth at a service in a different way, whereas the Standards Committees are about individual conduct; Audit Committees are about financial probity; those sorts of issues? Are you saying it is an opportunity to look at a service from a different perspective?
65. BRIAN GIBBONS: Yes. Certainly the standards are very narrowly focused. I would agree with that. No, I think it is just the systemic weakness of the audit process that exists and the processes have not been strong enough to be able to hold the executives and officers to account.
66. DAME DENISE PLATT: So it is about specialist expertise and knowledge and the opportunity to probe a particular issue?
67. BRIAN GIBBONS: Yes.
68. FRANK CUTHBERT: What I would add is we urge local authorities to ensure there is adequate officer support for scrutiny and that those officers have both a suitable level of seniority and a separation from the executive itself so if they have other responsibilities they are to do with democratic services or such like. That varies. Authorities like Cardiff have a team of 12 scrutiny officers and some are “one man and a dog” and they struggle to give adequate support and a degree of leadership to councillors. One of the effects of political change has meant that in some cases there has been a lack of experienced councillors to conduct scrutiny. Although ironically sometimes ex-cabinet members then become very good scrutineers. But overall I think the gradual change in the make-up of authorities in Wales has meant that those people who in the early days saw scrutiny as a raw deal have started to disappear and been replaced with newer people who are more accepting about the value of the scrutiny role. That has been evidenced with an increase in initiatives like the scrutiny development fund where there has been a lot of education and training going on across Wales to equip councillors with the necessary methods to scrutinise effectively.
69. DAME DENISE PLATT: We have had quite a lot of evidence about the necessity to separate out the officer advice to scrutiny and cabinet that if it is the same group of officers advising both portfolio holders, lead members and scrutiny, that there is a conflict of interest for officers who are involved in those processes. It would be very helpful to hear more about your views on that.
70. FRANK CUTHBERT: I think local authorities have a difficulty that is not faced by Parliament or by the assembly in that the staff who support the scrutiny committees are not employed by the government. In local authorities there is no separation between the corporate bodies employing these people so it requires the leadership of the local authority to make decisions that it will have dedicated scrutiny staff. Or if they are too small to make them fulltime dedicated scrutiny staff, that their other duties should be ones that are more akin to democratic services or members’ support where they are not linked to the policy advice to the executive.

71. BRIAN GIBBONS: I think as well, with the size of local authorities in Wales from this point there are strengths in having smaller local authorities in the sense they are not big amorphous monsters. But clearly it is probably more difficult in a smaller community for the scrutiny officers to be able to stand outside the process and not feel in some way that they are being affected by being effective champions of scrutiny.
72. DAME DENISE PLATT: When you talk about the need for councillors to get training and experience are you talking about training and experience in scrutiny, or training and experience in what questions to ask about a particular service?
73. BRIAN GIBBONS: I would think it is both really. I think there is a generational thing as well, that a fairly significant cohort of elected members have to make the transition from the Committee in which they perceived themselves as being very much part of the decision-making process, to being effectively put on the backbench. For a lot, that has been a very painful process and a fair number have never really quite adjusted to the change and would still hanker after the old days. But I think the cycles of elections are obviously bringing new people in who have a fresh attitude and do not have any history or legacy. The last elections in Wales were last May and I would say that since last May you do feel we are starting again in many respects simply because of the turnover of elected members.
74. In the second to last election we had the golden handshake to try and reward senior councillors who had served a long time and that led to some change but I do not think the culture radically changed. But I think that this time there is a feeling that people are becoming more comfortable with these new arrangements and understanding them better.
75. DAME DENISE PLATT: It has been put to us in evidence that the only true accountability is that accountability at the ballot box in an election and that all these other processes are secondary. What is your view on that?
76. BRIAN GIBBONS: I think I have said that already. For a lot of elected members the first responsibility is to the community and their party and that takes priority, and then, if you like the wider responsibility for corporate governance of the local authority would be number three or even lower down on the priority. I think that is true but what we tried to do as an Assembly Government is to try and promote how important scrutiny can be to the corporate well-being and in that way actually deliver better services for their own individual constituents which is what most councillors are interested in in the first place.
77. DAME DENISE PLATT: So, accountability as a continuous event and not a four-yearly event.
78. BRIAN GIBBONS: That is what we would want to see; that ongoing permanent accountability with backbenchers developing skills in scrutiny. But I think to do that you do need a leadership in the council - at the elected and

officer levels - that are really signed up to that. You can go through the motions and not deliver effective scrutiny. I think where effective scrutiny happens, there really has to be a strong sense of commitment from the leadership politically and on the officers side. If that is not there, it is not going to happen.

79. DAME DENISE PLATT: What you are saying is that the new cohort of councillors that you have seen have come in with the expectation that scrutiny and cabinet processes are the okay way of doing things?
80. BRIAN GIBBONS: Yes, I think that would be the expectation. That is what they are used to and understand politics to be about, whereas that would not be the case for people brought up in the old local government structures.
81. DAME DENISE PLATT: We are really intrigued about the difficulties of accountability across partnerships when you have different organisations with different sorts of accountabilities yet coming together to try and deliver services to the same community, either in an integrated way or alongside each other. I would be interested to hear more about how you think those arrangements can be brought to account.
82. BRIAN GIBBONS: I think you have certainly hit on a very important challenge for us in Wales. In the last three to four years we, as a government, and I think service delivery agencies, are increasingly recognising that they have to work in partnership across organisational boundaries, both within their own patch and then across a wider regional patch as well to deliver effective services. And developing governance arrangements that makes that fit for purpose is a fundamental challenge to that process.
83. In Cardiff I think they are developing a very interesting model in trying to come to terms with this, and as part of the financial support that we are giving Neath Port Talbot, which is another local authority that is committed to partnership working, is trialling the Cardiff-type model in its own area as well. But I think that is going to be a big challenge. One of the reasons with the Local Government and Economic Development Bill is that it is going to give us the opportunity to give a great status to scrutiny because scrutiny will be able to deal with all services; scrutinise all devolved services locally. So, whether it is the health service or forestry commission, elected members will have a duty to scrutinise those services. But equally it will give the opportunity and a statutory basis for a number of public bodies to come together on an official basis to carry that scrutiny out as well. If you wanted to scrutinise, for example, the fire service which operates across five or six local authorities in Wales, you would be able to set up a giant Scrutiny Committee. And hopefully with the new powers that we would have that would be set up on a statutory and legal basis to deliver that.
84. DAME DENISE PLATT: So, you are seeking a new duty for local authorities to scrutinise those arrangements and a requirement for people to attend and participate in those new scrutiny arrangements?

85. BRIAN GIBBONS: Yes.
86. DAME DENISE PLATT: Are you also seeking a power or a duty that they have to respond to whatever the scrutiny findings are?
87. BRIAN GIBBONS: Yes. We cannot obviously insist on officers who are from non-devolved bodies to attend but certainly we would expect people working for devolved bodies to attend. And I think as well that even some non-devolved bodies - in certain instances the police - would be able to attend as part of their duties in relation to community safety and so forth. So, there would be some options even for important non-devolved bodies to be held to account at a local level.
88. FRANK CUTHBERT: I would just add that I think we are going to be interested to see almost like a pilot of this partnership scrutiny being introduced through the commencement this year of those sections of the Police and Justice Act which set up Crime and Disorder Scrutiny Committees. They are coming into effect in England at the end of April and here 1 October. They will enable local authorities to co-opt partners from outside the authority who are relevant scrutineers for community safety issues and give them voting rights. They will also be able to require members and officers of responsible authorities - those are the bodies that participate in community safety partnerships in Wales - to provide information and attend those Scrutiny Committees as required. It will enable us to see how that sort of scrutiny set-up works or does not work in advance of us probably introducing a measure across the local authority functions next year.
89. DAME DENISE PLATT: With the pilot work, have you given some consideration to what type of officer support those combined scrutiny arrangements might need, given what we said previously about the conflicts of interest?
90. FRANK CUTHBERT: We will need to do that. We will be consulting through the summer with local government and others about just how wide scrutiny Committees might function and that will certainly be part of the focus.
91. DAME DENISE PLATT: Yes, because the experience we talked about earlier of both scrutiny and content would be a key issue.
92. FRANK CUTHBERT: Yes, it would.
93. BRIAN GIBBONS: If I may say as well, with the Ffynnon scrutiny software program, what we have tried to do is make this available to all public bodies here in Wales so that as we move to this more seamless government arrangement that all the main public bodies will be feeding into the same database effectively. Already that has happened. We are able to do that, for example, in a substantial part of children's services through the national service framework for maternity and children's services here in Wales. There is a link to that - what is called a self-assessment tool - which all the various agencies that are involved in delivering children's services are supposed to

input into, and are doing to a reasonably good level. Again, if you wanted to look at children's services you would be able to access this IT-based database to get a level of performance, not just from social services but health and education and so on.

94. DAME DENISE PLATT: Right, and that would be children in care?
95. BRIAN GIBBONS: No, it is very, very detailed. The software, both the Ffynnon, the Child Poverty Solutions Wales and the IT assessment that underpins the national service framework for children, you are able to "drill down" to various tiers. It is not just headline stats that you can get in an annual report. You can peel it back and get quite far down into operational detail.
96. DAME DENISE PLATT: Thank you very much.
97. RT HON ALUN MICHAEL: You have talked about the new arrangements in the legislation which will take us to formal Scrutiny Committees in relation to crime and disorder reduction partnerships. That system has been in place for ten years now with the crime and disorder reduction partnerships having a requirement of an audit and a renewed three-year audit process. To what extent do you think that the responsibility, which lies with the chief executive of the local authority along with the local police commander, has been subject to scrutiny by local authority?
98. BRIAN GIBBONS: I would not say it has a high profile. Even as a constituency Assembly Member, it would not be something that I would be even aware of. Even at a ministerial level we do not have responsibility for policing.
99. RT HON ALUN MICHAEL: As it is a legally shared responsibility and there is a system, I think my impression is the same; that the partnerships have actually worked rather well. But in terms of scrutiny, although the mechanisms are there, have local authorities seen it as a tool to be used?
100. BRIAN GIBBONS: Oh, yes I think the partnerships have worked pretty well and, in a number of areas, I think we have made fairly good progress. But, no, on the scrutiny point of view I would agree.
101. RT HON ALUN MICHAEL: Which leads to the question to what extent the mechanism of scrutiny can actually lead to better performance or better strategic outcomes and to what extent it is the mechanisms themselves that matter? In other words, does scrutiny add value in terms of actual performance?
102. BRIAN GIBBONS: I think you would need a before and after test and I think your own diagnosis that there probably has not been enough effective scrutiny really to allow us to be able to make that before and after judgement. I think it is at a pretty low level.

103. RT HON ALUN MICHAEL: Possibly afterwards it would be quite interesting to know if there are specific examples that you could give where the scrutiny has led to specific outcomes. I accept what you are saying - that it is a fairly short timescale - but what actually happens as a result is very important, is it not?
104. BRIAN GIBBONS: Yes.
105. SIR CHRISTOPHER KELLY: Do you mean in relation to crime and disorder partnerships?
106. RT HON ALUN MICHAEL: And more widely.
107. BRIAN GIBBONS: More widely, yes.
108. SIR CHRISTOPHER KELLY: Minister, thank you very much indeed for coming and talking to us today.
109. BRIAN GIBBONS: Thank you very much indeed for your time.
110. SIR CHRISTOPHER KELLY: We will just have a two-minute comfort break.

**JEREMY COLMAN, AUDITOR GENERAL FOR WALES, GILL LEWIS, WALES
AUDIT OFFICE**

111. SIR CHRISTOPHER KELLY: We begin with another apology: Denise has to go part-way through your session so I am sure you will forgive her and it is not because of anything you have said.
112. JEREMY COLMAN (Auditor General for Wales): Not necessarily!
113. SIR CHRISTOPHER KELLY: It would be very helpful - for the benefit of the transcript - if you could say who you are and if you want to say anything by way of an opening statement, please feel free to do so. But equally, if you do not want to, that is great to and we will get straight to the questions.
114. JEREMY COLMAN: I will be very brief in that case. I am Jeremy Colman. I am the Auditor General for Wales. This is my colleague Gill Lewis, a partner in the Wales Audit Office with particular responsibility for governance matters but many other responsibilities as well relevant to this inquiry. I do not particularly want to add to the written statement that I provided to the Committee.
115. SIR CHRISTOPHER KELLY: Thank you. Derek.
116. SIR DEREK MORRIS MA DPhil: Thank you. Echoing the chairman, thank you for the submission that we read with interest. Understandably of course it was mainly concerned with issues of oversight and scrutiny. That is mainly, therefore, what I would like to ask you about. I would like just to

preface that with a few more general questions to get your perspective on those and then we will go on to scrutiny. Looking back at the 2000 reforms there were various objectives. One of them was “more effective political leadership” and I would like to ask whether, on the basis of your work, you perceive there to be more effective political leadership or not, and if you do, what are the metrics that allow you to identify that?

117. JEREMY COLMAN: I think that in Wales the fact you must bear in mind is the enormous change in the political complexion of local authorities in the last two elections. I do not think it is possible to disentangle the effect of those changes from the quality of political leadership from the effects of the 2000 Act. What we have seen now in two elections is a very high proportion of local authorities in Wales having no overall control in terms of a single political party, in striking contrast to 10 or 15 years ago. So, that changes the nature of the task the executive of each authority has. There is the element of, in many cases, managing a coalition, and that could be positive or negative.
118. But there is also a positive change potentially which is that some very experienced people who had been in power for a long time are now in opposition. They are very much better informed about how the council works, how decisions are taken, what really matters, than their predecessors in opposition may have been. There is a real benefit from that potentially; not always realised. It depends very much on how those individuals behave. In some cases we have seen tools such as scrutiny being used as instruments of political warfare rather than directly contributing to improved decision-making and overall leadership.
119. GILL LEWIS (Wales Audit Office): I think Jeremy is absolutely right; the political landscape has been so influential it is very difficult to see the impact in a steady state of how the changes have followed through. I think it has led to perhaps more timely decision-making. It has expedited some of the decision-making processes. But the feeling that some of the decisions are still taken by a small group of people behind closed doors has not really changed and I think that why you have perhaps a greater degree of disaffection from the backbenchers, as a result of the process, particularly where perhaps scrutiny has not matured or evolved sufficiently that they feel that they have a real input to the running of the council. So it is quite variable but very much has increased the degree of this --.
120. SIR DEREK MORRIS: That point is certainly one I would like to explore a bit more in a moment. Another objective was increased public engagement. I am bound to say so far we have found relatively little evidence of that, but I noticed in your submission, if I may quote from that, you said, “Levels of public and external interest in democracy needs to be viewed realistically”. Do I correctly equate to that, you are saying, “This is as much as you are going to get?”
121. JEREMY COLMAN: I hate to sound defeatist and you will have detected that we fall quite naturally and easily into our habitual

understatement as auditors. I think that it is true that it requires a degree of motivation to engage with the affairs of a local authority that many citizens, I do not see, are ever going to have. Certainly when we engage with the citizens in our work one feels that very few of them particularly care or want to know the detail of how things are done, but are looking for some more generalised assurance that they are being done properly. The question arises: where does that assurance come from? It can come from confidence in the machinery, and the 2000 Act introduced new sorts of machinery. I would say it is a bit early to conclude that that of itself is enough.

122. SIR DEREK MORRIS: Correct me if you disagree, but another objective is openness and it would seem that the reforms means that it is much easier here to know where decisions are taken and who is taking them. There is in a sense more transparency about that. Would you think that was a correct assessment or not?

123. GILL LEWIS: Certainly I think that it has enhanced the clarity of where decisions are taken. I think there is probably a fairly healthy degree of cynicism about whether those decisions are actually taken in public in a transparent and open way. I think right across the principality we have alternate open and closed meetings where some of the real business is done.

124. SIR DEREK MORRIS: I would be interested on your view on the following because it has been put to us that under the old system there was at least some sort of punch up at the council meeting, which you could go and observe, whereas now even if they are held in public cabinet meetings tend to be rubber stamping of decisions that have been agreed informally in private before and that, therefore, openness paradoxically may have actually gone down.

125. GILL LEWIS: I think there is certainly a degree of decision making that probably quite rightly should not necessarily take place; commercially sensitive, some difficult issues that perhaps are very difficult to have that open and healthy debate quite properly transparently. I think I would tend to agree that it has forced some of the decisions to be taken, and certainly the cabinets that we observe can be very quick and not particularly thorough in terms of the debate.

126. SIR DEREK MORRIS: It presumably is right that if there is not, and it is unlikely be, increased levels of public engagement, and if there is not much, if any, increased genuine openness then all of this piles more and more emphasis on the oversight and scrutiny role, to give people the assurance that decisions are being taken appropriately.

127. One other objective was to increase trust in open government. Most people have suggested to us that there has not been an increase in trust, is that your perspective?

128. JEREMY COLMAN: My perspective is distorted from the fact that my experience of local government is restricted wholly to the period since the Act,

so I cannot say whether there has been an increase in trust. I cannot think of an understated way of putting this so I will give up trying. The evidence of widespread trust in local government is rather thin on the ground.

129. SIR DEREK MORRIS: That was not an understatement. It may of course be that there is increased perception of what is going on and that does allow the media to get perhaps more into some of the processes and decisions. We know though that the media sells papers through bad news not good news. Therefore, that may have offset what might otherwise have been an increase in trust.

130. JEREMY COLMAN: I think there is a particular issue in Wales in that the machinery, the Wales Programme for Improvement, that descended from the former best value regime has hitherto not provided anyone with an answer to a basic question about a local authority, which might be, "Is the local authority X doing a good job?" For whatever reason the Wales Programme for Improvement does not answer that question. Even if you have very good access to information and know what you are doing, it is extremely difficult to find out how well individual authorities are doing. The Assembly Government is currently pursuing a draft assembly measure that will very considerably change that world, in a way which I warmly welcome. It will change it in particular by giving me a new duty which I have not had before, to report annually on each local authority as to whether it is likely to meet the requirements of the measure, which boils down to achieve its improvement objectives in the coming years. It is a very clear question and I and myself will do our best to provide a very clear answer. It has been completely lacking. In England you have been able to look at the various star rating and assessments that on paper do enable you to say that that authority is better than that one over there- whether you believe them or not is another matter. In Wales we have not had anything that enables a citizen to do that. That is a really severe weakness.

131. SIR DEREK MORRIS: That is not only in Wales that that is the case.

132. JEREMY COLMAN: I know Wales best.

133. SIR DEREK MORRIS: That is certainly an area that my colleagues will want to come back to when we look at possible ways forward. One last introductory question. There are no mayors. Do you have any views on why that might be? Clearly one of the intentions of the act was to have a very substantial number of elected mayors.

134. GILL LEWIS: There was one failed attempt to introduce a mayor. I go back to the original answer to the first question that Jeremy alluded to, which is the changing face of politics in Wales. Had the last two elections not thrown up the sort of results that they did I think that then more would have pursued the role of mayor. We have a significant number of authorities now with coalition and cabinets in place. In their view, the strength of the power that was needed to have an elected mayor would put too much control in one party. Because of the coalitions that is not even on the agenda in most of our

councils at the moment. I cannot remember the exact number, I should have known, but it is more than half of our coalition cabinets.

