

# Scrutiny for Policies, Adults and Health Committee

Wednesday 6 November 2019

10.00 am Taunton Library Meeting Room,  
Paul Street, Taunton, TA1 3XZ



To: The Members of the Scrutiny for Policies, Adults and Health Committee

Cllr H Prior-Sankey (Chair), Cllr M Healey (Vice-Chair), Cllr P Clayton, Cllr M Caswell, Cllr A Govier, Cllr B Revans, Cllr A Bown and Cllr G Verdon

All Somerset County Council Members are invited to attend meetings of the Cabinet and Scrutiny Committees.

Issued By Scott Wooldridge, Strategic Manager - Governance and Risk - 29 October 2019

For further information about the meeting, please contact Julia Jones on 01823 357628, [Democraticservices@somerset.gov.uk](mailto:Democraticservices@somerset.gov.uk)

Guidance about procedures at the meeting follows the printed agenda.

This meeting will be open to the public and press, subject to the passing of any resolution under Section 100A (4) of the Local Government Act 1972.

This agenda and the attached reports and background papers are available on request prior to the meeting in large print, Braille, audio tape & disc and can be translated into different languages. They can also be accessed via the council's website on [www.somerset.gov.uk/agendasandpapers](http://www.somerset.gov.uk/agendasandpapers)



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## AGENDA

Item Scrutiny for Policies, Adults and Health Committee - 10.00 am Wednesday 6  
November 2019

1 **Scrutiny Review Report** (Pages 3 - 20)

Report to follow.

## Review of Scrutiny function

Lead Officer: Scott Wooldridge, Strategic Manager, Governance

Author: Jamie Jackson, Service Manager, Governance

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Cabinet Member: N/A

Division and Local Member: N/A

### 1. Summary

- 1.1. Effective scrutiny helps secure the efficient delivery of public services and drives improvements within the Council and, if done well, amongst other public service providers too. While scrutiny has matured in Somerset over the years, it still faces challenges.
- 1.2. As part of organisational transformation and taking forward Peer Challenge recommendations, the Council has undertaken a thorough review of its scrutiny function. The review has considered best practice from other councils and the latest Government statutory guidance in May 2019. Our review has also involved working with the Centre for Public Scrutiny (CfPS). Their covering report along with final review report (attached as Appendix A) provide the Committee with an opportunity to consider a series of recommendations and suggest any further developments they consider appropriate.
- 1.3. The majority of the recommendations in this report combine both the short term improvements that can be taken forward from the CfPS report along with recognising that the necessary cultural improvements to develop and embed better scrutiny form part of a longer term programme of work commencing before the end of 2019 through until March 2021.

### 2. Issues for consideration / Recommendations

The Committee is asked:

- 2.1. to endorse and recommend to Full Council that the Council implements a programme of cultural transformation and improvements to its scrutiny arrangements by March 2021, including the provision of additional resources in the Democratic Services Team and members training budgets to deliver the enhanced scrutiny arrangements;
- 2.2. to endorse 10 of the 11 recommendations within the Centre for Public Scrutiny's 'Supporting governance, scrutiny and member support in Somerset County Council' report as detailed on pages 9 and 10 of Appendix A; The Committee is asked to agree to an alteration to Recommendation 6 within the CfPS report and limit the number of agenda items to an absolute maximum of 4, rather than two as currently recommended, as this more accurately reflect the current position of the Authority and the size of the workload.
- 2.3. to consider and make any further recommendations it considers appropriate to include as part of the Scrutiny Review with reference to the Government's new

statutory guidance, best practice from other councils and the members workshop held in September 2019;

- 2.4. to support all recommendations relating to the Scrutiny Review being recommended by Full Council on 27<sup>th</sup> November 2019 and for the improvements to be taken forward from January 2020 to March 2021;
- 2.5. The Scrutiny for Policies and Place Committee to receive a quarterly progress report on the improvements and review of scrutiny arrangements.

