



Briefing:

How can sustainable development be promoted through overview and scrutiny?

In theory, overview and scrutiny offers exciting opportunities for scrutinising the sustainable development performance of local authorities. In practice, many local authorities are still struggling to make overview and scrutiny effective (see the briefing “The new political management structures – how well are they working?”), and therefore progress on sustainable development scrutiny has been slow. But as overview and scrutiny practice improves, there should be improved opportunities for promoting sustainable development through overview and scrutiny.

This note considers:

- 1 methods for promoting sustainable development through overview and scrutiny.
- 2 ideas on how to support sustainable development scrutiny.

This note draws on the experience of the Best Value and Sustainable Development Pathfinder authorities, (see the briefing “Experience to date” in the “Best Value” resources area), and discussion at the Annual Local Sustainability Conference held in Swansea, October 2003.

PROMOTING SUSTAINABLE DEVELOPMENT THROUGH OVERVIEW AND SCRUTINY

Scrutiny panels may:

- develop and review policy
- hold the executive to account
- conduct Best Value reviews
- scrutinise external bodies.

Government guidance encourages overview and scrutiny to take a cross-cutting approach:

“The Secretary of State encourages local authorities to make arrangements for [overview and scrutiny] policy reviews with cross-cutting themes rather than focusing on single functions. This will be particularly important in the community planning process.” (*New Council Constitutions*¹ Paragraph 3.55.)

Overview and scrutiny is therefore a valuable opportunity to take a systematic look at how well the council is promoting sustainable development.

There has been some confusion over the power to “hold the executive to account”. The revised Government guidance on *New Council Constitutions* notes that “this can have four principal elements:

- scrutinising decisions which the executive is planning to take (for example, those on the forward plan);
- scrutinising executive decisions before they are implemented (a so-called 'call-in' mechanism);
- scrutinising executive decisions after they have been implemented, whether shortly afterwards or as part of a wider review of policy, to measure their effect;
- reviewing the performance of the executive and the local authority's senior officers.”

Overview and scrutiny can therefore consider both policies and how effectively those policies are being implemented (performance). Performance scrutiny is particularly important for sustainable development, because often policies can sound very sustainable, but how they are implemented is quite different.

Scrutiny of policies and performance

Policy scrutiny assesses the quality and appropriateness of policies, eg investigates the suitability of the council's tourism policy.

Performance scrutiny asks how faithfully and effectively policies are being implemented, eg investigates if the council's tourism policy has been followed through into day-to-day decisions.

Sustainable development scrutiny can be dedicated (one-off reviews of the council's sustainable development policy or performance), or embedded (considers the sustainable development implications of all scrutiny reviews. Both are valuable.

Two types of sustainable development scrutiny

Embedded Incorporates sustainable development scrutiny into existing scrutiny mechanisms, eg ensures that a review of the council's approach to social inclusion considers the sustainable development impacts.

Dedicated Undertakes special sustainable development scrutiny of policies or performance, eg investigates the council's corporate mechanisms for promoting sustainable development.

Overview and Scrutiny panels have a variety of tools available. They can:

¹ *New Council Constitutions: Guidance to English Authorities*, ODPM, revised 2003.

- collect evidence
- commission others to collect and present evidence
- interview executive members and officers (about sustainable development impacts of their decisions)
- interview 'expert witnesses' (including local sustainable development specialists and NGOs)
- invite community representatives and experts onto the panel
- consult the local community by inviting written comments and presentations, or holding public meetings/workshops.
- speak to users of council services
- make site visits or sample local services.

The table below suggests a number of ways in which overview and scrutiny might consider sustainable development. Although it separates out policy and performance reviews (with the latter grouped under "holding the executive to account"), these can of course be combined into a single review.

SUSTAINABLE DEVELOPMENT ROLES FOR OVERVIEW AND SCRUTINY

Policy reviews	D	Review council's sustainable development policy or community strategy to see if it meets (changing) local and national sustainable development priorities.
	E	Consider the sustainable development performance of all policies and strategies that are under review.
Policy development	D	Develop policies for sustainable development objectives that are not adequately covered by other council policies, eg sustainable development procurement or climate change.
Holding the executive to account	D	'Call in' executive decisions before they are implemented, if they appear to be in major conflict with the authority's sustainable development (community strategy) policies.
	D	Investigate how effectively the council's sustainable development policy or community strategy is being implemented.
	E	Investigate sustainable development performance as part of a wider review of how effectively a policy is being implemented.
Best Value reviews	D	Request Best Value reviews into how well the council is promoting sustainable development or an important component of sustainable development .
	E	Check that all Best Value reviews have: <ul style="list-style-type: none"> • followed the executive's advice on how to take sustainable development into account within Best Value reviews. • reached sensible conclusions, eg on significant sustainable development impacts. • incorporated sustainable development recommendations and conclusions within the review recommendations.
External scrutiny	D	Review external organisations' contribution to sustainable development.
	E	Investigate sustainable development performance as part of a wider review of external organisations.
	D	Conduct sustainable development audit of conditions in the local authority area, perhaps as a contribution to developing or monitoring the implementation of the community strategy.