135. SIR DEREK MORRIS: Just looking at experience more generally throughout the UK, it would seem that if there is to be an elected mayor it does need someone to be, as it were, the champion of that cause. The most likely person or group is one of the political parties. It has been put to us that parties may not really find that attractive because the degree of effective control that they can exercise over the mayor is much reduced if the mayor is directly elected. So two questions: one, does that sound right to you? Secondly, does that then strengthen your point that with the current circumstances we are just not going to get any mayors?

136. JEREMY COLMAN: Yes. Even if you had a single party in a dominant position there are very good reasons why they may never be able to agree on promoting the concept of a mayor. A fortiori when you do not have that it is impossible.

137. SIR DEREK MORRIS: Perhaps slightly ironic is that in under a dozen cases we have had quite strong forceful evidence that, where there have been mayors, being directly elected does in their view give them an ability to deliver services, because of the credibility and the authority that comes from being directly elected, and that that has been very effective, albeit almost non-existent.

138. Thank you for that. Shall we go on then to the main item – scrutiny. The background to this is that you raise a number of issues and concerns. At the same time there is evidence that you have given and we have heard other evidence, that in a number of cases in Wales scrutiny has actually been really rather effective. I suppose we start off from what might be described as a patchy picture. I do not want to sound unduly negative, but let me work through and probe some of the points you have raised.

139. First, on scrutiny and scrutiny committees working in relation to cabinet forward work programmes and so on. In your experience, do you typically see the scrutiny function observing, discussing and influencing longer term forward plans or is that rather the exception to the rule?

140. JEREMY COLMAN: Could I make a general statement before answering that specific question. I did say it to the Assembly Committee but it is worth repeating, if you will bear with me. This is a very new function still that scrutiny is not only new, it is inherently quite a difficult thing to do. Everyone is learning how to do it. Not all the participants have the same understanding of what proper scrutiny is. Not all of them have the same aptitude for doing it well. To my mind, what you would expect to find at this stage is the pattern to which you have referred to in my evidence.

141. How to make progress on that is to draw attention to the good examples and to spread the learning. It will be inherently a slow progress. Effective scrutiny requires effective scrutineers well supported by officers. As

you will have seen in some cases that peer support is much stronger than others. It also requires a certain attitude on the part of those being scrutinised. Not just the politicians but also the officers. A lot of things have to come together for scrutiny to work effectively. That can happen, and there are some good examples of it happening in Wales. I am not surprised, or even disappointed, by the current position, it is exactly what one would expect and one would hope to see improvement over time. It is a matter of not decades but some years before one would expect to see a uniformly high basic standard of scrutiny. That is my general answer. Gill I am sure has a specific answer to your question.

142. GILL LEWIS: Not really. It is extremely variable - and taking into account the factors that Jeremy has just mentioned. Interestingly, where there is quite a lot of coalition and consensus politics, if I could put it like that, some of the scrutiny is much more effective. I think that reflects the fact that you want to be scrutinised. Where we have some single one-party cabinets in the old style then the encouragement for scrutiny to be effective is somewhat less. We also have quite clearly very varying degrees of ability to scrutinise, regardless of the support of officers that are given. One of the things that we have pulled out in evidence previously is perhaps the lack of interest. Perhaps that is too strong, but certainly the lack of attendance at member development and training sessions, despite best efforts. I can think of a number of different councils where scrutiny is either effective or ineffective but not always for the same reasons. It is quite difficult to pull out one particular reason why it is effective in some of our councils.

143. SIR DEREK MORRIS: That is very interesting. Two questions come to mind in light of that. One is something I think that you wrote, raising the question of how many authorities do have executives and senior officers who fully appreciate and understand the potential powerful benefit of scrutiny. I confer from what you have written but that is not that many. I was going to ask are there particular factors that seem to push one way or the other, or is it just perhaps that in some cases you do get one or two rather visionary individuals who see that benefit and can drive it forward and in other cases you do not? Is it just down to the people?

144. GILL LEWIS: I think one of the factors that I would pull out is the maturity and experience of the leader, who clearly influences the culture of the cabinet. I am thinking as you are asking the question that in many cases the leader's influence over how he wants scrutiny to operate sets quite a scene. I think that they can be very influential and encouraging. If they see they are - I use your word - "enlightened", if they see the benefit that scrutiny can bring to that executive and all members can act with the maturity that that requires then it can be quite powerful and effective. There are some examples in Wales where that is happening.

145. JEREMY COLMAN: You used the word "visionary" and it occurs to me that we ought to be beyond that point. At the outset of the introduction of the scrutiny function in local government there was a role for visionaries. Now we are at the stage where - the word that Gill used - "maturity" is more important.

I think it is true actually that quite a number of people with the maturity see that scrutiny has something of value to deliver, not just to citizens but to them personally, even if they are being scrutinised. You need to be mature to see that. Most people see that. So there is visionary, maturity and normal life.

146. SIR DEREK MORRIS: I really can see that but let me just try and frame it for you. On the one hand we have a responsibility for scrutiny, we have structures that can deliver scrutiny. We have good examples of scrutiny working well. There is this scrutiny champions' network, there is scrutiny good practice guidance - the Auditor General put out communications about this - and it is nine years. Am I just being wildly naïve in saying that one might have hoped that good scrutiny would have been more widespread and more deeply embedded by now with all of that going on? As you said, it is not being visionary; it is now about transferable lessons really from the practice. Is that what you mean?

147. JEREMY COLMAN: I think it is a matter of judgement really as to how far you would expect it to go. The people issues are very, very important. You need people with maturity. I think you actually need people with relevant experience. There has been quite a lot of turmoil in the composition of councils and of the executives, so there are new people trying to do all this. The process has been around for a long time. When you have something new or newish coming into it that in itself is going to slow things down. I think that the recognition that good scrutiny needs good officer support has been relatively slow, although now much improved. I hope I am not being complacent but I am actually really not surprised that the picture is as we see it.

148. SIR DEREK MORRIS: Support for the scrutiny function, that would seem to be a very important element and certainly some of the good examples we have seen are cases where there are a substantial number of officers supporting. Is it realistic to see more resources being poured into that? I think I observed, but tell me if this is wrong, that it tends to be the larger council where there are some sorts of economies of scale going on, where they can do it. In the smaller ones maybe it is just not practical to have seen much more support coming in. Does that sound right?

149. JEREMY COLMAN: Yes.

150. SIR DEREK MORRIS: What about the role of officers in all of this? One can imagine that if an officer has worked with a member of the executive to develop the right answer to something, there is going to be some sort of conflict of interest in them saying, "I am now going to provide all this support and information to someone whose job is to try and tear it apart". Do I overstate the case?

151. JEREMY COLMAN: I think you overstate it.

152. GILL LEWIS: I think in many councils there is dedicated scrutiny support which separates this off for the executive from the support for scrutiny.

In all councils there is some sort of separation, but that is obviously at a supportive level and more senior level, and that is the role of a local government officer is to make sure that he or she is even-handed in their treatment of the political parties. Given that we have had in Wales swift changes and very different people have been in scrutiny, it is a role they have had to play very, very carefully, because every four years for the last two elections there has been quite significant political changes one way or the other. I think that actually the officers are probably quite good at making sure they are even handed.

153. SIR DEREK MORRIS: So you would see dedicated officers for the scrutiny function as valuable but not critical, would that be right?
154. JEREMY COLMAN: It depends on what you mean by "dedicated". Are you saying 100% of their time should be spent on it?
155. SIR DEREK MORRIS: No, I think what I am saying is that in providing that support function they do so in relation to issues in which they were not the officer providing the support function to the executive. So would you see that as critical?
156. JEREMY COLMAN: I would see it as a basic point that even the most fair-minded and honest person could find it difficult to stand back far enough to provide really effective support in scrutiny. Of course different scrutiny committees require different support. It very much depends on who the councillors are and their own levels of competence and aptitude. So you could envisage a circumstance in which the members of the committee would be perfectly capable on their own of carrying out effective scrutiny without depending on officer support. Given the relatively newness of this entire activity, we certainly see very strong advantages in having officers, who as a major part of their job for a considerable period of time, some years, see making scrutiny work.
157. SIR DEREK MORRIS: How about the adequacy of training of council members who are going to be in a scrutiny function, does that look adequate to you from what you have seen, or is it again just very factually ...?
158. GILL LEWIS: No, I actually think a huge amount has been invested in Wales in training. Certainly the WLGA has put a lot of effort into training and development of members and in all the councils there has been induction programmes and really good programmes about how to get involved in scrutiny, how to scrutinise to best effect. I refer back to my earlier point that these are available but not particularly always well attended. I think there has to be a will to want to be trained as well as the availability of the training.
159. SIR DEREK MORRIS: I think I had better pause now for my colleague to come in and I will pick it up later. Thank you.
160. DR BRIAN WOODS-SCAWEN DL CBE: I would like to just follow up briefly on the scrutiny and then turn to something else. You said that you

hoped you did not sound complacent. I will not respond to that directly, but there may be those who would characterise what you said as, "Well, it has only been nine years and we are expecting people to change and it is all quite difficult. What do you think you could do, or indeed anybody else could do to turn up the heat on this?"

161. JEREMY COLMAN: I think we are doing quite a lot to encourage a more rapid seeing of the light. There is an element of stick and carrot about it. On the stick side of things, I have powers to carry out inspections with local authorities. We are currently in the early stages of an inspection of Anglesey, for example, where the focus of that inspection is whether the council's affairs are properly run, with "properly" being the key word. I hope it will lead to benefits in Anglesey, but I think it will also show the other 21 local authorities that we mean business and will not tolerate councils whose decision-making processes are not run properly. Decision-making processes include scrutiny, so there is the stick on it.

162. On the carrot basis, actually much more important, that is going on all the time in every authority. It is one of the things that my staff and the appointed auditors are very interested in and are keen to push. I know nine years sounds like a long time but very few people have been continuously engaged in it for nine years, which is a very important issue.

163. It is asking quite a lot of the politicians to accept scrutiny, because it is asking people who are inclined to have very definite opinions to accept that they might possibly be wrong. A lot of individuals find that quite hard to accept.

164. GILL LEWIS: If I could just add I think we have used the stick, as Jeremy said, quite where it is needed over a whole authority. Also there are examples of where we do not feel that an audit committee, for instance, which is a scrutiny committee, is operating effectively we have written and had those arrangements changed to make them more effective. So there is a lot of work that we do on audit committees as well as some of the more general scrutiny committees.

165. The other area perhaps that we referred to in Jeremy's opening statement to you is the piece of corporate governance work that we are doing across the whole of Wales this year. We are in the middle of that piece of work which will cover all 22 local authorities and it is looking very extensively at the scrutiny arrangements and how effective they are.

166. DR BRIAN WOODS-SCAWEN: My final question on scrutiny: we talked a lot about the process. Based on your experience, how would you characterise good scrutiny in terms of outcomes, in terms of better decision making, better policy formulation?

167. JEREMY COLMAN: To some extent the outcome is the process, and so the fact that the decision making has been subjected to scrutiny is an element of openness in the decision making, and we believe that openness

leads to better decisions on the whole. There is also an element of reassurance. Going back to the citizens who do not have the time or inclination to delve deeply into the affairs of their council, they can draw comfort from the fact that there is an effective scrutiny process in place. To point to specific benefits you would have to look at specific decisions and specific interventions and it is quite difficult to bridge the gap between those specific cases and a rather generalised sense that the decisions taken must surely be of higher quality because they have been through this process. That is why I say the process is the outcome in a way.

168. DR BRIAN WOODS-SCAWEN: A more general question. We have ranged quite widely around all the changes that have been put in place; the changing political landscape. When we put all of that together, to what extent do you think accountability has been enhanced in recent years - accountability of leaders, or cabinet members, of chief officers, and accountability to both the council and the wider public?

169. JEREMY COLMAN: I repeat what I said earlier, which is that I have come relatively late in my career to local government and so comparative statements over time are a bit difficult for me personally. I really do think that currently in Wales there is not a generalised lack of accountability. You referred to officers - the turnover amongst heads of paid service in Wales has been quite rapid. When I arrived here four years ago I was determined to visit each chief executive - everybody that was I responsible for auditing - in their own premises. I do not think I shall ever complete that because the rate of attrition is faster than I can get around seeing them all. Someone is holding officers to account clearly, because there are changes made. Someone is holding politicians to account because there certainly have been changes there too. You can always say that accountability can be improved but it certainly is not the case, you could not characterise Welsh councils these days at all as saying it is a closed group running things for their own interests behind closed doors with subservient officers who are there to do their bidding. That is not the picture.

170. DR BRIAN WOODS-SCAWEN: Could I turn to partnerships? More and more services and more and more policy is being delivered in a collaborative way, rather than being within single organisations. How much do you think that increases risk in terms of openness and transparency and ethics?

171. JEREMY COLMAN: The absolutely fundamental issue with partnerships is that the people who claim to be partners should have agreed upon a common purpose. If you ask people who claim to be partners whether they have done so, it is surprising how often you discover that they have not. If they have not agreed on a common purpose they do not in fact have a partnership and all the evil consequences that follow from that will reflect that there will not be proper accountability, there will not be proper openness and that is not a good way to proceed. Where they have identified a common purpose everything else can follow from that. You can have very effective governance, very effective financial controls and very effective accountability

because they all know what they are trying to do. So I would say that will be the area for development for partnership working in Wales.

172. DR BRIAN WOODS-SCAWEN: What are the pressures and imperatives on local authorities to drive forward into that space?
173. JEREMY COLMAN: Financial, a single authority will find it is unable on its own to do what it wants to do and it needs to collaborate with other local authorities. Also some of the issues that everyone recognises are important are not solely the responsibility of local government and so it requires collaboration with other parties - obviously in a very big way the NHS, but not just the NHS. There were some really outstanding examples quite recently of true partnerships between a number of local authorities and a number of NHS bodies where they have set out very straightforwardly what they are trying to achieve together and then drawn an action plan from that. Those are very exciting developments.
174. DR BRIAN WOODS-SCAWEN: One way forward would be that if there is additional funding, whether from the assembly or from government, going into partnerships a precondition should be the kind of initial agreements around objectives and ways of working that you have described.
175. JEREMY COLMAN: I think that that might well be worth considering. The problem with the term "partnership" is that it has a potential to be a very soft and cuddly term and anyone who has been in a real partnership will know that it has very, very hard edges to it indeed, and without that will fail. So people very loosely use the words "working in partnership", it is particularly very commonly used in Wales, when they mean in a very, very generalised sense, "There are some other guys down the road, we had better to talk to them" and that is not an effective way of developing a partnership.
176. DR BRIAN WOODS-SCAWEN: My final question is this. In the landscape you have described, which continues to change, what do you think are the imperatives for action to increase accountability and leadership in the near term, say over the next two to three years?
177. JEREMY COLMAN: I will ask Gill for her views on this in a minute. I think the recognition that it is important and that there are examples of machinery and processes which enables it to be achieved, that that message needs to be spread more widely. If people recognise something is important that is a step, but they need to know that the problem is solvable. I think the problem is solvable and there are some examples of people they can copy - even within Wales they do not have to look very far. So spreading awareness of the issue and some knowledge of what constitutes good practice would seem to me to be the way to achieve results most quickly.
178. DR BRIAN WOODS-SCAWEN: Thank you very much.
179. OLIVER HEALD MP: Examples of scrutiny seem to show that once a problem has been uncovered the scrutiny process monitors, investigates and

advises the council. It does not seem to be the case that the scrutiny is uncovering the problem in the first place. These seem to be problems that are discovered either by some external body highlighting it, or councillors themselves noticing it or perhaps the media being involved. Are you satisfied that the scrutiny arrangements would uncover a problem in a council?

180. GILL LEWIS: I think the short answer is no, not in all places. I think in some places it might, but the mechanisms are quite difficult for enabling those members to uncover problems. They rely very much on information from officers, which means that if it is a senior officer they are effectively giving them information that perhaps the executive would not want them to have, or they rely on somebody from the public giving them some information, allegations or some form of information that they can then explore further, or they do rely very heavily on external agencies such as ourselves. A lot of the scrutiny committee agendas are fed very heavily from external regulators auditors or inspectors reports.
181. JEREMY COLMAN: The question then is how do those people discover something that needs looking into? There is a very important part of an auditor's anatomy which is his nose, or her nose, that you look at something and say, "There is something funny about that". Sometime you are right and sometimes you are wrong. Good auditors are right more often than they are wrong. That is one of the functions that an officer supplies for scrutiny, because you would expect an officer to have the time to look at material reasonably systematically, to spot things that are going wrong. I know of no system that you can guarantee will uncover all problems in a finite time. It is inevitably going to depend upon, frankly, intuition. The scrutiny function needs to be able to marshal as much intuition as possible, both from the members of the committees and the officer support and, as Gill has said, external inspectors, auditors, regulators.
182. OLIVER HEALD: I just suspect that what we are describing as scrutiny in local government is just a way of describing common management functions, such as monitoring what your business is doing, investigating if you have a problem area, getting advice about how to tackle problems. It is really not tackling this issue of uncovering problems which is reliant on external forces such as external audit, the press and protecting whistle blowers enough to ensure that they come out and explain when something does smell. Do you agree with that analysis?
183. JEREMY COLMAN: I do not entirely agree with that. I think the function of scrutiny is primarily to ask questions, and to ask questions about the areas where there appears to be doubt. There can appear to be doubt because the regular management information system does not cover what you are interested in. Management processes are generally designed to answer a particular set of questions and do not answer other sorts of questions. So there is always scope for asking questions about the areas where the existing systems give a rather blurred picture. But also you do need a second line; can you believe what the management information system is saying? Internal audit have a role there, as well as external audit. I certainly see the function of

scrutiny committees as probing the effectiveness of the performance information that is delivered.

184. It so happens in Wales that there is no shortage of performance information but what there is a shortage of is really meaningful performance information. It would be a nice problem to have, the one that you typify of the scrutiny committee not really being able to add much to the management information system. The management information systems need a lot adding to them currently.
185. GILL LEWIS: I think it is probably worth adding that where they do have routine good performance information which is given to the scrutiny committees there does appear to be a correlation with more effective scrutiny. So I think the more information that they are given the more effective they appear to be on the face of it.
186. SIR CHRISTOPHER KELLY: Thank you. Alun, last question.
187. RT HON ALUN MICHAEL: I am still completely at a loss to understand what you mean by "effectiveness". You just talked about effective scrutiny. When Brian asked you about outcomes the two of you looked gob-smacked and completely wordless. In fact, you actually said that the process is the outcome. I think members of the public might be forgiven for asking, "What is the point then?" Surely scrutiny must be justified by outcomes, better service to the public and better outcomes from the decisions that are taken. Would you like to review your evidence on that point?
188. JEREMY COLMAN: I said that in a sense the process is the outcome, but I also said the outcome in any particular case would depend upon the details of that case. It is bridging the two that is really the answer to your question. I was not surprised by the question but I was reduced to silence by the fact that this is an extremely difficult area that we ourselves grappled with. What are the benefits of external audit? How do we prove that they exist? It is not easy to give a straight answer to that.
189. RT HON ALUN MICHAEL: Given it got you intellectually engaged with that question now, I wonder if you would supplement your evidence perhaps outside the meeting, because I know we are running out of time, with examples of where scrutiny has improved outcomes.
190. JEREMY COLMAN: I would be very glad to do that.
191. RT HON ALUN MICHAEL: I wonder whether I could just ask you, in one area where there has been a clear methodology, because actually you referred to partnerships, I would suggest to you that, yes, obviously if it is a genuine partnership where there is proper discussion of aims and purposes, that is likely to lead to better outcomes than if you merely have a sort of waiving of acquaintanceship. But look at an area where there is an actual methodology of audit and review, the crime and disorder reduction partnerships, what is your evidence through all the local authorities in Wales of

the extent to which members of the various local authorities use that methodology and process to hold the crime and disorder reduction partnerships to account for their performance?