### **3. Background**

- 3.1. The Council undertakes an annual review of its democratic arrangements and its Constitution to ensure they remain fit for purpose for the organisation and meet its legal duties.
- 3.2. The Communities and Local Government Select Committee undertook an inquiry into the effectiveness of scrutiny in local government in 2017. The select committee's report identified a number of areas for improvement. This work has led to the development of the new statutory Scrutiny Guidance which was published in May 2019.
- 3.3. While Scrutiny has matured in Somerset over the last decade, it still faces challenges. These have included officer driven agendas, Scrutiny Committees being used as a 'tick box' for agreeing new policy and not providing the Committees the opportunity to add value, limited member engagement and overcrowded agendas and work programmes.
- 3.4. The Peer Challenge in 2018 identified, as one of the key recommendations, that 'Somerset County Council should review its scrutiny arrangements as part of making it more effective, ensuring all councillors are equipped to play an active role and contribute to the policy making and key decisions affecting the future of Somerset's residents and the council, and that its governance arrangements are reflective of this.' In parallel, as part of the organisational transformation work it was recognised there was a need to improve the Council's scrutiny arrangements. As a result the Council commissioned the nationally renowned Centre for Public Scrutiny to carry out an independent review of the scrutiny function at SCC between March and May 2019. This involved attending all 3 Scrutiny Committees (Place, Adults and Health and Children and Families) during April and conducting a Member survey, before producing an initial draft report in late May. This was subsequently reviewed with the Leader, Deputy Leader and Scrutiny Chairs and Vice Chairs in June.

- 3.5.** Following receipt of the draft Scrutiny Review report the Leader and the 3 Scrutiny Chairs agreed that the next step should involve an all member workshop to discuss the report, the recommendations within and consider these alongside the recent issued national guidance and the council's transformation work. The workshop was held in September, where members received an introductory briefing on the recently published statutory Scrutiny guidance for councils, an appraisal of the scrutiny arrangements and scrutiny resources at Devon County Council, provide a valuable opportunity for members to discuss the ideas and opportunities to make scrutiny more effective. The workshop provided the opportunity for members to discuss the Centre for Public Scrutiny's report and other ideas that members had for improving scrutiny prior to the report formally considered at all 3 Scrutiny Committees in November, as well as Cabinet, ahead of the recommendations being presented to Full Council in November. The workshop was facilitated by Ian Parry, from the Centre for Public Scrutiny who wrote the CFPS's report.

One of the main areas of focus discussed by the Members present, was that the report was focusing on an ideal scenario for 'pure scrutiny' and did not necessarily completely reflect the reality of day to day Local Authority and Committee working styles and politics. There was also concern raised that the report was in parts generic and Members felt that what the Council adopts should be more Somerset specific. This is reflected in the amended recommendation relating to the number of agenda items and a consensus that Cabinet Members and the relevant Director should co-present agenda items, rather than a select Committee style approach, which Members agreed didn't consider appropriate for Somerset County Council.

- 3.6.** The report of the Centre for Public Scrutiny, attached as Appendix A, gives a comprehensive analysis of the current arrangements and contains 11 specific recommendations for how scrutiny might be improved at the Council. Several of these recommendations can be defined as logistical or practical changes and therefore are relatively easy and straightforward to implement. Other recommendations are more cultural and these will take longer to embed and will require a change of approach throughout the Council by Members and officers.

The easier to implement changes include reducing the number of formal committee meetings in order to provide each scrutiny committee with the opportunity to focus its available resources on areas such as the development of commissioning plans, undertaking more partnership scrutiny, review opportunities for services improvements and doing more scrutiny outside of formal committee meetings e.g carrying out visits to frontline services and greater use of task and finish groups. Improvements to work planning (including quarterly joint work planning meetings across the committees), more focused agenda setting, improved meeting layouts, as well as a strict adherence to no 'for information' report as part of any formal agenda, would be relatively straightforward to implement during 2020.

- 3.7. The cultural work that has been identified will require a more gradual introduction, as members assume more ownership with the work programme and actively suggest and pursue items they wish to be considered, as well as Cabinet and officers making greater use of utilising Scrutiny as a sounding board early in policy development and consider their recommendations when shaping decisions and focusing on outcomes. There must also be an emphasis of greater ownership and engagement by all Scrutiny Committee Members, as well as a depoliticising of scrutiny where possible, for example removing the need for political group pre-meetings and replacing with pre-meetings for all Committee members, to agree themes of questioning and specific areas of interest. These types of changes will take time to embed and as result the intention is to have implemented and fully embedded all of the recommendations by March 2021, to align with the new quadrennium. It is however anticipated that all Members will begin to notice changes to the way scrutiny is working and conducted with an immediate effect.
- 3.8 Although the CfPS's report is comprehensive and suggested improvements and amendments in a number of areas, the Committee are invited to suggest other areas or issues that could be addressed at this time and can be incorporated in the overall review. Officers are especially keen to seek the Committee's views on the relationships with Cabinet members, senior officers and also how they would like to be consulted and incorporated within policy development.