D = Dedicated E = Embedded

Example from practice: [Durham County Council](#) overview and scrutiny conducted a review of the Council's sustainable environment policy. Recommendations from the review included increased training and awareness on sustainability and environmental issues, significantly increased investment in energy-efficiency measures, and a more formal system of monitoring and reporting the Council's environmental performance.

Supporting sustainable development scrutiny

Many local authorities have found it difficult to consider sustainable development within overview and scrutiny. The difficulties arise from both:

- general weaknesses in overview and scrutiny (see the briefing “The new political management structures – how well are they working?”).
- the usual obstacles to raising the profile of sustainable development within local authorities.

The table below suggests some ways for overcoming these barriers. However, overview and scrutiny is still very much evolving, and therefore it is not possible at this stage to conclude which of these methods are most effective.

SUPPORTING SUSTAINABLE DEVELOPMENT SCRUTINY

Problem	Action
Sustainable development is forgotten during scrutiny reviews	<ul style="list-style-type: none"> • Ask one or more panel members to act as sustainable development champions, with responsibility for raising sustainable development issues throughout the scrutiny process. (Although in the long run it may be better for all scrutiny members to accept responsibility for sustainable development.) • Establish procedures for considering sustainable development in all reviews, eg sustainable development checklist for identifying key sustainable development impacts at the start of any scrutiny review, sustainable development section in final report. • Appoint standing panels with responsibility for scrutinising sustainable development.
Scrutiny panels don't have the capacity to consider sustainable development	<ul style="list-style-type: none"> • Provide training for members on: how they might introduce sustainable development into the scrutiny process, eg. build on the table on sustainable development roles above; hold workshop to identify key sustainable development issues for the review at the start of every review (perhaps as part of general introductory workshop). • Invite sustainable development specialists to be members of the panel, or ask them to present evidence to the panel. • Ensure that officer support to scrutiny panels includes an sustainable development input, eg. sustainable development officer advises scrutiny officer, or direct support from sustainable development officer to the panel.
Sustainable development seems too big or diffuse to tackle	<ul style="list-style-type: none"> • At an initial workshop ask panel members to identify a small number of key sustainable development impacts of the theme under review, and focus on these for the rest of the review. • Ask another person or body (eg. sustainable development forum) to identify key sustainable development issues for consideration during the review.
Sustainable development is inadequately considered	<ul style="list-style-type: none"> • Identify the evidence necessary to investigate the key sustainable development issues early in the review. Collect, interpret and report this information to the panel. • Help panel members to identify sustainable development questions to ask of witnesses. Train panel members (role play) to recognise inadequate answers and to ask supplementary questions. • Make sure that the final report includes a section on sustainable development performance with precise action orientated recommendations.

Example from practice: [Cambridgeshire County Council](#) has agreed a sustainability checklist for overview and scrutiny committees to apply to reports and issues that they discuss. The checklist draws together the council's overarching corporate policies.

Example from practice: [Bradford City Council](#) has an environment overview and scrutiny committee with responsibility for sustainability. In its first year it set out to: review the local state of the environment; produce an annual report on the council's impact on the environment; host a conference or debate on environmental issues.

Example from practice: [Bristol City Council](#) has established six 'scrutiny commissions', one of which is a Sustainable Development and Social Justice Scrutiny Commission. The Commission's terms of reference include agreeing and delivering an annual programme of work, and to undertake scrutiny and call-in for any council services that have a significant impact on sustainable development.

Example from practice: The English Regional Assemblies are piloting embedded sustainable development scrutiny of regional development agencies and other regional partners. The pilots include: holding workshops for panel member to identify the key sustainable development issues that they want to address for each topic under review; identifying in the workshops what sustainable development related questions the panel wants to ask of the RDA; building the key issues into the terms of reference for the scrutiny review and into research briefs issued to consultants;

Example from practice: The South West Regional Assembly commission Sustainability South West to prepare briefings for scrutiny panels on the sustainability implications of the topics that they are scrutinising.