192. GILL LEWIS: There is very little evidence they have held crime and disorder partnerships to account. We touched on partnerships earlier and both partnerships and the scrutiny of partnerships is very underdeveloped in Wales.
193. RT HON ALUN MICHAEL: My point is that given there has been some nine years where that opportunity and methodology has been there, where is your confidence that new systems for scrutiny of partnerships will actually work well, unless there is a real major injection of energy into a process of scrutinising partnerships?
194. GILL LEWIS: I can only say that there is an example of where a scrutiny committee has been set up, not necessarily the crime and disorder but where it has been set up to scrutinise specifically a partnership through the LSB. I think the LSBs in Wales will increase the scrutiny levels of partnerships. It probably is something that does need further work.
195. RT HON ALUN MICHAEL: Perhaps you can factually supplement what you have said to us today.
196. JEREMY COLMAN: One point that has not really come out, if I may just make it briefly, is that the existence of an effective scrutiny mechanism has an effect upon the behaviour of the people being scrutinised, even before any particular scrutiny has taken place. So if you know you are going to be asked questions about apparent gaps in your information about performance then you fill those gaps.
197. RT HON ALUN MICHAEL: That is more effective than the fact that a chairman and a chief officer would know if they were bringing something forward in the old committee system that everybody on the committee was going to have a go at whatever they were proposing.
198. JEREMY COLMAN: No doubt some committees operated in that way but other committees definitely did not. The old committees have been described to me as a vehicles for congratulation - not in every case, I know that, but in some case.
199. RT HON ALUN MICHAEL: That sounds like anecdote rather than experience, if I may say so.
200. GILL LEWIS: They are variable.
201. JEREMY COLMAN: They are variable. How to inculcate sound management practices in people. One of them is you train them; one of them is that the leadership from the top of the organisation shows very clearly what is required. It think you can make the case that before the year 2000 in some

local authorities both of those things were lacking and that there was a risk of unsound practices, people not being self-questioning enough. External scrutiny has two benefits - I know it is internal, but external to the executive, by providing to an extent external questioning. The one we have been focussing on primarily is the questions - are there answers that are given to the questions that are posed, but I think there is another benefit which is the influence on the behaviour of the people running the council on matters that never get to scrutiny. But it is simply an influence of scrutiny on the way the council does its business, and that is a benefit which is very difficult to measure, but you could observe when you do not have it.

202. SIR CHRISTOPHER KELLY: Very good. Thank you very much indeed for coming and giving evidence to us. Is there anything else you want to say?

203. JEREMY COLMAN: I do not think so.

204. SIR CHRISTOPHER KELLY: If you were able to respond to Alun's question that would be extremely helpful.

205. JEREMY COLMAN: Certainly.

206. SIR CHRISTOPHER KELLY: Thank you to both of you.

AKMUL HANUK, CHAIR OF THE STANDARDS AND ETHICS COMMITTEE, KATE BERRY, MONITORING OFFICER, CARDIFF COUNCIL

207. SIR CHRISTOPHER KELLY: Thank you very much for coming. This is our second session of evidence. You are the first Chair of a Standards Committee to come and talk to us. It would be very helpful if you could say who you are for the benefit of the transcribers. If there is anything you want to say by way of opening statement that would be fine. If you do not want to and you want to get straight into questions that would be equally fine.

208. AKMUL HANUK (Chair of the Standards & Ethics Committee): I just wanted to thank you and the members of the committee for coming this morning to Wales and actually seeing what we are doing here for local democracy, what our work has been as a committee. I think we are very, very pleased that you could make it today. Any contributions, and experiences that we can share with you, in fact to learn from you as to where we need to go from there, because there is a lot that we aspire to do and your support will be very valuable to myself and to my members of the committee who are with me here today, along with Kate. I think I will be ready for any of your questions.

209. SIR CHRISTOPHER KELLY: Thank you very much.

210. KATE BERRY (Monitoring Officer, Cardiff Council): If I could just introduce myself. I am Kate Berry, I am City and County Solicitor for Cardiff and the Council's Monitoring Officer. To assist you in terms of questioning, I

am responsible for the law and governance in the council and also for scrutiny. I have been a monitoring officer for just over ten years and I have also worked both under the old arrangements of standard committee system, and also under the Local Government Act arrangements in terms of effective functions, so I hope I have a bit of experience in both of those areas.

211. SIR CHRISTOPHER KELLY: Just so I am clear, I think we have been told that there are 12 people who are dedicated to the scrutiny function in the council
212. KATE BERRY: There is.
213. SIR CHRISTOPHER KELLY: Do they all work for you?
214. KATE BERRY: They all work for me. I have management responsibility for them.
215. SIR CHRISTOPHER KELLY: Thank you. Elizabeth.
216. DR ELIZABETH VALANCE JP: Good morning, hello again. Thank you for coming and talking to us. Thank you also for your submission, which was very useful to us because, as the Chairman says, you are really the first people we have talked to who are doing this on the ground, as it were, and certainly from the standards point of view. It is very, very useful to us.
217. Can I start where in effect you started in your evidence, which was reviewing to some extent the 2000 act which brought all these changes in? You have identified slightly different aims of the Act from ours, but only slightly different. As we understand it the Act had very wide and rather diverse aspirations. One might say too diverse, and we can talk about that. It was there to implement really visible and effective leadership, hence the suggestion it would either have the mayor and cabinet, or you would have a leader and cabinet or some other very clear leadership that was there. Also to increase public engagement I suppose as an outcome of that very focus of politics. Thirdly, to encourage robust accountability through scrutiny. Can we deal with each of these in turn? I would really be interested in your view of how far the Act has been successful in developing these things, starting off with the visible effective political leadership. Is it your view that that has been achieved?
218. AKMUL HANUK: Kate, because you are more familiar with the old one, because when we came in, just in the recent years, we have been looking at the new one. If you would like to make a comparison and I can add on.
219. KATE BERRY: I think to a large extent the aims of the Act have been broadly successful in respect of identifying very clearly, particularly in the leader and cabinet model. I am not familiar with the mayor's model, I have not worked on that scenario, but within leader and cabinet model we have a very clear grouping of people who make key decisions in the organisation. It is very obvious who those people are. It is very obvious to the public who they

are. Certainly within the experience that I have had in Cardiff the general public are very well aware of who the leaders are and who the members with executive responsibility are. They are very publicly involved and engaged in working and justifying their decisions. In that respect I think it actually has certainly contributed to an improvement in visible leadership within the community.

220. I suppose what I would go on to say though is that that does raise issues for other members. Within Cardiff we have 75 elected members and, therefore, finding a role for backbench members. The other part of the Act was an attempt to make those members designated community leaders. I am not sure that we or any council has properly understood what that meant and whether or not we are properly giving support to members to enable them to fulfil their role as a community leader and whether or not people and the general public really understand what that means. It is not just about leadership in the strategic sense. It is about leadership in the community and the role of local government and role of the council in terms of how it leads and shapes its geographical area and contributes to the general strategic development of an area, so it is a bit wider than just having a leader and an executive.

221. DR ELIZABETH VALANCE: As I understand it, the scrutiny role also developed partly out of what you are talking about i.e. a role for those non-executive members who did not have this, if you like, leadership role.

222. KATE BERRY: In a sense, what the legislation did was to split up functional responsibilities. Essentially in the old committee system there were a whole remit of roles for those members in the committee system, so they were taking decisions but they were also scrutinising and monitoring and analysing. What the Local Government Act did was effectively split those functional responsibilities. So you have an executive decision-making role and then you have a separate scrutiny role. Backbench members do form part of scrutiny committees. I suppose the skill or task is to make those linkages relevant and apposite and contributing to the general decision-making function of the authority.

223. DR ELIZABETH VALANCE: Is it an analytical question to ask if there are now then too many councillors?

224. KATE BERRY: I think it is probably a very relevant question to ask and I think it is a question that lots of councillors themselves ask, in terms of what is their function and what is their role.

225. DR ELIZABETH VALANCE: But the structure has changed and it is no longer suitable in that sense in terms of numbers.

226. KATE BERRY: Yes, and that comes back to the representative role of local elected members and their role as community leaders and how they then interact and how they influence the direction of an organisation and a local council. If you had elected members who were backbenchers, I think my

experience of talking to them is that they struggle to understand quite what their role might be, even ten years on, whereas it was much easier to understand it within the old committee system, because they were engaged in decision making.

227. AKMUL HANUK: I think identifying this point: we in the committee recognise this lack of understanding or awareness within the members, so what we did was we took a very, very strong view in terms of training and in terms of member development, because it was these principles --
228. DR ELIZABETH VALANCE: This is in terms of scrutiny committees, or just across the piece?
229. AKMUL HANUK: Generally across the board. Of course there are other committee members, scrutiny members or constitutional, wherever these members are going to be joining in these committees it was very important for us as Standards and Ethics Committee to be able to up skill them and to be able to make them realise their responsibility towards the public, towards generating positive signs towards local democracy and encouraging those democracies. Equally, to be able to uphold those standards. From our point of view we have done a lot of development in the new board, so much so that it is just short of being mandatory, but that is something that they had to sign up for so they would know their responsibility in terms of development.
230. DR ELIZABETH VALANCE: Thank you. You mentioned in passing about the mayor and council or cabinet system, and of course there are not any in Wales. Do you have any sense of why that is? One failed referendum but ...
231. KATE BERRY: This is my own personal opinion that perhaps apart from the London mayor, if you look at most other systems where there have been mayors operating they have largely not been terribly effective. We have a mayor in Cardiff. We said in our submission that the role of mayor is extremely significant to us but it is a role which has a civic function which performs a very important community leadership role, but is not a political leadership role. We separate that out so that the role of mayor and the role of leader are entirely separate. Again I suspect if you went out onto the streets and asked the public about how important they thought the role of mayor was in the city you would find a very, very high level of support. It is seen as very, very important.
232. DR ELIZABETH VALANCE: It has been suggested to us that the Welsh are too democratic for mayors. Too hierarchical.
233. KATE BERRY: I think that is possibly true, that it is not an easy thing to accept to have power concentrated in one individual.
234. DR ELIZABETH VALANCE: Thank you for that. Can we go back to the public engagement? How far do you think the act has encouraged more

public involvement, public engagement?

235. AKMUL HANUK: I think it has to some extent encouraged people to look into local democracy to be able to join it. However, we feel that there is a lot to be done. A lot of the public need to understand the system and understand how the council is working; understand what the committee's rule are and what the responsibility is. There is quite a lot of work to be done. In principle, yes, it is a very good group that has come up in terms of developing that encouragement, but from the council's point of view, from the people who are involved in that local democracy, they need to be taking it much further into the public.

236. DR ELIZABETH VALANCE: Do you think that forms or structures of government, particularly local government, make any difference at all to how the public perceive it and to whether they want to become involved? It is said, perhaps in a rather flip way, that politics is a minority sport.

237. AKMUL HANUK: I think there is again the basic perception of politics in general. I think that is at the heart of the whole thing, because when we have done a lot of the surveys that we have done and we have read, generally the doctors, the teachers, the solicitors, they all come in the top of the rank, but somehow the perception is that this is politics, it is the trust that people want to give to them. It is not all. When we talk to individuals there are brilliant examples of people who would like them to represent them, their constituencies, their wards, and they love working with that. But equally the general perception, as I was saying earlier, a lot needs to be done to be able to help the people to perceive the politics and the politicians in a different way. A lot has to be done by politics itself as well, because it is translating those aspirations of the general public and making them comfortable in a way that not everything can be done but there is somebody listening, there is somebody talking. The way of the transparency that we have been talking about, all the known principles, in letter and spirit once they are applied to the politicians themselves I am sure there is going to be a change. We believe that it is a good representative system and that it only needs to be worked and practised by the politicians themselves.

238. DR ELIZABETH VALANCE: That leads in very neatly to the idea of trust and of public trust. Can I just turn to that briefly, before going back to the scrutiny idea, which is really the centre of what we are about? The Commission on the Governance of Cardiff Council, which reported some years ago, which you will be familiar with and which we have heard about, clearly did show concerns about both the level of trust between politicians and the electorate and between politicians themselves, if you like. Do you think that Cardiff Council has succeeded after the Lyons Commission in turning around that lack of trust? If they have succeeded, how did they succeed?

239. KATE BERRY: Perhaps I could address that and then, Akmul, can come in afterwards. I suppose I just wanted to in a sense follow up from what he said and your earlier question because in terms of accountability I think it matters when things go wrong. In all honesty, if you live in an area and your

council is delivering services perfectly well and you do not have an issue why on earth would you be bothered about structures? You would just be concerned that your bins were being emptied, that your schools were of a high standard and that your leisure facilities were what you wanted. The issue that arises if services are not being delivered appropriately or if there are issues or problems and that then comes back to the issue of confidence and trust in the capacity for a local democratic organisation to deliver on it.

240. The importance of local democracy is that there is a degree of accountability because the public do then have avenues for engaging with and expressing their disapproval. I think that is the important thing for us to work on, whether or not we have sufficient and proper mechanisms in my council to enable people to properly express their views when they consider that a decision of the council has been inappropriately taken or they disagree with it. That is not to say that we do not on a daily basis take some quite difficult decisions that not everybody likes.

241. In terms of some of the issues that are going on here locally, for example, we have a very controversial schools reorganisation set of proposals going on where a lot of people are very concerned because it involves closing schools. The importance of how we function is to allow for that level of disagreement to be heard, listened to and for us to be seen to be taking a very fair and responsible and reasonable decision. It might be still the decision the public do not want, but it is how we have taken it that is very important.

242. DR ELIZABETH VALANCE: So it is not about outcomes, it is about process?

243. KATE BERRY: It is about outcomes as well because at the end of the day the responsibility of the council is to deliver for the benefit of the community and, therefore, you have to be seen to be producing good outcomes and every four years people then make a judgement on elected members as to whether or not they have been successful or not.

244. DR ELIZABETH VALANCE: And in effect that, for you, would be the ultimate sanction, if you like?

245. KATE BERRY: It is. That is why I am in public service, because I profoundly believe in democratic accountability and that is why I believe in the importance of councils delivering services because at the end of the day it allows the community to approve or disapprove.

246. SIR CHRISTOPHER KELLY: Can I ask a question about the width of the remit of the Committee in relation to these things? Clearly, the Standards Committee is responsible for instances of misbehaviour against the code and so on and so forth. The way you operate in Cardiff, are you also responsible for taking a view as to whether the council is sufficiently open, accountable and are you therefore able to comment on the processes that are used in order to do that?

247. AKMUL HANUK: I think very much so because we have taken the Committee to a wider role. There is that very specific statutory role that we have, but wider than that it is, and I am very grateful to the members of my Committee and guidance that we have had from Kate over the years, basically to widen that role because our aspiration is to be able to assess the process or the functionality of the council, the work that has been done or any professional organisation would have to do or is undertaking to do. There is a bigger issue of governance on the policy on people's aspirations on the way the council is responding to the needs and the wants of the people. I think these two need to be balanced.
248. We feel that we are more or less in the middle and have a very good, advantageous position because we as a Committee have always called different officers of the council to give us presentations, to tell us what is happening within the process, but equally we have been very engaged with the whips and elected members. We ask them as well what the areas are that they would like the council to support, that they need in order to meet the expectations of the people. That is how we feel, in that middle ground, that we can take that advantage very well.
249. We have also given a very strong message that we are not here to police you, we are here to work with you, we are here to get across the message, "In both these areas if you guys cannot get the message across then we can arbitrate, we can facilitate that message, that this is something which is required and needs to be done". Small things like the Planning Committee - they always had to shift rooms for hearing of that Planning Committee and there were a lot of things that we were hearing about the public being moved to different rooms. We got the Planning Committee head and told them that they need to sort this out. There has to be one room, it has to be accessible, it has to be audible, everything that needs to be done, and we have been very successful in that. There are other examples as well. I think in the process we feel that we can facilitate that process.
250. KATE BERRY: You asked about where we had got to in Cardiff in terms of the governance.
251. DR ELIZABETH VALANCE: Particularly in terms of trust, yes.
252. KATE BERRY: We were, I think, in quite a difficult place about four or five years ago. I joined the council after the Commission report came out. I think we have made improvements. I do not think that we have got quite to where we need to get to, but I think there have been substantial improvements made over the last four years in terms of how the council is perceived generally by the public and also internally by staff and elected members. I think that has been evident. It is not just a perception because we have done a series of external and internal reviews as we have gone along.
253. DR ELIZABETH VALANCE: Do you think that improvement that you talk about in public perception has got anything to do with the structures with the new framework? Can you see a causal connection there? Can you prove

a causal connection?

254. KATE BERRY: No, I could not prove at all a causal connection about that. I think the way I have always viewed structures and processes is that structures and processes are there to support. They are not necessarily, as we have put in our evidence and my Committee felt, the cause, but if do not have an appropriate culture and you have bad structures then you are in really deep trouble. If you can put structures and processes together which are supportive then they will help you out of difficulties. That is partly the work that has gone on over the last four years in terms of reviewing our internal working arrangements and we are in a process now of transforming our external working arrangements as well to try and take us on to the next stage of better engagement with the public.

255. DR ELIZABETH VALANCE: The better processes that you have which back this up and support it and so on, is it because the public understand these better processes that the relationship with the public or the public perception has improved or is it because, as you said, these things are mostly used when things go wrong, that people see that if something goes wrong they will get redress, that something will be done about it?

256. KATE BERRY: Again, in all honesty, I am a member of the public myself. I do not live in Cardiff; I live in a different area with a different council. I could not care less what my local council does internally. I am just worried that the services I get are good and if I disagree or I have a problem then I have a way of resolving it. How we do that internally to facilitate that is a matter for us. I think we have to be responsible for it, but so far as the general public are concerned I think they would be concerned about outcomes, that we are seen to take decisions fairly, that we are responsive to the general public, that we have mechanisms where people can engage with us both on a strategic level, but also in terms of a personal level when they are receiving personal services, that they know that they can trust the individual member of staff or the individual service area to properly respond to them. If we get that right what the democratic structures are probably would not matter to members of the public - they would not be bothered by it.