#### **4. Consultations undertaken**

- 4.1. Page 11 of the Centre for Public Scrutiny's final report details the Members and officers who were met with on an individual basis.
- 4.2. All Members were invited to take part in an online Scrutiny survey. Over 40% of Members completed the survey, the results of which form part of the Centre for Public Scrutiny's final report.
- 4.3. 20 County Councillors attended the Scrutiny review Member workshop in September.

#### **5. Implications**

- 5.1. While there are no direct budget implications within the CfPS recommendations, the review of other councils and the new statutory guidance identifies the need for more scrutiny training and development for members, the possibility of conducting scrutiny in different ways, including increased use of visits and travel around the County. These recommendations will result in increased Member expenses and training budget requirements. However this should be considered alongside a reduction in officer demand, especially at a senior level, to prepare reports, briefings and attend a reduced number of formal Committee meetings from 2020.
- 5.2. The cultural transformation required, improved work planning and policy advice support will require dedicated officer resources in addition to what the council provides through the Democratic Services Team. The Strategic Manager, Democratic Services has reviewed other councils and the CfPS recommendations and has identified, as a minimum, the need for an additional

scrutiny support officer within the Democratic Services team. This additional officer resource and training resources for members forms are an integral part of the recommendations as they will be essential to support successful implementation by March 2021 and will have specific responsibility for policy research, liaison with members and officers throughout the Authority and scrutiny training and development.

## **6. Background papers**

- 6.1.** Supporting governance, scrutiny and member support in Somerset County Council – Centre for Public Scrutiny - May 2019
  
- 6.2.** Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities – Ministry of Housing, Communities and Local Government – May 2019

**Note** For sight of individual background papers please contact the report author

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Supporting governance, scrutiny and member support in Somerset County Council

Final Report

May 2019

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## Supporting scrutiny, governance and member guidance

### Introduction

Scrutiny plays an essential role in policy shaping, holding the executive to account and reviewing issues of importance to local communities. For it to do this effectively the scrutiny function and members need to develop a shared understanding on the role, purpose and objectives of overview and scrutiny. Scrutiny has to be a whole council responsibility and not left to a few members in scheduled meetings. It needs to be strong on prioritisation, develop strategic work programming and engage in evidence-based objective enquiry. It must have measurable impact on policy shaping, decision making, value and the quality of council services.

Somerset County Council is keen to drive the council's ambitious plans for its local economy, healthy communities and infrastructure projects. It also wishes to ensure that scrutiny arrangements are effective and support the council's goals, through constructive challenge and visible accountability.

Following a recommendation in SCC's external corporate peer review the Council engaged the Centre for Public Scrutiny to provide a comprehensive review of scrutiny and member support arrangements and to provide proposals and recommendations on where it could improve and develop the effectiveness of scrutiny.

The review also takes into account the recently published government [MHCLG] guidance on Overview and Scrutiny in Local Authorities [May 2019]. CfPS were closely involved in this guidance and were therefore able to include it in the review prior to its official publication.

CfPS is the leading national body promoting and supporting excellence in governance and scrutiny. Its work has a strong track record of influencing policy and practice nationally and locally. CfPS is respected and trusted across the public sector to provide independent and impartial advice.

CfPS is an independent national charity founded by the Local Government Association [LGA], Local Government Information Unit [LGIU] and Chartered Institute of Public Finance Accountants [CIPFA]. Its governance board is chaired by Lord Bob Kerslake.

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## Review process

This review considered the following:

### Review of the arrangements to support members, governance and scrutiny.

#### 1. Scope

##### 1. Members, meetings and agendas:

Are there barriers to member engagement, is there a shared understanding of scrutiny's mission? How are meetings structured, chaired, supported and attended? What is achieved? Are agendas focused? Are they balanced or cluttered, indulgent or objective?