257. DR ELIZABETH VALANCE: Thank you very much. I am going to let my colleague, Lloyd Clarke, talk specifically about scrutiny, but before I do that can I just ask you a little bit about openness which I suppose was the reason for the whole process being radically changed? We have heard from some people that they feel that the new process has actually meant a diminution in openness for all sorts of reasons of which you will be aware. What is your take on that?

258. AKMUL HANUK: I think to some degree, as I said, there has been from our point of view a culture of openness. As much as the structure is there, as much as the statutory limits are there, it is the culture we are trying to promote in that openness and I think that is very important. Yes, it is important to have in the Court, but what we are trying to do is to ask all our members to be open, that their work needs to be transparent and any inquiries, comments or any

complaints have to be dealt with in an open manner. A fair view has to be taken both from the executive and from the elected members and that is how it is going to go.

259. What we are trying to do is focus on the issue rather than the politics of it and that is very important. From our point of view we are saying to them that it is the issue, it is the quality of life of the general public, of that member of the community that needs to be addressed. There cannot be two ways about it.

260. That is something which we are trying again and again in the training sessions, wherever the opportunity is, to be open about. Just say if there are problems; say what the problems are so that we can be open about engaging the public so that they understand where the problems are because it is about all of us. It is not about them and us or that sort of thing.

261. DR ELIZABETH VALANCE: Obviously it is behavioural to some extent. It is about changing cultures and embedding certain ways of looking at the world and so on, but it is also argued that the process itself encourages people to take decisions in a less than open way. Would you agree with that?

262. KATE BERRY: You could do, because the legislation and the regulations allow you to construct decision making processes which could be opaque. It then comes back to the wish and the will of the organisation. I think in Cardiff we have very open decision making processes in a sense that we have a published forward plan. By statute all of our reports are published, but all of our decisions are published. We have public access to meetings.

263. From a member perspective, and I know from talking to back-bench members, sometimes they believe that decisions are being made and they do not understand it. They get all the papers, but if you are getting emailed huge amounts of documents it is sometimes very difficult to pick out what are the relevant ones.

264. DR ELIZABETH VALANCE: Thank you for that. I think I will hand over to Lloyd.

265. LLOYD CLARKE QPM: It is almost a seamless discussion this, is it not? I am not going to start again with scrutiny other than to say in our first day in London we really did get a sense and a feeling of a weakness in scrutiny and that scrutiny was the weak area. It is very different, if I might say, both in terms of reading the documentation and hearing what you have to say. You must be doing something right because I note here that the Public Services Ombudsman for Wales says the Standards Committee should continue (so you are already doing something) to have a role in promoting the culture of openness and for holding members to account when they fall short.

266. What I have a difficulty with is I would love to see from you a checklist of things that you have done over the last eight years because that might be the list that people are not doing elsewhere. I am not asking you to produce it now, but you clearly are doing something right and it is the thought to sit down

and to document, "This is what we have done", whether it be five, six or nine things specifically. You have said yourself, as chairman of your Committee, it is continuing to keep doing those things and saying those things. Exactly what is it that you are doing and what is it that you are saying? For you it may now have become second nature, but to us it seems as though you have a secret there somewhere that is certainly worth hearing about in England. That is a general comment.

267. If I may now come specifically to the Standards and Ethics Committee and I am going to come back then to you, Kate, in respect of your monitoring. In respect of the Standards and Ethics Committee do you actually receive complaints and do you respond to complaints? If you do what are the kind of complaints that you are getting and what are the resolutions that you are coming back with?

268. AKMUL HANUK: I think over the years because of what we have been doing complaints have become less and less. I think that is a good position to be in, in terms of the standards, in terms of the conduct of the members, in terms of the executive itself. Over the years we have had complaints.

269. LLOYD CLARKE: What are the kinds of complaints that you were having?

270. AKMUL HANUK: Some of the complaints were around response from the council, for example, the time it was taking to get a response from a member or from the executive. There were other complaints, for example, a conflict of interest in that somebody was on a committee of governors or a company which had an interest in the planning structure. These were the typical complaints, but then there were in some cases in terms of members misconducting themselves in public so there have been these sorts of complaints.

271. LLOYD CLARKE: So about personal behaviour as well as about the processes perhaps or the services that were being delivered? It was about personal behaviour as well?

272. AKMUL HANUK: Yes, absolutely.

273. LLOYD CLARKE: You have seen a change and there are less complaints now?

274. AKMUL HANUK: Absolutely, yes.

275. LLOYD CLARKE: Because of what?

276. AKMUL HANUK: I think it is just because of the way we are engaging with the members, firstly, because the Standards and Ethics Committee, as in a lot of councils, has been taking in a way a very sort of backseat role. We have tried to take that role a little more proactively, but having said that not as

a policeman or policewoman of the council.

277. LLOYD CLARKE: Do you have a charter of behaviour that you have adopted from somewhere else?

278. AKMUL HANUK: Yes.

279. KATE BERRY: We have the code of conduct, but we also have something called the Cardiff Undertaking which is based on the code, but is a one-sheet document which sets out, based on the Principles of Public Life, an expectation of how members will conduct themselves. It was decided in council at the last council meeting that would be signed up to by every councillor every year so there is a constant expectation that members will sign up to that.

280. LLOYD CLARKE: Again, it would be interesting to see that if you could let us have sight of that, please.

281. AKMUL HANUK: Yes, we can send you that. Another important area was the media because we were very concerned that there were lots of negative media reports. A lot of the council members, in our engagements and presentations, were coming back and they wanted to do a couple of things but for fear of being reported negatively in the media they would not take that initiative. We as a Committee, and myself personally, were very much engaged in that. We said, "If there is something which is right and proper we as the Standards and Ethics Committee will support you so go ahead and do it".

282. There was this question about the recording of all gifts and whatever the function of the council was to be recorded and they said it is going to be picked up by the media. We said, "You have a civic responsibility to represent the city and we will be there as long as it is declared, whether you attend 20 functions or 100 functions or whatever you are doing and you can manage, and it is bringing a good name to the city; we as a Committee will support that". So it is these kinds of small incidences that has raised the confidence of members.

283. Equally, we are very keen on training, like any other organisation. These people who come into public life need to be trained; they need to be very much aware of what their responsibilities are going to be.

284. LLOYD CLARKE: Again, that is very helpful.

285. KATE BERRY: Could I just say for the public record we have not had any formal complaints found against any of our members in the last four years that I have been around so in terms of the complaints the Committee has dealt with those have been below the horizon complaints, niggly complaints, but nothing has ever been formally investigated by the Ombudsman nor has there been any finding against any of our members. I just want to record that for the

benefit of our members.

286. LLOYD CLARKE: That is helpful to know. Just a last question in respect of your Committee specifically. Have you amended your terms of reference over time from experience? Have there been major changes from that which was delegated for you to do eight years ago and through that experience has it changed much? Have your terms of reference for the Committee changed much?

287. AKMUL HANUK: Not really. I think we are just implementing what is there. We have not been overstepping the remit.

288. LLOYD CLARKE: It was not from a question of overstepping because it sounds as though you have created something which is positive. Could we see what your terms of reference are for your Standards Committee?

289. AKMUL HANUK: Yes.

290. LLOYD CLARKE: One final question in respect of the Standards Committee and individual personal standards. It is in respect of partnerships and I am going to come back to partnership in another way in a moment in terms of how you might scrutinise those.

291. In respect of personal behaviour, individual behaviour, of course there will be people who will not be covered by your standards that you have asked your people to account to and it may well be that there is almost a standard within the public sector, but what about private individuals being members of those partnerships? Have you had any difficulties or troubles with that and should there be a common set of standards, as it were, for people on partnerships?

292. AKMUL HANUK: I think generally in the supply chain, for example, in the vendor supply, in the schools and the health sector, education and in sports, yes, the standard does apply in a very general term. From our point of view we are concentrating much more on the elected members and the council itself.

293. Having said that, as I said earlier on, we have a presentation by the heads of the councils who come and explain to us what the areas are that they are working on. We do pinpoint that there has to be a level playing field and the people that you are choosing need to be meeting those standards on equality, diversity, honesty, integrity or whatever the areas are.

294. LLOYD CLARKE: I am conscious of the time, but there are two or three questions that I would like specifically to ask Kate, if that is okay. I note in your submission that you said it was very important there was a parity of resources between those in decision making and those in scrutiny. That is what you said. Again, Kate, in respect of officers reporting to executives and to Scrutiny Committees, has there been a conflict in that role at all?

295. KATE BERRY: No, we have to work very hard at it, but I think we have been very lucky in Cardiff. We are a very well-resourced scrutiny operation, probably the best resourced in Wales; I suspect better than quite a lot of other English authorities. We have very definite officer support and also a dedicated research team. We also have the resources of the whole authority because we work on the assumption that it is not scrutiny over there and the rest of the authority over here. There are good working relationships between the scrutiny teams and officers and also all of the service area chief officers.
296. When we exercise and are involved in scrutiny work there is an expectation that there will be contributions from the corporate cabal of officers as well. The executive has the resources of the whole organisation behind it, but so does scrutiny. We have a dedicated team that can ask the right questions.
297. LLOYD CLARKE: That is helpful. A final question from me. Is there a role for your scrutiny team in terms of service failures and unearthing service failures?
298. KATE BERRY: Yes, absolutely. I was listening in terms of some of the questions you were asking about examples, of whether or not a scrutiny team would unearth something.
299. I have a very particular example of that in Cardiff in terms of our sickness absence record across the authority. Sickness absence is a real issue for all employers, but in the public sector it is sometimes quite difficult, particularly in terms of social care, and we had a very high level of sickness absence. It was not being addressed in the organisation and our Policy Resources Scrutiny Committee took that on, they did a very comprehensive piece of research and work, produced a very hard-hitting report for the organisation which resulted in the complete change and review of our policy and a huge amount of pressure on managers to address it.
300. LLOYD CLARKE: Forgive me for interrupting, I would see that as an internal process failure rather than a service delivery failure towards the public. Is that a fair comment?
301. KATE BERRY: Yes, I suppose it is, but it is a service delivery failure because in a sense if you have poor sickness absence records then you have poor delivery. It is obviously an internal management issue for us, but it directly affects outcomes.
302. The second example I would give, which was not so much uncovering, but in terms of addressing an issue, is sadly Cardiff had huge difficulties in respect of its Children's Services and was in special measures. The Children's Scrutiny Committee has taken a very robust attitude in terms of performance management of that and it was acknowledged by CSCI last year when they came out that it has been the work of the scrutiny committee that facilitated children's services coming out of special measures because they were confident in the internal work that scrutiny were bringing in terms of

monitoring and chivvying and making sure that stuff was done. They were confident in our own internal processes which they then felt there was no need for any external monitoring.

303. As a result of that there is a piece of work that is going on that is funded by WAG, led by one of my officers, about how scrutiny can relate to the regulatory functions of audit and some of the other regulatory areas and how we can have much more internal mechanisms for monitoring ourselves rather than having to have external regulators. That is a piece of research work that is going on now and hopefully will be reported in the next three or four months.

304. LLOYD CLARKE: You may like to share the outcomes of that with us at some time in the future as well, if you would, please. Thank you very much indeed.

305. RT HON ALUN MICHAEL: May I congratulate you on the clarity of your responses and your evidence? I asked other witnesses today about one specific area of scrutiny which relates to the way in which partnerships are dealt with and that is the crime reduction area. I know there is a lot of good work, the Safer Cardiff arrangements have worked well and I have taken a particular interest in the violence reduction which I think is a world beater. I would be interested in the process there in terms of whether members of the council scrutinised the work of the partnership? Is there a mechanism there both in terms of your scrutiny work, Kate, and in terms of the Committee processes?

306. AKMUL HANUK: I think from the Committee's point of view, as I mentioned earlier, when we are talking to the heads, especially for crime reduction, policing, children and education, we try to make them aware of the importance of being able to be open, transparent, taking the policies that need to be done for the public. I think internally we also have a whistle-blowing policy which was very effective.

307. RT HON ALUN MICHAEL: I think I was looking more at the mechanisms which look at performance. We know what the outcomes are in overall terms. Perhaps you would like to develop on this separately rather than taking too much time now.

308. AKMUL HANUK: On the council's point, Kate may be of assistance.

309. KATE BERRY: I can quickly answer you. In terms of specifically scrutinising a partnership like, Safer Cardiff we would not do that. What we would do is scrutinise particular aspects (and we have done) of particular initiatives.

310. In terms of scrutinising of partnerships generally it is a developing field. I think mention has been made of the Local Service Boards in Wales and we have a pilot in Cardiff in terms of how we scrutinise Local Services Boards which again has been recommended by the Welsh Assembly Government as a model because our scrutiny model involves the partners themselves sitting

on the scrutiny committee. So it is not a council scrutiny of the partnership; we have representatives from all of the agencies. It has its own tensions and again that comes back to the parity because we have an LSB which is quite new and finding its feet and we have a very powerful scrutiny mechanism at the moment so they are slightly out of kilter.

311. We have done some fairly robust scrutiny of partnerships with other local authorities. In fact, one of the awards that was won by our scrutiny team last year was for the scrutiny of something called Project Worth which is a waste partnership with five local authorities and that was a very important role that scrutiny took up because it was a major project, financially I think worth about £1 billion in terms of finance. The scrutiny enhanced how that project developed and contributed to the structures and the success of it. I think that was a very positive role for scrutiny in how it worked and doing that with five other local authorities with lots of different politics because they are different political administrations as well. It was no mean feat.
312. RT HON ALUN MICHAEL: I think it would be helpful for us to have some detail on that and in relation to the sort of projects you refer to in relation to the crime reduction partnership.
313. Last week we had evidence from the London context that there was a difficulty if scrutiny committees were to stray into the area of policy development because that could diffuse the scrutiny role. Very specifically in your evidence you have said that the committees are consistently used in both policy development and pre-decision scrutiny which in effect has reconstructed the role that was lost in the old style committees to a degree. Do you see any tension of the sort that we were being given evidence about last week?
314. AKMUL HANUK: Not about the tension aspect, but I think there is discussion around where do you draw the line and that there is such a thin line. I think it is that the members find themselves sometimes a little too close to the policy making and coming back to the scrutiny area that needs to be done.
315. RT HON ALUN MICHAEL: So it is something that needs to be managed?
316. AKMUL HANUK: It is being managed and we try to see if that could be facilitated where no Committee is taking the role of a different Committee which it is not supposed to.
317. KATE BERRY: I will give you a very specific example because I think in general you have to be very careful about what you choose and you choose it well.
318. In Cardiff we have major regeneration. If you travel around the city on the west we have development around Cardiff City Football Club which is a major partnership with developers, the council as landowners and the Cardiff

City Football Club to build a new stadium which has led to regeneration in terms of retail and housing. Again, it has been multi-million pound and not a little fraught with difficulties because football clubs are sometimes not the most easy of organisations to work with and engage with and there has been some quite colourful characters involved as well.

319. That process and the process leading up to the final decision making was done entirely in partnership with the Economic Scrutiny Committee who at every point had presentations and meetings. That meant that a lot of that work was put into the public domain at policy development level whereas it might not have been if the scrutiny committee had not been involved in it because it would have been done by officers. It meant that at various times the Chair of Cardiff City Football Club and the developers had to come into a public meeting and answer questions from members about the ability and rationale of their business plan, whether it was realistic. That process led to a decision being made that was robust and where consensually people felt comfortable with it. Possibly, if it had been made in the normal way it might not have identified some of the difficulties and if things had gone wrong everybody would have said, "Behind closed doors". I think that is another example.

320. SIR CHRISTOPHER KELLY: The trouble with having interesting witnesses is we want to go on asking questions. Elizabeth has one question, I have one and then I promise we will let you go.

321. DR ELIZABETH VALANCE: We allowed you to get something on the record and I would just like to get something on the record. When Lloyd asked the question about is it difficult to have senior officers who are reporting both to the executive and to the scrutiny committees, and we have had a lot of evidence that this is really hard, but you seem to be saying yes, it is hard, but if you can do it there are great advantages, that you do not work in silos. That is what you are saying?

322. KATE BERRY: Yes.

323. SIR CHRISTOPHER KELLY: My question was exactly the same. You are not the only people to have said something similar, but I find it very difficult to understand, partly because of my own blinkers I suppose because I spent 30 years in central government. In central government, while civil servants need to retain their objectivity, of course, at all times if you are delivering an important project you have to be committed to that project. I cannot quite understand how you can be committed to a project on the one hand at a senior level and on another hand come and provide advice to a scrutiny committee about what the weaknesses in that project might be.

324. KATE BERRY: I am a lawyer. If I am giving advice, whoever I am giving advice to, I give my best advice. You should not tailor your advice to the audience.

325. SIR CHRISTOPHER KELLY: Of course not, but as a lawyer you are giving professional advice about a legal matter. If you are a senior official responsible for a major programme of educational reform it does not work if you are not committed to that programme so how can you then transfer yourself across and help the Committee identify the potential weaknesses?
326. KATE BERRY: Surely if you are doing something, especially on major projects, you have to be aware of risks. For me the process of decision making which does not involve an element of scrutiny and asking difficult questions would be impossible and, therefore, working with a scrutiny committee who are asking those difficult questions and giving them valid and truthful advice is important.
327. DR ELIZABETH VALANCE: That is what I meant by saying you seem to be saying it is a process of iteration and if you work in silos you only get one side, but you keep on asking these questions, then you go back and take it to another level and so on. It is not easy and it could only be done, as I understand it, in the kind of context which you have been describing where there is a behavioural context set where people have a culture of trust and openness.
328. AKMUL HANUK: Just to add to what Kate said, it is basically between commitment and engagement. We feel that yes, if there is an officer or a project being committed that is what the project is going to be from the commitment point of view, but equally the officer needs to be engaged with the general public, engaged with other areas of working and then make an educated decision on that. I think this is where perhaps we are trying to give you an impression that things are getting very easy here. It is not; it is a very difficult process. It is a managed process, but we are trying to bring that culture of openness, of a listening council by which the officers, the elected members, can engage amongst themselves and try to understand their viewpoint in the better interests of the public. We are hoping this can carry on.
329. SIR CHRISTOPHER KELLY: Thank you very much. I would love to carry on this discussion, but we have already kept you past the time we said we would and we must let you go.
330. You very kindly said that you would provide some other information: the terms of reference of the Committee, the Cardiff undertaking, it is it possible. You have given some very useful and interesting examples of the way in which scrutiny has affected partnerships. If there is anything more you wanted to say on that it would be helpful to have, including the crime reduction partnership.
331. We have also asked you to list what you were doing to promote openness. I think in a sense I would like to generalise that, which is the Cardiff undertaking is about, as you said, observing the principles of public life. The Committee, as I understand it, has the responsibility for doing that in quite a wide sense. If there were principles other than openness which you would promote it would be interesting to know. I do not mean the integrity one. I do

not mean the standards of behaviour; I mean about openness and accountability. That would be very helpful.

332. Thank you very much indeed.

333. AKMUL HANUK: It has been a pleasure indeed. Thank you very much.

JENNY RANDERSON, AM LIBERAL DEMOCRAT , HELEN MARY JONES AM, PLAID CYMRU; AND WILLIAM GRAHAM, AM, CONSERVATIVE PARTY

334. SIR CHRISTOPHER KELLY: Thank you very much indeed for coming to talk to us. I think you know why we are here. This is the second day of public evidence in relation to the inquiry we are undertaking into accountability and openness in local government. We are very pleased to be here in Wales.

335. We know who you are. It would be very helpful for the transcriber if you could briefly say who you are and if there is anything you want to say by way of introduction then please feel free to do so. Equally, if you do not have anything to say we are very happy to get straight into questions. Who is going to start?

336. MS JENNY RANDERSON AM (Liberal Democrat): I am Jenny Randerson, Assembly Member for Cardiff Central. I am a liberal democrat and I do not want to say anything in introduction.

337. MS HELEN MARY JONES AM (Plaid Cymru): Hello, I am Helen Mary Jones. I am the National Assembly Member for Llanelli and the Deputy Leader of the Plaid Cymru group in the National Assembly. Like Jenny Randerson, I would prefer us to go straight into questions.

338. MR WILLIAM GRAHAM AM (Conservative): William Graham, Conservative, South-Wales East. Again, I would like to start the questioning.

339. SIR CHRISTOPHER KELLY: Thank you very much.

340. LLOYD CLARKE: Good afternoon. Thank you for coming. The first thing for me to say is myself and Derek, who is going to follow up with some questions, are conscious that you may have three different views and we will certainly give time to facilitate that.

341. I suppose an obvious question for me to start with is after nearly nine years have the changes to local government in Wales implemented BY the 2000 Act led to those intended changes: effective political leadership, increased public engagement and strong accountability and scrutiny? Of course, we are going to take each of those as we go through. Our focus particularly is in respect of accountability, leadership and openness in local government.

342. Perhaps I could start with leadership of those three intended aims. Can I ask quite a broad question first? What do you think are the requirement needs for

there to be effective leadership of local authorities in Wales?

343. HELEN MARY JONES: That is obviously a very big question. Because we are without translation facilities I will give my evidence in English for the Committee's convenience.
344. I think one of the key things is for people to know who the leaders are and to be able to relate to them. I also think that people need to know what they are electing and why. Do I think the changes have brought about what was hoped for? I think the honest answer would probably be that it is patchy and that in some places clearer and more effective leadership has come through. In other places I do not believe that it has and this obviously is not a matter for you today, but there are issues about some of the local authorities in Wales being quite large, serving quite large populations. Others of them serve very small populations and some of those populations are also some of the most deprived communities. I think in terms of being able to develop strong leadership in terms of the local authority being able to provide the leader with sufficient backing, with sufficient resource, my perception is for some of those smaller authorities that have been a challenge.
345. I think there are other issues about transparency. One of the questions for me is how effective leadership is achieved in those local authorities that are run by independents and without political control? I think that can be a real challenge because if people elect a political party to run a council they are usually doing that on an agreed programme. They know before they vote for people what those people will intend to deliver. Independents by their very nature are theoretically that: independent. Therefore, people will be voting for the individual and that can be very positive. I am not suggesting, and neither would my party wish to suggest, that there is no place for independents in local government, but when a local authority is run by a collection of independents who may not share very much except in some cases their antipathy to the previous political leadership of that local authority, I think that has led to difficulties. I think what can then happen is that the senior officers take on the de facto leadership role and I can think of local authorities where the chief executive is more likely to be known to the public than the elected political leader. I think that there are major issues relating to accountability in that regard.
346. LLOYD CLARKE: We may tease some of that out a little later as well but, Jenny, would you like to respond to that?
347. JENNY RANDERSON: Yes, I agree with a lot of what Helen Mary said. In fact, I would go so far as to say that in my view where there is no formal party structure, and we have local authorities in Wales where there is only a vestigial party structure, the cabinet system is really not appropriate. You are not seeing a pathway towards decision making in the same way that you could see the pathway when you had the Committee structure, the old corporate accountability and you could trace a decision through a Committee process. Now you have the decision presented to you from the executive in a truncated way and it is more difficult to see the process that has led to that decision. If scrutiny were working well then that should not be a problem, but I am sure we will come back to

scrutiny later.

348. LLOYD CLARKE: We will indeed because you also touch on the issue of openness and I would like to tease out in a little while more about openness as well if I can, please.

349. JENNY RANDERSON: I will come back to that. We have, I am sure you are aware, what we call the fourth option in Wales and that is, I believe, more appropriate where you have the less strong party structure.

350. I would even say that because of the prevalence now of coalitions in local government throughout Wales the cabinet system is very demanding in terms of you have to reach a formal coalition agreement in a very structured and quite hasty manner after an election. That is very demanding - it is demanding on resources, it is demanding on the individuals concerned.

351. There is a very variable pattern, I would agree entirely with Helen Mary. I think the larger authorities have become highly professional. There is clear leadership there and that clear leadership is not always dependent on the individual personality in the way clear leadership required in the past. I think in smaller authorities it is very patchy and I think in those authorities there is still a tendency for the local government officers to run it.

352. LLOYD CLARKE: Could I just check with you, what you said there? Am I right in thinking more than half are coalition cabinets now in Wales? Are you saying that where it is a coalition cabinet there is less strong leadership?

353. JENNY RANDERSON: No, absolutely not. I am saying that because you have to get a formal executive in place and you have to get that in place quite quickly after an election for the authority to function, what you are actually requiring is for the parties to get together and reach that formal agreement quite early on in a way which was not quite required in terms of the old Committee system. I am not saying it is bad; I am saying it is demanding.

354. LLOYD CLARKE: Okay, that is helpful, thank you.

355. WILLIAM GRAHAM: I certainly concur with the previous speakers. Could I be slightly more subjective, if I may? When I started in the mid-1980s it was, certainly in South-East Wales, very much dominated by big men and what they said went. The corollary of that was there was no career succession and that was a major weakness for many authorities when they lost their principal leader of the majority party. That went not just for Labour, the majority, but for my own party as well. That created a bit of a vacuum which in some cases had to be filled entirely by officers. So in certain parts within the history of a council that occurred. I think we all rather hoped in going to the cabinet system that would not be the case. I think judgement should be reserved on that.

356. In terms of the cabinet system it makes for back-benchers to be disengaged. It means the opposition party or parties are more disengaged than with the old Committee system. At least when you are a member of a Committee you might

have an idea which you put forward and no doubt it would be rubbished by the majority party, but if you kept quiet it might well come back as somebody else's idea in a few months time. That cannot happen because you have the chance to put it forward in the first place.

357. I think also we have come on immeasurably in South Wales over the last 20-30 years. You will remember it was not very long ago when the bottom of an advertisement for a teaching post in South-Wales would carry the legend "canvassing will disqualify". That is a dreadful indictment. I am not sure what evidence you have taken, it has probably not been mentioned, but it used to appear in every advertisement and that is wrong.
358. On the scrutiny element, in the assembly the minister was very helpful when these things were coming to fruition. Although she was unable to change law she was able to change the guidelines so it meant that in a local authority it was best practice that the chairs of Scrutiny Committees should be drawn from the opposition party. That was a good idea, but of course politics has to interfere and so in certain authorities you would find that the chairs of those Scrutiny Committees were drawn from the weaker members of the opposition parties which rather meant that business was not concluded in the way it might have been. I am sure you do not want me to go into specifics, but you should be hearing that evidence from others as well.
359. SIR CHRISTOPHER KELLY: So do you mean in those cases the ruling party chose the chair of the scrutiny committee?
360. WILLIAM GRAHAM: No, the opposition parties who were given the opportunity to chair the Scrutiny Committees put their weakest members as chairs.
361. SIR CHRISTOPHER KELLY: Why should they do that?
362. WILLIAM GRAHAM: Because it inhibits the business because the scrutiny committee cannot perform its full function. That might be helpful to the governing party as well, but it meant then that a problem arose very quickly.
363. LLOYD CLARKE: We will come back to scrutiny because we are interested in that as a specific view.
364. The follow-on question from me, bearing in mind the focus on leadership, is why do you think we do not have any currently elected mayors in Wales? What is the reason for that? Is it to be applauded or not?
365. JENNY RANDERSON: Certainly, my view is that directly elected mayors concentrate power in the hands of one person which is not a good thing. I think that things are far more open to abuse if it is concentrated entirely in the hands of one person. I do not think we are into big personality politics in quite the same way. There has been one referendum on an elected mayor in Aberystwyth and that was very resoundingly defeated. The interesting thing was there was no obvious candidate for it in that case. It was a movement of the people that a

directly elected mayor might be a good thing, but there were no obvious candidates. So it was not that there was any issue of them rejecting the person who might have taken up the job, it was a rejection of the concept.

366. LLOYD CLARKE: Perhaps a little tongue in cheek, the proposition put to us this morning was, "There are no elected mayors because we are far more democratic than that".
367. JENNY RANDERSON: Exactly, that is what I am saying.
368. HELEN MARY JONES: That is exactly the note that I have just written here, that we do not have instincts for monarchy here, elected or otherwise. We have instincts for democracy.
369. I think it was interesting that in that one mayoral referendum that part of the impetus behind it was a sense of frustration with an independent-led council where people did not know where the leadership was, where the decisions were being made. When people then explored the alternative it was a very resounding "no, thank you" but with this lot there is an element of collective responsibility and an element of being able to see a team delivering. It really has not come up as an issue anywhere else. I think the point that Jenny Randerson makes that it was not a question of the mayor was obviously going to be so-and-so and they did not want her or him, it was just clearly that was not the system we wanted.
370. I think it would be fair to say (I do not know if others agree with me) that there is a lot of nostalgia for the old Committee system where everybody's councillor had a voice and where you felt that when you had elected your ward councillor you could see the process, that he or she was contributing to making decisions. I am not saying that I think that was necessarily better and I think there was a lot of sympathy for what was trying to be achieved with the reforms, but looking back people do now have a sense of democratic deficit. We associate cabinet systems with a party or a coalition delivering an agreed programme. It is very much more difficult for a cabinet system where people are elected as individuals to be seen as transparent and because we have so much of that I think that has contributed to the nostalgia for what people see as the good old days, forgetting how long-winded and inefficient that could be in and of itself.
371. LLOYD CLARKE: That does nicely lead me to openness as well because it has been suggested to us from evidence put to the Committee that in actual fact the new executive arrangements have led to less openness particularly in respect of how and where decisions are made. Executive decisions are made now not in committee, but perhaps made in small rooms, not necessarily tested out in full cabinet. I wonder if you have a view on that. Is it less open now than it was before?
372. WILLIAM GRAHAM: No, I have to agree with the statement you have made. It seems the public perception is there is not that engagement. The old Committee system, when you came to part 2 and the press was excluded, then you knew something was up, as it were, and you would make sure that all your members were there. Now you do not have that engagement. It is made by the

cabinet or senior members of the cabinet very often, so I think that is probably a weakness of the system.

373. LLOYD CLARKE: Therefore, is it a case of cabinet decisions being made by a small group of executives and that the cabinet itself is then just a rubber-stamping process?

374. WILLIAM GRAHAM: In some cases it can be yes, indeed. I cannot give you an actual example, but I am sure that would be the perception.

375. JENNY RANDERSON: I think it can be remarkably exclusive and can shroud things in a great deal of mystery, lack of information and I refer you back to my first answer, but it can be made to work.

376. I give you the example of Cardiff where the opposition parties are invited into the cabinet meeting and can raise issues, where things can be referred to scrutiny committees in a very open manner. That does not apply everywhere and you have to put very vigorous efforts in place to make sure it is open.

377. The background to the fact that this situation exists in Cardiff could well be that for four years there was a minority liberal democrat executive and, therefore, the executive could take no liberties at all. Everything had to be explained otherwise it would be rejected.

378. LLOYD CLARKE: Was that done in open cabinet?

379. JENNY RANDERSON: Yes.

380. LLOYD CLARKE: That is interesting.

381. JENNY RANDERSON: They have and still have to this day, even though they are now in a majority coalition with the Plaid Cymru, very open arrangements in comparison with other parts of Wales and other parts of the UK. They have put a lot of thought into that as a way of ensuring that they could govern for four years from a minority position because you certainly would not get the support of any other parties in the council if you excluded them unduly from the decision making process.

382. Of course, that does not take account the position of back-benchers and back-benchers still feel that they do not know about things until further down the line than they used to.

383. HELEN MARY JONES: In this regard I think it is an interesting case of the law of unintended consequences because one of the justifications that was given for bringing in the cabinet system was that prior to that decisions were made in closed group meetings behind closed doors. At the time I thought whoever thinks that introducing a cabinet system is going to reduce decision making behind closed doors clearly has not looked at how cabinet systems work because the whole point of cabinets (up to a point) is that they come privately to a collective decision and they then present that to the public and back-bench members for

scrutiny. So how anybody thought that replacing Committees with a cabinet was going to make the process more open was always, to be honest, beyond me and my party.

384. I think that some of the points Jenny Randerson has made about how differently the system operates in different places and the way that the local political circumstances has led to that is well made. I suppose I am a little cynical, not about Cardiff because I think the point about the minority administration having learnt good lessons that are still being carried on is a valid one and it would be interesting to see if William and his party who are in opposition also feel that. I think there are examples of pretty crushingly bad practice as well and I think where you have cabinets, for example, meeting in public that can just be a polite fiction because all the decisions are made before.

385. One of the things I think that worries me most is that cabinet decision making makes it easier for the decisions de facto to be made by senior officers because in the old Committee system the officers would have to go and put their proposals and a very large number of people would be able to question them on that. Where you have strong political leadership, and I do not necessarily mean party political leadership, with a programme the officers know that they have to deliver that programme. Where you do not have that strong political leadership it is very easy for a well-placed officer, to be quite honest, to bamboozle their individual cabinet member in a way in which it would not be possible for them to bamboozle a whole Committee. I think that brings me back to the point about when people are not elected with a strong, clear programme about what they are going to deliver, that puts us in a position that no doubt we will return to, about the position of officers.

386. LLOYD CLARKE: It is interesting that you mention the role of back-benchers because again at our first day we heard evidence that the best councillors will form part of the cabinet and they also-rans will be part of scrutiny committees and then there will be other people who can go home and work in their wards and constituencies there. Is that something that you share as to how it has become and have we got too many councillors?

387. JENNY RANDERSON: I do not want to suggest that we have too many councillors for a start. I think one of the problems, as I see it, is for example in a city like Cardiff where we have enormous wards the burden for individual councillors is considerable. There are very much smaller wards in terms of population in rural areas in Wales, but the burden is of a different sort which is geographical distance. I am never anxious to reduce the amount of representation.

388. I think the picture you give of the best go into the cabinet, it is certainly the case that the most ambitious tend to go into the cabinet and very often they are the most able because they are judged by their peers within their party before their nomination and so on. My experience is you usually end up with the more able in the cabinet.

389. There are reasons why people want to be less active; it is still immensely difficult to juggle a potentially short-term career on a council with a long-term career where very often it is impossible to step off the career ladder and then step back on again four years later. So there are all sorts of people who you know would have the ability to be in cabinet, but they choose not to be. It is still, I think, very much the case that the plum jobs are seen as being in cabinet.
390. They are, after all, enshrined in the structure, people get paid more for the cabinet and so they should - they are shouldering the responsibility and they are doing more hours work. If you look at it in pure reward, if you look at it in terms of kudos it is in the cabinet and you are not going to change that.
391. LLOYD CLARKE: No, no, no. It is interesting because we heard evidence this morning as well though as time goes on, and when these members who have been in cabinet, go into opposition, they make excellent scrutiny officers. So, maybe it is a case of taking time to work through that and over a period of time we will have this experience and expertise spread from the governing body, as it were, to the scrutiny committee.
392. JENNY RANDERSON: You know where the bodies are buried when you have been in power.
393. LLOYD CLARKE: Speaking from experience or theoretically?
394. HELEN MARY JONES: I think the question of too many councillors is an interesting one. This is a personal, not a party view, but I think we have too many councils and I think that some of them are just not big enough to be fit for purpose and that then raises all sorts of questions, and again, this is not a matter for yourselves directly, but in terms of the quality of leadership and the quality of scrutinising and policymaking. I think it is relevant because the ability to attract people to take those roles can become a big issue.
395. Like Jenny, I would be reluctant to suggest that we need less representation and I think the geographical challenges have to be taken into account, particularly when you are thinking about the rural councils. If you went purely on the number of electors you are serving there would be parts of South Gwynedd where a ward would be 50 miles long and that obviously is ridiculous in terms of somebody representing a community, but I do think there are challenges.
396. You mentioned the issue of, do the brightest and the best go into the cabinet and the rest get on with ward work? It would be a foolish cabinet member who did not do his ward work, and I use the pronoun advisedly and I will come onto that in the moment, because you do still have to get re-elected. The truth is that in terms of making decisions, leading any public body, leading a local authority, you will have to make some unpopular decisions and if you have not nursed your ward you will find yourself out on your ear and I can think of examples of that which would be invidious to give because it refers to individuals.
397. In terms of the issue, do the best councillors get into the cabinet? Again, I think that is very variable. In an ideal world one would think so. I can think of

local authorities that I know of where the Chief Executive says to the leader, "Oh, do not put her in; she will be trouble". Somebody who the senior officer perceives as being too bright, too challenging, likely to challenge his or her views and, again, it is anecdotal, but I know that has happened and not just on one occasion and that is really quite worrying. So, is it in the interests of senior officers to sometimes have the less able people as the cabinet members who can rubberstamp their decisions? I pose that as a question.

398. I also think there is a gender issue here. Because the demands of being a cabinet member of a local authority are huge; it is a full time job, very little support is given in most places, and there are honourable exceptions, to enable women councillors to balance their family responsibilities, which still do disproportionately fall on women. Again I can think of examples that I know of, of very able, particularly younger women, who are prepared to be councillors, but at this stage in their lives cannot consider putting themselves forward as scrutiny chairs or cabinet members because there is no support for them to do so, and because of the hours of the work. I think we do have a problem overall about recruiting a broad enough range of candidates to stand, and I am thinking here of women, younger people, and people from minority communities. That is beginning to improve, but in terms of a local authority effectively reflecting the communities that it represents there are issues there and we cannot assume that we have good leadership if 50% of the population is effectively excluded from that leadership, which by and large it is.

399. LLOYD CLARKE: That is helpful. Thank you. A final question from me before we then turn our attention to accountability and scrutiny. One of the implicit outcomes that were expected from the new Act was to increase public trust. I wonder if you have a view whether the arrangements have made any difference at all to public trust.

400. WILLIAM GRAHAM: I would not have thought a great deal, frankly. Not really. I outlined some of the more hideous abuses and I think those are probably gone, largely. It probably has increased an immeasurable amount. I do not think you would really say just because the system has changed that has really led to an improvement.

401. LLOYD CLARKE: I could probably add to that as well, because we have received written evidence from the first Minister in which he says, "Look, the media is more interested in looking for scandals rather than reporting genuinely good decisions that have been made". On the other hand, he would also say as well, whether it be a fear of the media by councils, and that really councils should actually put that fear behind them and work better with the press and be more open with the press and by doing that maybe trust would be increased.