##### 2. Structure and work programming:

Are the scrutiny committees able to offer effective scrutiny across the council? Are committee work plans aligned or are there gaps, overlaps and is the workload spread as evenly as possible? Are work plans strategic and focused on achieving positive outcomes? Are they affiliated to the corporate plan and its delivery? Are they prioritised and able to show a value contribution?

##### 3. Support and resources:

How effectively are members supported in their community roles and how does this provide adequate insight into public concerns and issues that supports the work of scrutiny. How well do officers (not just scrutiny officers) support the work of scrutiny? How embedded is scrutiny in policy development, budget and MTFS planning?

##### 4. Relationships, behaviours and culture:

Are relationships between executive and scrutiny mature and based on trust? Is there good, robust challenge. Are there points of unnecessary conflict or tension? Can executive and scrutiny openly share. What are officer and scrutiny relationships like? Is scrutiny getting the best out of both executive members and officers?

##### 5. Member skills and development opportunities

Is there a reasonable spread of interest, experience and ability across committees? What are the specific gaps in skills, knowledge and experience? How can members support themselves and each other?

##### 6. Contribution, performance and value-adding:

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What difference is scrutiny making, how does it contribute to council improvement, council performance, service delivery and improved outcomes for Somerset.

### **7. Improvement programme:**

How can scrutiny achieve more? What needs to change culturally and structurally to make it happen. What part can stakeholders, scrutiny members, chairs, cabinet members, Leader and CEO team play in effecting and supporting change and improvement?

### **8. Working with and scrutiny of partners:**

This review did not include within its scope scrutiny of partner organisations. However, this is an increasingly crucial area for scrutiny activity. Partnerships are wide and varied including health and care strategic integration arrangements, health providers, public protection services and many other public and private sector providers. This review reinforces the importance for effective scrutiny in these areas.

## **2. Methodology**

Desk study of meetings, agendas, constitution and other relevant reports and documents

Desk study of documentation and material produced by other councils (to be selected to allow for comparison of different elements of Somerset's business and governance model)

On-site meetings with officers and members to gather evidence and information on the strengths and weaknesses of the current arrangements

Short interviews (in person or by phone) with scrutiny chairs and vice chairs, Leader and DL, Cabinet Members, and opposition spokespeople, previous chairs, and committee members.

Member on-line survey to capture the views of all council members.

Observations of the scrutiny process including meeting management, involvement and conduct. The review observed meetings of the three main scrutiny committees.

## **3. Workshop**

CfPS will present its findings and recommendations to a workshop for members and officers.

## **Summary of findings**

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## **1. Overall assessment:**

1.1 Overall the council has demonstrated an ongoing commitment to scrutiny in terms of the creation and focus of committees, the level of activity undertaken, and time and resource dedicated across the organisation.

1.2 There is a clear realisation and commitment from members and officers that scrutiny could be more effective and productive. The majority of those interviewed welcomed the opportunity to make changes and improvements.

1.3 There is good support from the democratic services team which is recognised by scrutiny members and from the council's political and officer leadership to support change to enable improvement to happen.

1.4 From its current base there is a good platform from which scrutiny can successfully develop.

1.5 There have been 24 responses to the on-line member survey on scrutiny (41%). A full analysis of responses will be included in the draft report.

## **2. Findings assessments:**

2.1 We found a consistent view that scrutiny is not adding value in the way it currently operates. This is negatively impacting on the 'return' the organisation gets from its investment in scrutiny. Officer support and engagement is effective and the commitment from chairs and vice-chairs overall is good.

2.2 A consistent clear understanding of the purpose, role and responsibilities of scrutiny is lacking across the organisation. There is also a weak appreciation of how scrutiny adds value as part of a whole council function.

2.3 The principle of democratic accountability is not being adequately applied. Political decision-makers are not sufficiently held to account and are frequently absent from scrutiny meetings when items on their portfolio are discussed. A key function of scrutiny is holding to account. However, scrutiny meetings do not appear to be organised to allow transparent challenge and accountability to take place. Officers instead are often providing a briefing and Q&A sessions for scrutiny.

2.4 More pre-scrutiny of forward plans and decisions would engage scrutiny in real shaping and value-based activity. There is scope for more of this to be included.