402. WILLIAM GRAHAM: Well, I think everybody knows with the press they would rather report a sudden death than a live birth. Of course the other thing that did not happen so many years ago, many local authorities now have their own press department, so there really is no reason why they should not be able to put a good news story together on their achievements in the interests of all the inhabitants of their borough or county. That certainly is something that has been

underused.

403. JENNY RANDERSON: I do not think it has made any measurable difference to public trust at all. I think what has altered over the years, and it is not to do with the cabinet system, is the controls in the legislation that was put in back in the early 1980s and I hate to praise Mrs Thatcher but I have always said that was one of the good things she did in making committee meetings open and she started putting much greater controls on declarations of interest in planning applications and so on. All that has been gradually ratcheted up and you get far fewer examples of personal benefit, and far fewer examples of basically corruption in local government now than you did in those days. That should have improved public trust but I think the overall attitude of public scepticism about politicians in general has kind of weighted the balance down the other way, so I do not see any measurable improvement and I think those councils which have improved their image, and there are some striking examples in Wales, have done so by a whole series of other mechanisms like petition systems and going out and about and allowing the local councillors small budgets occasionally to spend in their own ward and that sort of thing which has improved the connection but it has not been connected with the cabinet system.

404. LLOYD CLARKE: That is helpful again. Thank you.

405. HELEN MARY JONES: There is an extent to which services that are provided by a local authority are a bit like housework; nobody really notices them unless they are not done, or unless they are done badly. So, when members of the public have a strong view about their local authority it is likely to be because something is not happening; whether they cannot get their child into the school they want them in, or whether the bins are not being collected. So, there is an extent to which I think people will always love to hate their local authority.

406. When it comes to media interest William is quite right, what I would say about that, if the press will always look for scandals then it is probably sensible not to have any scandals for them to find. But likewise, I would agree with Jenny Randerson that those reforms have made a huge difference to the levels of potential self interest and corruption. I am old enough to remember the time when council houses were allocated by the ward councillor and so were teaching jobs in schools and I am not talking the 1940s here, I am talking the 1980s, and it was a very good thing when all of that was stopped.

407. I think there is also an interesting question that people may not love their council very much, but they can at the same time feel very, very attached to some of their individual councillors and have an enormous amount of respect for them, but like both my colleagues I do not think the change of system has made any difference. I think where the authority is respected it is for a whole range of other reasons and not because of the cabinet system.

408. LLOYD CLARKE: Thank you very much. Let us turn to accountability and scrutiny and I will turn and look to Derek to follow through on that please.

409. SIR DEREK MORRIS: Thank you. If I may just fit in two quick questions though, following on from what you have said. Correct me if you think this is a wrong characterisation of what you have said, but it sounds to me as if you are saying, in relation to the reforms of 2000, that from that cause there is not evidently more effective leadership. There is no greater openness, possibly less. We know from various bits of evidence that there does not seem to be any greater public engagement in local government and you have said no greater trust. Conclusion: the reforms have failed. Is that your view?
410. HELEN MARY JONES: I think one way in which there may have been some success is that in terms of speed and clarity of decision-making. I think in some cases you can get a decision made faster and more effectively. Does that mean you get the decision made better? I think perhaps not always but I think it would be fair from my point of view to say that my party was sceptical about the reforms from the beginning and certainly with what exists now, the fourth option of an inclusive board is one that, though it is not operated everywhere where we are in power, I would certainly like to see more used because it does engage everybody.
411. JENNY RANDERSON: I think that things have improved but not because the reforms have worked. I think they have improved for all sorts of other reasons; largely connected with the process of reform that started in the 1980s which was not structural reform, it was a reform in terms of standards of conduct and public accessibility and I think that trend has continued with all sorts of modern forums and consultation events and citizens' juries. There are all these things held which are improving things but they are not a consequence of the reforms that go along at the same time as the reforms.
412. WILLIAM GRAHAM: Yes, I would concur with what the previous speaker has said. I think the other thing that we probably missed which was not picked up in the 2000 Act was the concept which was not really followed through, particularly with a number of urban authorities, was that of lead authorities. In the original change it was certainly not intended there should be 22 direct authorities in Wales. It was hoped that there would be lead authorities but that has never really been developed and certainly would not have been taken into account. Beecham picked up on it, but it was not in the 2000 Act.
413. SIR DEREK MORRIS: It is a bit difficult to think back now to before 2000, and this was not an area I was much involved or interested in, but one senses that in the run-up to that Act there was a view, and not a silly view, that many local authorities were seriously dysfunctional in how they behaved, that the process was opaque, was open to abuse, was not fit for purpose and missing something.
414. WILLIAM GRAHAM: I see what you say. I remember one of the criticisms at the time that was advanced for the Act was that it did away with wasteful committees. You would be told that an officer spent months working out this proposal and the committee has turned it down. Well, that was the committee's right.

415. HELEN MARY JONES: That was what the committee was for.
416. WILLIAM GRAHAM: Exactly. Do you see where I am coming from in that respect?
417. JENNY RANDERSON: I think that those councils that were not fit for purpose before the reforms in 2000 probably largely are still not really fit for purpose and they have the same faults and they are faults which go along with those authorities where there is a massive majority by one party and it is very difficult for the opposition voice to be heard and I think it is even more difficult in some ways for the opposition voice to be heard now than was the case before, and those authorities where the political leadership is weak and the officers run it. By the way, you can have a large political majority and still have weak political leadership, but you can see the symptoms there. There are councils where the whole full council meeting will be over in a few minutes, and that is still the case. It is the rubberstamping of democracy and that is all.
418. I was a councillor for over 20 years and I resigned in 2000 so I was there for the beginning of the new system but I remember we had furious political battles in council and council would go on for many hours on my authority, but we were well aware that there were other authorities where ten minutes was a long council meeting and I have had feedback relatively recently which suggests that is still the case in some places. It is less so now in Wales simply because there are very few councils with a large political majority. The political system has shifted on, or the politics has shifted on in Wales, and you no longer get councils with very large permanent majorities of one party.
419. HELEN MARY JONES: I will just briefly concur. I think the issue was to do, and is to do, with democratic deficit where you have local authority wards that go uncontested generation after generation after generation. Whether that is with an independent member standing in rural Wales or the Labour Party in the valleys, wherever it is, that is very unhealthy where you get the one party state developing, or where you get groups of independents whose relationships with each other depend on a level of back scratching, rather than on an agreed programme and I think where things have improved it has improved because of political change because it is quite unusual now to have a ward where literally nobody will want to stand. In parts of rural Wales that was quite common in the past; that you literally could not find anybody to fill the seat and I think where things have moved on it is not anything to do so much with structural change as to do with the fact that you have people contesting elections and the public having a real choice.
420. SIR DEREK MORRIS: Just a few questions on scrutiny. Would you accept the proposition, given what you have been saying, that if one can make scrutiny in the present arrangements effective, and you might come to what that means, but if you can make it effective then that would give you transparency, a strong degree of accountability, a pressure therefore towards effective decision taking and possibly even in some ways a making up of what you have described as a democratic deficit in terms of people's access to what is going on, if scrutiny is

effective.

421. JENNY RANDERSON: Scrutiny is the crux of it all and the fact that scrutiny has not yet worked properly in a large number of local authorities is a key reason why there has not been that change. So, I accept your proposition. Making it work properly is more difficult than it seems.

422. I recall, when it was first proposed that we move to the cabinet system, pointing out that it was all very well to have this wonderful idea that councillors would be like backbench MPs and now Assembly Members, and would sit in scrutiny committee and act in the same role. That was fine, so long as you provided them with the full-time paid staff to support them and scrutiny works in Parliament, and in the Assembly, because of that army of support for Assembly Members which comes in the House of Commons library, the members' research system, the legal advice we get, our own personal political staff, and so on, all of whom are providing us with bullets, if you want to put it that way, or the ammunition for the committees and for the questioning process.

423. You cannot expect a part-time councillor with virtually no resources to operate in the same effective manner and Helen Mary and I were members of one the Health Wellbeing and Local Government Committee which recently did a review of scrutiny arrangements in local authorities and we found a very variable situation. There are local authorities in Wales where there is one scrutiny officer; that is part of his job. He does something else for the rest of the time. Basically he does the minutes of committees and that is it. I visited one local authority where people were unaware of how you could call in an executive proposal for scrutiny because, "No one had ever done it".

424. I have mentioned Cardiff already in terms of the process and this is another example of it and Cardiff was quoted all the time as the perfect example where they put vast resources into scrutiny, they have several officers devoted to it, where the call-in process is transparent, where it is used all the time by backbenchers and backbench councillors of all parties and so on, but then Cardiff is a very large authority and most of the authorities in Wales are not that size and do not have the resources and they will not choose to put scarce resources in until they are legally obliged to do so.

425. SIR DEREK MORRIS: So, you would say that more resources and dedicated resources, and presumably a lot of training for people involved in the scrutiny function.

426. JENNY RANDERSON: Dedicated resources is vital because you cannot expect someone to be supporting the executive on let us say a highways proposal for half the week and then go on and tell the scrutiny committee what might be the flaws for that highway proposal. I mean, it is just beyond human nature and that is what people are being expected to do throughout many of the authorities in Wales.

427. WILLIAM GRAHAM: I agree with what you say, but you are predicating it on the proposition that all parties engage in scrutiny. In my home local authority the

former majority group are now in opposition and will not take any scrutiny position.

428. SIR DEREK MORRIS: They will not?

429. WILLIAM GRAHAM: No.

430. SIR DEREK MORRIS: Because?

431. WILLIAM GRAHAM: It is their decision.

432. SIR DEREK MORRIS: Well, I gather that, but ...

433. WILLIAM GRAHAM: They give no public indication of why, but it certainly lets the system down. But to follow on the point that Jenny made, I would wholly support resources being given to the way scrutiny can be done more effectively and you will no doubt within your review look at the position of the monitoring officer and how that can be strengthened. In many authorities there is not the confidence in him or her which there should be.

434. HELEN MARY JONES: I would really re-emphasise that you cannot be poacher and game keeper. You really, really cannot expect officers to on the one hand be working up the proposal with the cabinet or the executive and on the other hand providing accurate and honest information. I think the idea that you can do that is actually a hangover from the previous committee structure; the culture that you can do that. I think the point about resourcing came out so strongly in the committee's review and it may assist you. Has that been published yet, Jenny? I do not think it has, but I am quite sure that the Committee Chair would be happy to make the evidence that we took available to you because I think you would find that very interesting. We certainly did.

435. You mentioned the point about training for members. I think that is important but unless the support is there, unless there is capacity there to get the research done, to get the effective legal advice ... I mean, you do get the cases like the one that William has mentioned where opposition parties inexplicably opt out of scrutiny and left to myself I would make that an offence. I would say they cannot stand. If you are not going to do your job as a councillor, and surely one of your jobs as a councillor is to scrutinise the executive, then what are you taking your pay for? I really do feel very strongly about that, but even if you have councillors who are motivated, even when we have this situation where people who were previously members of executives are now in opposition and do know where the bodies are buried and know where to look, unless they have a dedicated resource it is going to be very hard for them to do that effectively.

436. One of the points that I would make about that is it is very difficult, especially in the smaller local authorities, to make the case to take resourcing out of service delivery and put it into scrutiny. It is very, very difficult indeed and my personal view would be that there may be a case for, in this case, the Assembly Government making resources available to local authorities purely for scrutiny. So, if you do not use it for scrutiny you do not get it. So, you cannot have the

argument put, "Well, you cannot expect me, as leader of the council, to be resourcing your scrutiny committee when I need to do this for looked after children, and I need to do this for refuse collection". I really think there may be a case, and we did discuss this on the committee, for saying that the only way you can expect the smaller local authorities to put resource into scrutiny is to ring fence that, which may seem paradoxical because in one sense that is anti-democratic, because you are not giving that resource to the local authority and letting them do something with it, but I really, really do not think in a local authority the size of Merthyr Tydfil that they will ever be able to justify taking money out of education and social services to put it into a scrutiny function and this system will not work, in my view, unless that scrutiny function is there and up and running. It is entirely dependent and otherwise it does become a group of men making decisions behind closed doors.

437. SIR DEREK MORRIS: One last question then, and still on scrutiny; it is about scrutiny in the case of partnerships which brings in a whole new level of complication. Perhaps if you could just tell us a little about your experience of gaining proper transparency and accountability through scrutiny arrangements in partnership operations.

438. HELEN MARY JONES: The committee that Jenny was a member of, and I am still a member of, has done another piece of work which may be of interest to you in this regard, scrutinising the local service boards that the Assembly Government is proposing to roll out. They are doing pilots at the moment and proposing to roll those out. One of the issues we identified as a very difficult one is the issue of scrutiny because if you have that partnership working, can you expect, taking an extreme example, the police service, which is a non-devolved matter, them to be scrutinised by those local authority members? Up to a point perhaps with the police service you can because there are precedents with police authorities, but there are other public services that have no locus, the court service for example, that has no democratic scrutiny and that is not devolved. So, can you then expect that body, working in partnership let us say around youth justice issues through a local service board, to be scrutinised by local authority members? We found that clearly that was not so.

439. The evidence that was put to us, and I was left a bit sceptical, was that in the local service boards the scrutiny route on the whole is back through the organisation that you come from. So, if you are the local health board representative on the local service board your line of accountability is back to your local health board, if you are a local authority member obviously it is back to your local authority. We did not think that was very satisfactory and there are different models being tried. We have mentioned Cardiff quite a few times, but the Cardiff model was one that our committee quite favoured. There were others where I think if I am completely honest I could not quite see how the decisions of the local service board had been scrutinised at all because the way back into the local authority was via the cabinet and if you do not have strong scrutiny of the cabinet decisions you do not have strong scrutiny of the local service board. So, I think that is a huge issue and in a country the size of Wales, especially with our small local authorities we desperately need these partnership working arrangements to work, but it is very difficult to secure the transparency of decision-making, and I

use the local service boards as an example; there are other partnerships where the same could be and again it may assist you to look at the work that we did and the evidence that we took.

440. SIR DEREK MORRIS: That would be very helpful.

441. SIR CHRISTOPHER KELLY: That is publicly available, is it?

442. HELEN MARY JONES: It is publicly available. I mean, the government would say in fairness that the local service boards are a work in progress; that they are still pilots. My concern was, and I do not know, Jenny might be able to say the extent to which other committee members shared my concern, was that I was not clear that the Assembly Government was going to establish a model of scrutiny for the local service boards and insist that they all delivered on that.

443. It is my opinion, again in a country the size of Wales that, yes, with the pilots it was right for them to test out different models of scrutiny, or from my sceptical viewpoint none, but once this becomes rolled out and the accepted formal way of working, then I think for the public to understand what these local service boards are and what they do, there should be one model of scrutiny that happens in the same way all over the country and I stress that is a personal view rather than one that came out of the committee, but that was a worry for us because what the government were saying was, "Well, different areas, different circumstances. It depends on what partners are being brought into the local service board at any one point". While I think that is acceptable from an openness point of view at a pilot stage, I do not think it is acceptable when this becomes an established way of working.

444. JENNY RANDERSON: Yes. I think the problem we had as a group when we looked at this was that we were not clear. By the end we were no clearer than we had been at the beginning because there are so many different models and I think I am right in saying that the only structure for scrutiny that had been set up at all was in Cardiff. There was nowhere else that had any kind of formal scrutiny arrangements or even defacto or informal scrutiny arrangements in place and Cardiff's was in its infancy but then local service boards are in their infancy.

445. DR ELIZABETH VALANCE: If I can bring you back on a couple of things. One is your entirely, it seems to me, common sense view that you cannot serve two masters and that as far as the officers are concerned it is two impossible tasks to service the executive and scrutiny committees. We have heard this morning really the exact opposite argument which is that it is perfectly possible and in fact if it is properly done one set of experiences can feed into another, so in effect you have a kind of iteration as you go along. It is not just a matter of conflicting things, it is a matter of dialectic, or something like that. You would not buy that?

446. HELEN MARY JONES: No.

447. JENNY RANDERSON: No.

448. DR ELIZABETH VALANCE: You just think it is too complex, or you think it is -
-

449. HELEN MARY JONES: Well, it is asking somebody to do the impossible. It is asking somebody to scrutinise their own work. Now, we can all try and do that but with the best will in the world if I have spent months and months working on a highways proposal for the executive and then I am being asked to pick that apart so that it can be effectively scrutinised, even if I am trying very hard, because if I have done my job in the first place I will have identified the flaws and tried to deal with them in my proposal.

450. DR ELIZABETH VALANCE: I think the suggestion was that it was precisely that. It was helping you to identify the flaws as you went along, but you have answered my question, so thank you for that.

451. The other thing I wanted to ask, which is a very general one, is that you have said that you thought the Act that came in that brought the new arrangements into place has in effect been unsuccessful on the criteria that we have suggested. The suggestion is now at scrutiny that the legislative competence which is supposed to be being given to the Assembly will transfer these powers to the Assembly. How do you think the Assembly will deal with these inadequacies?

452. SIR CHRISTOPHER KELLY: Can I make it more specific than that? Can I ask, if you were in power in the Assembly, what would you do?

453. JENNY RANDERSON: Well, I would want to bring a lot more rigour to the scrutiny process. I am not a great believer in structural change produces all the goods. It is always distracting, it is always expensive, takes years for people to come up to speed with whatever change, so I am not suggesting you abolish cabinet systems and go back. It is there and you live with it in those local authorities that have chosen to do it, but as I said, I think scrutiny is at the crux and I think you will have to put in the procedures, you have to ensure that however unwilling a council is to have rigorous scrutiny then they have to do it and that there has to be the proper support for scrutiny. My recollection is that the current legislation says something vague like there should be at least one scrutiny committee. I think that is pretty minimalist and without being over prescriptive to local government and telling it what it should do, I think it should be a little bit more detailed than that. There also needs to be quite a lot more about public access as well.

454. DR ELIZABETH VALANCE: So, you are really saying that it is about identifying themes or areas of strengthening rather than changing the whole system again. But Helen Mary Jones, you seem to be saying, "I actually think the fourth way or the fourth structure, would be a better way of operating" so in a way you would be pro a different structure.

455. HELEN MARY JONES: I think I have to say what I would do personally if I was in government because it is fair to say that there are also differences within political parties about how they would wish to proceed. But if I was in government

I would make option four compulsory and I would --

456. SIR CHRISTOPHER KELLY: Everywhere?

457. HELEN MARY JONES: Everywhere, whether they liked it or not.

458. DR ELIZABETH VALANCE: You will be glad to know, and you may know already, that Rhodri Morgan thinks the exact opposite. That may be a relief to you.

459. HELEN MARY JONES: Well, neither one thing nor the other. Seriously, I think Jenny Randerson's point that you do not necessarily achieve better outcomes by structural change and I think the point about scrutiny is absolutely key. Whether you did go to a wider use of option four, or whether you stick with the cabinet. I actually think particularly in the big cities where you really do need full-time councillors running the authority or otherwise the officers run amok there can be an argument for the cabinet system. I do not think it works very well in smaller authorities in the rural areas. It is not really about the structures; it is about making scrutiny work and it is about making democratic accountability work and you can do that with a range of structures.

460. The competence order will not bring down this power but I would also introduce proportional representation into local authority elections because I think that makes everybody's voice heard. There are always the arguments about whether that then leads to indecisive government. Well, I look around me in local authorities in Wales and I see a fair amount of that in the first past the post system and I think we have demonstrated in the National Assembly that you can have a proportional system and you can have co-operation between parties and you can still deliver clear, strong government.

461. DR ELIZABETH VALANCE: PR is a whole other inquiry.

462. HELEN MARY JONES: A whole other area, but I would do that to try and strengthen the democratic accountability and it is through scrutiny that you would do that in the short term.

463. WILLIAM GRAHAM: I would like to take more evidence in terms of the monitoring officer, the way in which they are appointed. It is crucial. The way in which they are funded, which is normal practice. You would look at that and that could be a basis for having a scrutiny department in a local authority which would maintain a degree of independence and all elected members will know that when people come to you with complaints there are checklists you go through and many people have no idea that the authority has a monitoring officer, or what their function is. That could be a very good mechanism of starting that scrutiny.

464. SIR CHRISTOPHER KELLY: When you say, look at the way monitoring officers are appointed, what did you have in mind?

465. WILLIAM GRAHAM: It is specific in which he is appointed and it should be very specific. It should be in the most open way possible, by contest, and by

public advertisement etc in the highest standard.

466. SIR CHRISTOPHER KELLY: Thank you very much.

467. HELEN MARY JONES: Would you also think, William, that that needs to be full-time and a discrete role?

468. WILLIAM GRAHAM: Oh, most certainly.

469. HELEN MARY JONES: Because in some authorities it is not, is it?

470. SIR CHRISTOPHER KELLY: So, separated out from the authority's main legal advisor.

471. WILLIAM GRAHAM: Stand alone. Yes.

472. JENNY RANDERSON: Going back to the issue of the legislation, the Bill currently going through Parliament, my view is that the suite of powers is very complex. They are all dictated by the English agenda. We have demonstrated by reference to the fourth option a continual reference to the size of some of the local authorities in Wales, so we have a separate issue here in Wales and my view would be that it would be much simpler if it gave us measure making powers over local government and the system of elections because I happen to agree with Helen Mary about the system of election.

473. SIR CHRISTOPHER KELLY: Can I ask two very quick questions before we let you go? One is which was the authority that you were referring to earlier that the opposition would not undertake scrutiny?

474. WILLIAM GRAHAM: Newport City Council.

475. SIR CHRISTOPHER KELLY: All right. Thank you. The other one is, we have heard a lot about Cardiff today and how well it works and how many prizes it has won for its scrutiny and so on, is it really as good as that?

476. JENNY RANDERSON: Well, I was not suggesting it was perfect; I was saying it has done a lot of stuff which is quite cutting edge, by Welsh standards, and it is bigger, it is the biggest, so therefore it is empowered to do that. I think the issue with Cardiff was that it had been through a very long period of one party rule, overwhelming one party dominance, that there was that political change and that came in with a freshness of approach very soon after the second election under the cabinet system and because it was a minority administration it had the requirement that it had to operate in a different manner, or otherwise it would not survive.

477. HELEN MARY JONES: I think it is also worth mentioning in the context of Cardiff that one of the reasons why it had to develop scrutiny functions was around its Children's Services which were dangerous and terrible and lives were at risk and all political parties came to the conclusion that they all had to take responsibility for this and to work on scrutinising that system, starting from the

point of view of their corporate parenting role because all local authorities are members of corporate parents, not just the members of the executive board. So, I think the fact that it started from a really dark place helped to give that emphasis as well as the positive things that Jenny said. I would not want to hold Cardiff up as a shining beacon, but certainly the work that the Health Wellbeing and Local Government Committee did on scrutiny suggested that it was by far the best of a rather unimpressive bunch when it came to scrutiny.

478. SIR CHRISTOPHER KELLY: Thank you very much.

COUNCILLOR JOHN DAVIES, LEADER WELSH LOCAL GOVERNMENT ASSOCIATION, STEVE THOMAS, CHIEF EXECUTIVE, WELSH LOCAL GOVERNMENT ASSOCIATION, DANIEL HURFORD, HEAD OF POLICY, WELSH LOCAL GOVERNMENT ASSOCIATION

479. SIR CHRISTOPHER KELLY: Thank you very much for coming. I am sorry to keep you waiting. It would help us and the transcriber if you were to introduce yourselves briefly. If you want to say something by way of introduction please feel free to do so. We do have your opening statement for which many thanks and you can take it that we have read that.² Equally, if we go straight into questions that is fine to.

480. COUNCILLOR JOHN DAVIES (Leader, Welsh Local Government Association): Thank you, Chairman. By means of introduction my name is Councillor John Davies. I am leader of Pembrokeshire County Council, which is an independently run council, one of the more traditional rural councils of Wales which you have heard of I suppose in the last few hours. I am also for my sins the first independent leader of the Welsh Local Government Association.

481. STEVE THOMAS (Chief Executive, Welsh Local Government Association): I am Steve Thomas. I am the Chief Executive of the Welsh Local Government Association.

482. DANIEL HURFORD (Head of Policy, Welsh Local Government Association): I am Daniel Hurford, Head of Policy at the Welsh Local Government Association.

483. COUNCILLOR JOHN DAVIES: I think you have had our submissions, panel, and I think the most beneficial way to deal with it is to delve into the e questions really and have that dialogue with yourselves.

484. OLIVER HEALD: Thank you. The 2000 Act was supposed to provide more effective political leadership, increase public engagement and better scrutiny and we have heard there is no evidence it has improved effective leadership, public engagement is less than it was, and in your own paper you describe scrutiny in the terms of the Beecham report with, "Little evidence that

² The opening statement is appended to this transcript.

it is an effective lever for improvement". So, would you agree the 2000 Act was a bit of a flop?

485. COUNCILLOR JOHN DAVIES: I certainly would not agree that it has been a bit of a flop. What I would say, and I am speaking also as a member that has only been a member of local government since 1999, so therefore I should say held with the affection of the old system, one that has been part of the baptism of fire of post 2002.

486. I think there is much that works much better as far as post the Local Government Act 2000, as far as accountability is concerned, and clearly that is evident across the land. It will vary. There are 22 authorities in Wales and of course you will have variation. That is what democracy is all about. I think it would be a sad day if you were to clone the democratic process of local government in Wales. It is about local choice. It is about how it is done locally to reflect the political balance of those authorities, to reflect the local aspirations, needs and wants of people of those localities. Wales is a diverse country and that diversity is reflected in local government. As far as accountability is concerned I do believe, as a leader of an authority, my mailbag tells me on a regular basis there is accountability.

487. If you speak to those who associate those along with the past of local government, and some have been around for a very long time and have brought great value to the delivery of public services in Wales, they still believe that we should revert to the arrangements of pre 2000-2002. I believe that added value has been brought into the decision process that we have at this present time. There is still more to do, I accept.

488. Transparency. Transparency is what you believe it to be, in some respects, and it depends on which side of the fence you sit. Transparency is something that scrutiny is doing its utmost best in most authorities in Wales to apply and adding value in the transparent process of decision-making but there is still more to do. I accept that, but I do believe that we have made strides in moving things forward. We do now have strict accountability rather than decisions being made in the fog of committee structures that was often the case when a question regarding a decision was asked to an elected member, "Were you part of that decision process?" It was the committee that made the decision. The buck does stop with the executive, be it a mixed denomination political executive, or a single denomination executive. So, I do believe the electors in certain parts of Wales, and I would like to think in most parts of Wales, believe there has been a move in the right direction as far as accountability and effectiveness.

489. OLIVER HEALD: So, starting with effective leadership, what are the requirements for that?

490. COUNCILLOR JOHN DAVIES: Effective leadership, speaking as a leader, is about understanding your role. It is about understanding the organisation or business of your authority. It is obviously about identifying the needs and wants of your communities and the standard and the diversity of

your electorate as well. Clearly with the executive system that you have in place, it does allow members the opportunity to become -- I am reluctant to use the word professional councillors because I do not think local democracy is about being professional councillors. It is about bringing in a whole strand of people into the sector of a democratic process held locally, and I think leadership is about making sure all those strands meet in the centre of the democratic process in each local authority. It is about listening to the voice and the voices of all as part of that process.

491. OLIVER HEALD: We have heard that elected mayors have potential to be strong and effective leaders. There are none in Wales; why is that?

492. COUNCILLOR JOHN DAVIES: I think that is a question to ask the electors. There was a test back in 2004 in my neighbouring authority in Ceredigion when 72% of the turnout and just over 30% decided against it. It is perceived by many, as I understand and understood the arguments at that time, that it would bestow too much power in the hands of one individual and that is not democracy.

493. OLIVER HEALD: Some have suggested that the new executive arrangements lead to less openness in the decision-making process because a small clique make the decisions often behind closed doors. You talked about following the committee system but is this not worse?

494. COUNCILLOR JOHN DAVIES: Can I just correct one perception that it is done behind closed doors? All cabinet meetings are held in public view in Wales. It is quite exceptional in that respect if you compare how cabinets operate in government structures beyond government. All cabinet decisions are made and accounted for within the public view of the electorate.

495. OLIVER HEALD: My colleague Alun is going to ask the next question.

496. RT HON ALUN MICHAEL: One of the big concerns that people have is the question of trust, which is quite a complicated one. Do you think the current arrangements in Wales have increased trust in local governance? I suppose in local governance is different from confidence in local councillors but perhaps I ought to leave both in front of you.

497. COUNCILLOR JOHN DAVIES: Trust and confidence is very often either about understanding or the lack of understanding of what you do as well, and how some would cultivate and perceive that trust and understanding. There will always be opposition members who will point the finger that there is less trust held amongst people of the decisions made. Often that is the case when you have to make difficult decisions.

498. What I will say is, of the experience of my own authority and many other authorities, the executive arrangement allows you to make decisions and it does not matter what tier of government you are in, whether in Westminster, Cardiff or in a county hall, you sometimes have to make very, very difficult decisions. I often tell my colleagues, "If it was not difficult there would not be a

need for us to be here". It does require an element of commitment and courage. What is important when you exercise that political courage is that you have systems and arrangements in place that bring people along with you of all size and denomination. There will be people who have opposing views to what you do. Providing you have structures in place through scrutiny, I am sure we will be coming on to that later, and the challenge process within the decision process, people will have a better understanding. I should know as a leader of authority that has led all of the authorities, for instance on the thorny issue of school closures in Wales, it took a long time to get the trust and understanding. Providing you are consistent in the way you do your business and the way that you convey and communicate with people, that trust, that confidence can grow. You are never going to please all the people all of the time.

499. RT HON ALUN MICHAEL: Can we talk about one of the avenues of communication? What is the role of the media both in terms of television and radio at a Wales level and at a more local level and also newspapers? What impact do they have on public trust in local governments?

500. COUNCILLOR JOHN DAVIES: The effective diversity of the media is absolutely important and paramount to the conveying and communication, in cultivating trust. It can actually diminish trust as well. It is important that local government, and I think they have done in most respects, even though it is a perception held by many politicians of all tiers that journalists and the media have their own agenda and their own agenda only, it is incumbent upon us at all levels to make sure that the message is understood, and continue to apply those messages, that we use the media as a two-way conduit. That is not always acknowledged.

501. RT HON ALUN MICHAEL: Taking that point, Rhodri Morgan, the First Minister, made a comment that seems to be not particularly controversial, that the media are almost always more interested in looking for scandal rather than being more balanced, and that that results in local authorities feeling that they always have to be on the defensive.

502. STEVE THOMAS: Rhodri finishes that statement by saying local authorities view the media as enemies. I think that is a massive overstatement. There are plenty of local outfits in Wales, if the council shut down then the media would shut down with them. There are many local papers who are absolutely reliant on what happens in the council as to what they record and it is a fruitful story on many occasions, as we know. I do not necessarily think the councils view the media as enemies. I think good councillors have good contact with their local media, and try and cultivate the local media. I think media has a role in terms of scrutiny. I think the understanding of local government sometimes is not as sophisticated as we would like but I suspect you remember going back to magazines like Rebecca. Rebecca lived off the old Swansea City Council and West Glamorgan County Council

503. RT HON ALUN MICHAEL: There is a difference between the very local very often, is there not, where there is a very much shared interest in a particular set of things, which are perhaps well below the horizon of even Welsh level media. What role does the WLGA play in trying to foster an understanding of local government issues?
504. STEVE THOMAS: We would act as the national bridge between local government and the media. This year for example has been a very interesting year. We have had Icelandic banks, we have had the Sultan crisis and we have had the E Coli report last week, lots of scrutiny about council tax and a range of other things. The WLGA does try to speak as one voice for the family of local government. We try not to politicise that. We try to present what is a local government view, a consensual view, and we try to make sure that local government does not go back into reverse but always comments on stories. There is a topical news programme on tonight, Dragon's Eye, which will primarily be about local government stories, and there will be WLGA representation on there.
505. DANIEL HURFORD: We have undertaken a number of national campaigns recently about reputation and understanding of local government. Obviously you work closely with national broadcasts and the national media. As I am sure you are aware, the take above national media, whether it is broadcast or newspaper is varied in Wales. A lot of them rely on the UK newspapers, tabloids, all the UK news. Local press, local radios are very, very important and we tend to work with authorities, whether it is the communications departments or otherwise to try and get messages across about raising not just the reputation but the understanding of them, and what we are about and what we do.
506. COUNCILLOR JOHN DAVIES: I think it is also important to note that the WLGA have a series of training options available to elected members as far as media management is concerned, because it is about how you manage the media rather than about the media managing you.
507. OLIVER HEALD: In your paper at page 2 paragraph 2 you talk about performance and development of scrutiny across Wales and the UK, and it is a very lukewarm endorsement. You say the research indicates performance and development of scrutiny has being mixed and you then go on to quote the Beecham Review, "We have little evidence of public scrutiny as an effective lever for improvement". Do you not think the real test is the electorate? Every four years your councillors are up; they have to win or they lose. Is that not the real acid test; the electorate? To what extent are we rather placing too much reliance on these things like internal scrutiny and external initiatives?
508. COUNCILLOR JOHN DAVIES: I think internal scrutiny is valuable, it is helpful. It has a role and clearly that role needs to develop itself. I think it is developing itself. I acknowledge it does vary from certain quarters of Wales to another. I think the important part of scrutiny is that it adds value to the final product of what we are trying to achieve. Then you of course have external scrutiny, which happens every four years and increasingly so that is

happening. I think you heard from the previous speaker, Helen, earlier that there are now less uncontested seats in Wales than ever before. There are traditional parts of Wales where the percentage of uncontested seats run over 60% of the whole authority in the more rural parts of Wales. Those days have gone because people now have a greater sense of ownership as far as the democratic process locally. It is no great secret that the turnouts for elections in local authority elections are far greater than certain other strands of government, which also proves that there is local ownership as part of the democratic process of electing people into local authorities. It would be sad day if prescription was allowed to make a case of one size fits all, whether it is scrutiny, whether it is executive arrangements or whatever. Strength of local authorities and its democratic ownership lies in its diversity.

509. OLIVER HEALD: I am a bit surprised given what she said - and others in the previous session - that you do not argue more strongly for option 4.

510. COUNCILLOR JOHN DAVIES: Option 4 is applied in three authorities in Wales. It is not for me to question or judge how they apply and the effectiveness of option 4, but I think it comes back to what I said earlier; I think it is not a case of prescription. It is about what fits locally, and if people in a local electorate are not happy with what works well locally they will make their voices known in the fourth year of every term.

511. OLIVER HEALD: Are the powers adequate for these overview and scrutiny committees, because one thing that has been suggested is that they might need more power or a more wide-ranging remit.

512. COUNCILLOR JOHN DAVIES: I think there is an opportunity that has been missed today in Wales. We have heard mentioned the Beecham Review making the connections and we are in the middle of a health service reorganisation in Wales. I think there is more than can be done in the name of local government scrutiny - I should say public service scrutiny in Wales, by bringing the whole mechanism of local government scrutiny to scrutinise all public services in Wales and increase its capacity by doing so. What I would not suggest, and I do not think it would be conducive to effective local governance in Wales, is that you have a one size fits all prescription process. As mentioned, authorities do it in different ways for the simple reason their capacities are different, their line of business is different, their backdrop is different be it social, economic or otherwise, and I think it is important that the strength lies in growing your own locally.

513. RT HON ALUN MICHAEL: One thing that has just struck me as we are talking is the structure of the WLGA in terms of local authority members is largely, is it not, from the leadership of local authorities including leaders of council but also opposition leaders. Is there are large element of scrutiny built into the WLGA's own leadership?

514. STEVE THOMAS: In terms of the way we operate we have two primary mechanisms. We have what is known as a co-ordinating committee, which brings together the 22 leaders across Wales. We have changed dramatically

over recent years. When I started working in the WLGA in 2000 we had a 17 outright Labour majorities, we now have 2. We now have very much a multi-party approach to the way that we do business.

515. In terms of our own scrutiny, I suppose it is the members scrutinising the work of the WLGA at a national level. We have clearly geographical tensions within the association, which we have to seek to reconcile, and we will have political tensions. So there is almost a constant scrutiny going on.
516. RT HON ALUN MICHAEL: I was rather more thinking of whether there is a representation within the WLGA's operations of those elected members up and down the country who are involved in the scrutiny process rather than the leadership side. That was the point I was trying to just explore.
517. DANIEL HURFORD: There are some. It is obviously up to the authorities to choose their delegations, but I am aware of a number of members in the - - council who are scrutiny chairs or scrutiny managers.
518. RT HON ALUN MICHAEL: Perhaps not to labour that point; it would be interesting to know what that make-up is outside the meeting of the committee. One suggestion that has been made that I would like a brief comment on is the suggestion of giving a greater role in scrutiny to the full council rather than through scrutiny committees as such. Any views on that?
519. COUNCILLOR JOHN DAVIES: I think one of the strengths of the arrangements post Local Government Act 2000 is that you have on occasions, when there is a need, a swift and effective process and mechanism to get a decision made. When you go back to the old system, whether it was contentious or not, or whether it was a complex operational matter that had to be dealt with for the political arena, you could find yourselves going around the houses of subcommittees, main committees, auditor and finance committees and then finally the full council. That was not conducive in moving the organisation forward. Wales, like the whole of the UK is a fast-moving world and we need that fast-moving process, at times, to reflect what is happening in local government and its services.
520. RT HON ALUN MICHAEL: The question was should more of the scrutiny role and oversight role go to the full council rather than committees?
521. COUNCILLOR JOHN DAVIES: The answer to you, sir, therefore, is to do that is likely reflecting on the past and going back to the old system.
522. RT HON ALUN MICHAEL: You would view that as a backward step.
523. COUNCILLOR JOHN DAVIES: I would think it would be a backward step. However, there a number of issues deemed to be contentious and there are mechanisms in place in all authorities to allow matters to appear to the membership of the whole forum of council, which does happen.