2.5 We acknowledge that there appears to be a lot of scrutiny activity happening – 3 committees, each meeting 10 times a year, usually with full agendas. These need significant financial investment of resource from the council both in officer and member time. But it is difficult to quantify its positive contribution to the council's decision-making, strategic goals and priorities. We also recognised that the scrutiny function continued with significant activity in 2018/19 - a time when the Council faced financial challenges and essential transformational work.

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2.6 The scrutiny work programme is fairly static and often repetitive, wide-ranging and can lack focus or alignment with the council's strategic plans or key high impact or high value issues. Few people were able to evidence examples where scrutiny had led to a specific beneficial outcome, influenced or improved council outputs.

2.7 Scrutiny itself is predominantly committee-based, there was talk of positive engagement in task and finish groups, but the vast majority of scrutiny takes place in meetings. Here there are too many examples of officer information sharing and members clarifying rather than specific issues being explored and recommendations made.

2.8 Scrutiny could benefit from additional officer capacity to advise and support. This should not be used to allow more activity, but to support and advise scrutiny on objective setting, work programming, increasing productivity, supporting task and finish work, policy support and improving outcomes. There is some member concern that there is a lack of capacity in the Democratic Services Team. New government guidelines draw attention generally within councils to resourcing weaknesses.

2.9 Overall there is a lack of basic scrutiny standards applied in relation to the structure and layout of meetings; who asks questions, how officers and members are questioned, and actions/ recommendations are agreed. From a visitor or public perspective, it is also difficult to work out who is sitting round the table. As an alternative there could be set seating positions for scrutiny members, cabinet members and their support officers, scrutiny and governance officers and identification made clearer.

3.0 For some, there is a view that scrutiny has lost of its independence and become too politically influenced in the way that it operates.

3.1 An acceptance of officer presentations, an inability to dig deeper and investigate led to descriptions of the scrutiny experience as being 'an easy ride', and frustrations that obvious areas of concerns are not picked up or reacted to or followed up.

3.2 It is suggested that scrutiny is lagging behind, as Somerset continues at pace to transform how it operates. There is a risk that a significant gap in the organisation's governance/oversight framework expands and becomes a significant organisational weakness

3.3 Scrutiny of partner organisations has begun to develop in recent years and although we were unable to observe this, there is a growing appetite across the 3 committees to engage key partner organisations such as health, public safety, transportation providers and others. It is clearly in the interests of the council to improve outcomes for Somerset's communities to develop and extend this external scrutiny further.

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3.4 There is a challenge that member substitutes at meetings make it more difficult to create a team environment and approach to agreeing lines of inquiry etc. Potentially it may help to remove this rule and expect consistent attendance.

3.5 Query the value of public questions at the scrutiny committee, both from a public perspective and contribution to scrutiny. As a principle this approach is good practice but in practice it was difficult to see how this approach resulted in a positive experience for the public (compared to other ways to engage) and contributed to effective scrutiny of specific topics.

3.6 There is currently a limited used of independent co-opted members by scrutiny. By using co-opted members scrutiny could gain significant additional skills, insight and capacity particularly in specialised areas. The latest Statutory Guidance on Overview and Scrutiny indicates the potential to increase representation beyond Children & Families to improve the skills and experience available to the committee. The use of independent technical advisers as co-opted members on specific areas of scrutiny and partnership scrutiny work could be an exciting and bold way to add more capacity.

## **Member survey highlights**

There were 24 responses to the on-line survey making the sample large enough to be reasonably representative.

A majority of councillors (65%) agreed that scrutiny was either effective or very effective, which was not supported in the interviews and evidence gathered by the CfPS review

Appendix A . Report on the survey results



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## Recommendations

1. Scrutiny members, Cabinet and SLT conduct an exercise to clarify the role and purpose for scrutiny. We would recommend that the MHCLG Guidance on Culture is used as a set of principles to consider in this exercise. The guidance covers:
  - Recognising scrutiny's legal and democratic legitimacy
  - Identifying a clear role and focus
  - Regular engagement between scrutiny and executive [cabinet]
  - Managing potential disagreements
  - Providing necessary support
  - Ensuring impartial advice from officers
  - Communicating scrutiny's role within the council
  - Embedding scrutiny with the whole council
  - Ensuring that scrutiny has an independent mindset
  - Consider the use of independent co-opted members to add independent expertise and insight
2. Move towards a more agile and potentially productive scrutiny structure. This could be achieved by reducing the number of meetings. Additional capacity and scope could be achieved through task and finish groups. These T&F working groups, however, should be tightly managed to ensure their scope timescale and value contributions are clear. They should be limited in number to ensure that their demand upon resources and officer support capacity is measured and commensurate with the return on the investment of time and resource involved.
3. Cabinet members need to be more visibly accountable to scrutiny. All scrutiny meetings should include the relevant Cabinet Member or Leader as the main focus/witness of scrutiny. Cabinet members are accountable for their portfolios and should be prepared to attend, present and answer policy-related questions. Officers should be present as technical advisors. This will provide transparent, clear visible accountability of political decision-makers.
4. Political group influence through pre-meetings or advice to chairs can cause scrutiny to lose its impartial role and independent mindset which is crucial for effective and objective scrutiny. We recommend that scrutiny operates totally in public and any political pre-meetings avoided.

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5. Review approach to work planning, agenda setting, meeting preparation. Scrutiny work programmes should avoid repetitive reporting, 'for-information' items or general presentations and reports to which scrutiny can add only minimal value.
  6. Scrutiny meetings should try to aim for a maximum of two agenda items per meeting and design meetings to have clear lines of enquiry and objectives. This would provide scrutiny to engage more thoroughly and productively.
  7. Scrutiny should develop a clear methodology in the creation of work programmes to ensure that it segments and prioritises and aligns with the council's plans and goals. This should be member-led and in consultation with cabinet.
  8. The layout of the meeting room should make it clear through allocated seating and name plates the roles of participants and attendees. It is particularly important to be able to differentiate who is being scrutinised and who is scrutinising. And to make a clear distinction between politicians and officers or witnesses.
  9. The involvement of the public should be reviewed. This could include a public question-time at each meeting, seeking public and wider community input into work programmes and consideration of broadcasting meetings through visual or audio means. There are a number of councils that have developed broadcasting techniques to make public access available.
  10. Many members expressed a gap in their knowledge and skills relating to scrutiny and would value training and development. Our assessment suggests that general training of the essential principles and practice of scrutiny, questioning techniques and work programme planning were of particular value.
  11. To lead change and improvement some tailored coaching/mentoring for individual chairs would be beneficial.

### **Acknowledgments and thank you**

1. The Centre for Public Scrutiny (CfPS) was commissioned by Somerset County Council to advise and support an internal review on the effectiveness and impact of their current approach to overview and scrutiny.
2. The review was conducted on-site on in April 2019, with subsequent further desk research.
3. We would like to thank those elected scrutiny Members, Executive Members, and Officers who took part in interviews, survey and observations for their time, insights and honesty.

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## Appendix A – Survey Results

See attachment

## Appendix B – Evidence gathering

Somerset County Council – Scrutiny Review – April 2019

Appendix B

Engagement schedule

Interviews Schedule
Jamie Jackson Deputy Strategic Manager Democratic Services
Sheila Collins, Director of Finance and 151 Officer
Scott Wooldridge – Monitoring Officer
Cllr Jane Lock, Leader of the Opposition and Children and Families Scrutiny Committee Member
Cllr Frances Nicholson, Cabinet Member for Children and Families
Pat Flaherty, Chief Executive
Stephen Chandler, Director of Adult Social Services, Lead Commissioner Adults and Health
Cllr Liz Leyshon, Deputy Leader of the Opposition and Place Scrutiny Committee Member
Cllr Hazel Prior-Sankey, Chair of Adults and Health Scrutiny Committee
Leigh Redman, Leader of the Labour Group and Chair of Children and Families Scrutiny
Cllr John Hunt, Independent Group Leader and Member of Place Scrutiny Committee
Paula Hewitt, Lead Director for Economic and Community Infrastructure & Director of Commissioning
Michele Cusack, Operations Director for Economic and Community Infrastructure
Julian Wooster, Director of Adult Social Services, Lead Commissioner Adults and Health

Scrutiny Committee Observations
Scrutiny for Policies and Place Committee
Scrutiny for Policies Adults and Health Committee
Scrutiny for Policies Children and Wellbeing Committee

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