524. RT HON ALUN MICHAEL: Would you regard that as a fallback for specific circumstances?
525. COUNCILLOR JOHN DAVIES: I think it is based upon the real needs basis, rather than the political one.
526. RT HON ALUN MICHAEL: Ok. On the scrutiny itself, what do you think of the view that it is not scrutiny so much as the culture that is important; that it is easy to have structures in place for scrutiny, which allow the boxes to be ticked but actually it is the culture within the authority, and whether scrutiny is an integral part of what it does and something that is welcome both by the leadership and by those involved in the scrutiny process that is really the key?
527. COUNCILLOR JOHN DAVIES: I think scrutiny does add value providing it works effectively and it is supported effectively, and there are some good examples in Wales. I think you have heard the one recently in the last few hours from Cardiff in regards to the Children's Services. We had a not quite similar, but where we had an issue on the Executive of concerns in Pembrokeshire with regards to its quality of its Children's Services. And an across the piece scrutiny working group was established on that basis giving across the piece political ownership. It actually turned the whole focus around, and actually added to the understanding of opposition members of what needed to happen, what is happening and what could be happening. So it can work effectively, it can add value. It also is a mechanism of course for political mischief, but that is democracy.
528. RT HON ALUN MICHAEL: That is a definition of democracy which we will note. One other idea that has been suggested, which is of more systematically co-opting individuals onto scrutiny committees. I think that could be seen either as co-opting people in order to be independent of the council membership or in an expert role. I think both options are there. What would your view be of those two suggestions?
529. COUNCILLOR JOHN DAVIES: It is a good idea but I think I would put a health warning in it as well because I think we need to be mindful of the code of conduct that exists for members of scrutiny committees as far as prejudicial interest and personal interest. Those who co-opt obviously come with a good understanding and usually an ownership of other interests. So we do question, therefore, where does their personal interest lie when we have code of conduct that has to be adhered to by an elected member, which may not be the case as far as co-optees are concerned. Because there are structures in existence and present in local authorities in Wales, especially when you deal with matters, of which you have governing body representatives sitting on scrutiny, and have voting rights. The issue of personal interests and prejudicial interests is not always understood by those individuals.
530. RT HON ALUN MICHAEL: Are you saying it could be valuable as long as it is treated with care and with adequate safeguards?

531. COUNCILLOR JOHN DAVIES: Definitely valuable, but with the right safeguards in place.
532. STEVE THOMAS: I would say it is a great idea. I would support that with openness. I was asked in a previous life to set up the scrutiny executive system in Caerphilly Borough Council. One of the things we did particularly in terms of scrutiny was look at key issues. A classic example was we looked at the issue of disability, disabled access and a range of things. We did co-opt people from the Disability Wales on to the scrutiny committees. The advice we had from those people absolutely guided us in terms of the inquiry that was put into place. I think that can be really value-added scrutiny. I think we are going into a situation now where we are having lots of discussions with members about what is going to be a very difficult financial climate we are about to go into. Finance scrutiny committees could draw in a range of people, including people from the Wales Audit Office and it could pull in people from professional accountancy bodies and could give them a range of advice and options about how to get through some very difficult budget choices. I think drawing from experience in is very important.
533. DANIEL HURFORD: Broadly the concept of co-option in Wales we are a little bit behind England in terms of some of the powers being given to scrutiny and around co-option as well, with the Assembly Government seeking legislative competence over that. Broadly the co-option concept is quite refined, as Steve said, it brings in additional expertise and a challenge as well. We also run scrutiny champion networks across Wales and we bring scrutiny members and officers together. Whilst members do generally recognise the value co-optees can bring, there is some concern with some members about the potential for dilution of democracy at the end of the day. We have heard that some members do not necessarily like the scrutiny models - they feel disenfranchised from a power decision-making process. The risk is that if you flood scrutiny committees with a number of co-optees at the expense of elected members there is a tension there, so it is a difficult one to balance, but certainly it is positive.
534. SIR CHRISTOPHER KELLY: It is a balance, not black and white. The point about not being subject to a code of conduct is an issue, which already arises with independent members of standards sometimes.
535. COUNCILLOR JOHN DAVIES: I think Daniel raises a very valid point because I have heard mentioned on many occasions the concern regarding the dilution of the democratic remit and ownership, so as being co-opted members in. That concern is usually held by members of more senior ranking within authorities, where they feel threatened by individuals who may have an understanding of the issues...
536. OLIVER HEALD: Just turning to the role of officer. I suppose I should have congratulated you on getting two out of the six UK awards for scrutiny; that was a tremendous record for Wales. This morning we were lucky enough to meet Kate Berry. She is Monitoring Officer, as you probably know, for Cardiff, a rigorous lawyer, totally dedicated to monitoring, and that is her role.

Of course we have also heard that some of the councils' officers are trying to do both jobs, ride both horses. They are reporting to the executive and working to them, and also working to the scrutiny. Is this not a recipe for an undermining of scrutiny? Does it not lead to a potential for not a whitewash exactly but officers unable to see the faults? Should there not be a dedicated cadre of officers whose job is to do the scrutiny role, like Kate does, rather than trying to ride both horses?

537. STEVE THOMAS: When we set up the system in my previous authority, we had a very robust debate about the idea of almost a Chinese wall between officers. The problem we had was when we hit the seniority problem. Inevitably, the corporate management team of a local authority spends most of its time advising an executive, not scrutiny chairs or panels. As I suspect, John Woods endorses this almost daily contact between a leader of a council and a chief executive of council. I would hope there is almost daily contact between them. We struggled in terms of that seniority problem because whatever you put up as a support of scrutiny there is a danger almost of having the big hitters on the opposite side of it and a range of junior officers supporting scrutiny. I think that is why the independent dimension coming to scrutiny is very important, so that does add grit in the system.

538. I think the other problem that we hit in terms of the Chinese wall debate as well was just the sheer cost of it. You almost sort of envisaged at one time two separate management teams; one which would primarily deal with the executive and one that would primarily deal with scrutiny.

539. Let me put this very clearly, I am not saying here that a corporate management team is just for the cabinet members, but that in local government in the system seems to me to be their primary focus. I think that has been a problem that has been built in the system. I know Cardiff for example put in a very senior chief scrutiny officer. Cardiff is a very large authority and many authorities do not have the resources to do that.

540. I think it goes back to that previous question about if you are going to get that sort of grit into the system you do really want people external authority to provide that. I would say this applies equally; not just in local government but it also applies in the National Assembly for Wales. The information that the Welsh Assembly Government had clearly can be much more overwhelming than the scrutiny side in the Assembly. So I think that is something, which we would never really squared that particular circle in terms of the support to scrutiny and the support to the executive.

541. COUNCILLOR JOHN DAVIES: I think from a political point of view cross-fertilisation of officer expertise and support to both executive and the scrutiny process does have its benefits. It does also have its pitfalls. Arms lengths arrangements as far as trust and accountability and balance especially is useful but it is about the capacity of authorities. It is also about, as I said from the start, one size does not fit all. It also is often the case that effective relationships can be built up as far as understanding the issues between the executive and the scrutiny process. Because if it is wrong there is no

individual within the scrutiny process that is going to allow an executive to get away with it. It is not about cosy relationships; it is about effective relationships, and they will be from authority to authority. That is why I resist a prescription that says, "This is what needs to happen in the name of scrutiny ways, and this only". It has to be a mixed culture.

542. OLIVER HEALD: I think Alun is going to ask you about scrutiny and partnerships now.

543. RT HON ALUN MICHAEL: Yes. There is an increase in the partnership working that is necessary. Some of that is between local authorities, others are inevitably with local authorities and other bodies whether it be the Health Service or whatever. The question is raised that whereas my personal view partnerships are necessary, because otherwise you are not dealing with the whole of an issue, that scrutiny becomes more difficult. Do you have answers to that and do you have examples of good practice on good scrutinising partnerships?

544. COUNCILLOR JOHN DAVIES: With the increased emphasis on effective partnerships, yes, it is becoming more difficult to have the effective ownership of scrutiny of those specific services. I think here lies an opportunity that must not be missed in the next few years, as far as strengthening the role and the name scrutiny in waves of public services. We have for instance health at the present time, a key stakeholder as far as local government is concerned. We have the issue in the melting pot under the review of the Community Health Councils and the new structure being proposed. We are suggesting that local government bring it closer to the scrutiny process, which would be totally arms length with that of local government. Because our concerns are equal to why reinvent the wheel. The police service is another one, in the police authorities--.

545. RT HON ALUN MICHAEL: We are just coming on to that. I asked questions to earlier witnesses. With the crime reduction partnerships there is a methodology and a system there of audit and scrutiny and a self-renewing process. Interesting from your point of view because I believe you are a member of the Police Authority as well. There is a mechanism there; do you feel the local authorities in Wales are actually using that mechanism because actually crime reduction very often is of great interest to local councillors, is it not?

546. COUNCILLOR JOHN DAVIES: Where you have community safety partnerships in place that are actually at the front line of delivery on the agenda, I think there is a deficit there that needs to be filled, and there lies an opportunity to do so. At this present time it has not happened to date. Clearly with inspection of our police authorities happening the whole question therefore of scrutinising what they do I think can be brought closer to the centre. I say the centre because reinventing the wheel, God knows how many times, would not be useful or add to public trust and confidence. What is needed is clarity within the process of scrutiny.

547. RT HON ALUN MICHAEL: Drive the system that is there.
548. COUNCILLOR JOHN DAVIES: Yes.
549. STEVE THOMAS: As well as the point you make, I think there is a real tension in Wales between what I would describe as additional representative democracy and the emergence of a more participatory democracy. You mentioned the local service boards. I was talking to an old councillor friend of mine who has been in local government for something like 30 years. He came to a district, went to a county and went to a unitary. He told me it was about being effectively more and more disenfranchised, "I do not like scrutiny, and we have all these partnerships, which are then taking further decisions away from me". I think many local authority members have problems reconciling that tension. Some of the better authorities solve that tension by embracing it wholeheartedly. I think one of the things good authorities will do, whether that will be to have very active partnerships with the voluntary sector. Again I can recall arguments with councillors basically saying, "The voluntary sector do not seem like volunteers any more". Of course they are not volunteers any more. They have to put a professional cadre in and then they have to accept that fact. But that is a growing factor not just a devolution, but of civil society across the UK.
550. SIR CHRISTOPHER KELLY: Thank you very much. The question we got onto at the end about partnerships and scrutiny of partnerships is I suspect one of the more important ones for this inquiry. We have not really had time to cover it properly. If there are any further thoughts on that you wanted to give us, it would be very much appreciated. Thank you.

[ends]

26th March 2009 Public Hearing

Opening Statements

Opening Statement by Brian Gibbons, Minister for Social Justice and Local Government

Thank you for giving me the opportunity to speak with you today. I hope you have seen the written submission sent in by the First Minister last month. I will not repeat what he said now but will add to it.

We have now been operating the new political arrangements introduced under the Local Government Act 2000 since 2002. We have 22 unitary authorities in Wales and 19 of them operate a leader and cabinet model with the other three operating what we call the Fourth Option (after the leader and cabinet and the two mayoral models) but is more properly called “alternative arrangements”. In Wales, the regulations governing alternative arrangements are more prescriptive than in England and involve the leadership of the council being in the hands of a politically balanced board, whose functions are not unlike that of an executive. There are scrutiny committees also. Therefore, although there are some differences, I think it is possible to talk about the 22 in most cases.

Overall, I’m satisfied that the public have a clearer view of accountability under these arrangements. Having individual portfolio holders responsible for the major functions enables citizens to identify who is responsible for the major policy decisions in a council. There is the clarity about who is really the leader of a council, which before the 2000 Act really rested with the leader of the largest group but they had no constitutional position in relation to the council. There is the clear division between executive and scrutiny and this is a systematic check which can, when made full use of, both call the leadership to account and develop new policy options.

We do, however, need to improve the current arrangements so that they sit better with an environment in which local authorities are co-operating across boundaries and also cooperating with other public bodies through Local Service Boards established in each county area for that purpose. The Assembly Government is currently seeking to acquire what we call “measure powers” in relation to the governance and scrutiny of local authorities in Wales and there is a clause within the Local Democracy Bill, now going through its Parliamentary consideration, which would achieve that. The effect of the clause would be to transfer primary legislative competence from Parliament to the National Assembly and, if successful, we intend to bring forward a “Measure”, our equivalent of a Bill, in the next Assembly year (2009/10).

We want to introduce more flexibility into the executive structures and we want to broaden scrutiny so that joint scrutiny committees can be established and so that they can co-opt non-councillors to strengthen their capacity and be provided with the ability to effectively monitor all public services in their area.

I know that one of the areas you are examining is that of elected mayors. I'm afraid we might not help you too much in that respect because we have none nor have we had a great deal of public interest in the concept. None of the consultations which local authorities ran in 2001 showed much enthusiasm for these models but we did have one referendum, in Ceredigion, in 2004, as a result of a petition largely motivated by local issues there. The result was a two thirds majority in favour of keeping the existing structure. Ceredigion is a small rural county and was probably not the sort of authority which the architects of elected mayoral models had in mind.

Equally the transition to our present 22 unitary authorities and their new executive arrangements has meant a degree of structural change – further complicated by 5-6 party democracy at local level.

To date, we have not had any moves in our conurbations to move in this direction. One can only speculate as to why this might be. It could be that the arrival of the Assembly in 1999 diverted attention away from local government in providing an alternative focus to which the public might relate.

I would like to conclude by saying a little about the approach to public sector governance which we have adopted in Wales . I should say first of all what I mean by governance since it can mean different things to different people. Governance in this context is about the way in which organisations direct their activities and engage with the communities they serve. So it is as much about culture and values as about systems and processes.

The Welsh Assembly Government has developed the Citizen-centred Governance Principles which we believe should underpin the way in which public services should operate. These are *putting the citizen first; knowing who does what and why; engaging with others; living public service values; being a value driven organisation; fostering innovative delivery; being a learning organisation; and achieving value for money.*

We feel a citizen focus and challenge is a better driver for public service improvement than more market based approaches. This emphasis is, I believe, in line with Welsh political and cultural values.

We are committed to ensuring that the extent to which public service organisations are aligned to the Principles are reviewed and we are working towards that within the broader Welsh regulation, inspection and audit regime.

I am happy to answer any questions you might have for me.

Opening Statement from the Welsh Local Government Association

The WLGA welcomes the opportunity to contribute to the Committee on Standards in Public Life Inquiry into Local Leadership and Public Trust: Openness and Accountability in Local and London Government.

The Welsh Local Government Association (WLGA) represents the interests of local government and promotes local democracy in Wales. It represents the 22 local authorities in Wales and the 4 police authorities, 3 fire and rescue authorities and 3 national park authorities are associate members.

Following the Local Government Act 2000, the majority of Welsh authorities (19 of the 22) established and continue to operate the leader and cabinet model, whilst 3 operate alternative arrangements also known as 'politically balanced boards'. As the committee will be aware, matters regarding Welsh local government policy have largely been devolved to the National Assembly for Wales.

The WLGA supported the rationale for the introduction of executive models of decision-making in local government following the Local Government Act 2000. Broadly, the executive structures have delivered their intended aims, including efficiency of decision-making, clearer leadership, accountability and transparency around the decision-making process.

The cabinet model also aids public understanding of the local decision-making process by providing a degree of 'constitutional consistency' as it broadly reflects the established cabinet model and executive-scrutiny split of Westminster and (following the Government of Wales Act 2006) the National Assembly for Wales.

The WLGA has however consistently called for a clearer codification of the governance arrangements in Wales since devolution. Whilst the All Wales Convention is currently assessing the levels of public awareness and understanding of the National Assembly for Wales, there is considerable scope for confusion around accountabilities, representation and responsibilities within Welsh public services and governance arrangements. The WLGA is currently seeking a 'concordat' with the Assembly Government which would codify the relationship and respective responsibilities of local and devolved government in Wales.

Clearer more coherent structures or systems of local governance, such as the cabinet model, can aid public awareness and understanding and therefore have a positive impact on public trust in local leadership. However, structures or systems are only the framework for governance; there are other more significant and often complex factors at play affecting public perception and trust including the conduct of members or officers, the performance of local services, public engagement, media coverage and wider matters relating to trust in politics and government generally. Interestingly, the Committee's own survey of public attitudes towards conduct in public life published in November 2008 indicated that 35% of adults in Wales felt that the standards upheld by public office holders had improved during recent years, with 16% believing standards in Wales had got worse. Whilst the survey did not refer to causal factors, public trust in councillors in Wales was broadly on a par with that of other representatives and levels of government at 54%, compared to 60% of people trusting their local MP 'a lot or a fair amount', 55% trusting 'local AMs', 55% trusting Welsh Assembly Government Ministers, 51% trusting AMs generally and 42% trusting MPs generally.

Although it is generally recognised that the post-2000 executive structures have been influential in more clearly defining local leadership, research indicates that the performance

and development of scrutiny across Wales and the UK has been mixed, for example, the report of the Beecham Review into Wales' local public services in 2006 stated that "We heard little evidence of public scrutiny as an effective lever for improvement."³ The gradual development of scrutiny has been a common trend across local government generally and it has been noted that scrutiny in the UK Parliament and the National Assembly for Wales has taken time to develop and embed, experiencing common scrutiny challenges of culture, capacity, time-management and relationships with the executive (see ⁴ and ⁵).

Scrutiny capacity, culture and expertise in Welsh local government continues to develop and there are emerging examples of leading practice in Wales, evidenced by Welsh authorities winning 2 out of the 6 inaugural UK Scrutiny Awards in June 2008. Similarly, councils are investing in scrutiny support and scrutiny development remains a key priority for the WLGA's Improvement and Governance team and the Assembly Government (which is seeking to introduce new powers for local scrutiny in line with those introduced already in England around scrutiny of public services, compulsion for external representatives to give evidence and councillor calls for action).

There was an inevitable cultural and developmental transition from the well-established committee system following the 2000 Act, which saw a number of councillors feeling disenfranchised with their new non-executive roles. Whilst some members still harbour this view and may favour a return to the traditional committee system, more recently elected members without prior experience of the committee system often have a more positive view and experience of scrutiny, although this can be undermined if scrutiny is not encouraged as a key part of a council's corporate culture. The Assembly Government's proposals to broaden overview and scrutiny powers (in line with England) to include wider local public services have been particularly welcomed and have the potential to reinvigorate local scrutiny.

³ 'Beyond Boundaries, Citizen Centred Local Services for Wales', Report to the Welsh Assembly Government, 2006

⁴ Parliamentary Liaison Committee, "Shifting the Balance: Select Committees and the Executive" 3 March 2000
<http://www.parliament.the-stationery-office.co.uk/pa/cm199900/cmselect/cmliaisn/300/30002.htm>

⁵ Pp 56, 57, 131, 132, 137 - The Report of the Richard Commission, Spring 2004
<http://www.richardcommission.gov.uk/content/finalreport/report-e.pdf>