

TEESDALE DISTRICT
COUNCIL

achieving excellence together

SEEKING THE TRUTH

Accountability - The right to question
and hold Officers and the Executive to
account.

Cllr Newton Wood

Chair - Overview and Scrutiny



**Keeping an Eye on
Teesdale's Services**

Seeking Information to Improve

With your help we will make a Difference

SEEKING THE TRUTH
THE RIGHT TO QUESTION AND HOLD OFFICERS AND
THE EXECUTIVE TO ACCOUNT

LOCAL GOVERNMENT ACT 2000

The Local Government Act 2000 Part 21 (2)(a) clearly states that all executive arrangements within any authority must give scope for the Overview and Scrutiny Committee “to review or scrutinise decisions made, *or any other action taken*, in connection with the discharge of any functions which are the responsibility of the Executive.”

It goes on in Part 21 (13)(a) to stipulate “An Overview and Scrutiny of a local authority or a sub-committee of such a committee..... may require members of the Executive and officers of the authority to answer questions.”

Further to this Part 21 (14) tells us that “It is the *duty* of any member or officer mentioned in sub-section (13)(a) to comply with any requirement so mentioned.”

TEESDALE DISTRICT COUNCIL CONSTITUTION

The Teesdale District Council’s Constitution is equally clear on the role of the Overview and Scrutiny Committee. It refers to the Local Government Act 2000 when defining the role that we, as Overview and Scrutiny Members, should play in the administration.

Part 2 of the constitution Article 1.3 (e) asserts that the very purpose of the constitution is to “create an effective means of holding decision-makers to account.” and Article 8.2 (b) maintains that we should “review and scrutinise decisions and the performance of committees and Council Officers both in relation to individual decisions and over time.”

STANDARDS BOARD OF ENGLAND – CODE OF CONDUCT

In Chapter 2 of the Code of Conduct it confirms that “You are entitled to challenge fellow councillors and officers as to why they hold their views.”

CONCLUSION

The legislation is quite clear on how Overview and Scrutiny should (indeed must) carry out their role as the appointed ‘watchdog’ of the Local Authority on behalf of the community that they as members, have been elected to serve.

The use of the term *duty*, within the Local Government Act 2000 as applied to scrutiny, leaves no ground on which any member or officer should be exempt from the responsibilities of the enforcement of open and honest governance.

The key issue here is accountability. Even if an officer or member believes themselves to be in the right, they should be prepared to support this belief with positive evidence.

As Overview and Scrutiny Members, we must be prepared to present robust challenges to the Executive – a fact accepted by The Standard's Board of England and the IDEA.

The implementation of unflinching scrutiny by other councils in their self assessment process has proved extremely successful and the term robust, meaning straightforward, vigorous, bold, firm and unyielding questioning, is used by the Centre for Public Scrutiny when discussing effective methods of assessment.

Taking this as the standard we would then expect the Members, Officers and the Executive to respond to scrutiny questions not only with hard facts in support of their position but also a willingness to provide evidence as to the nature of their behaviour and/or actions taken and the source of any beliefs that they might hold to support their actions.

If these rules, regulations and legislative acts are not adhered to then the integrity of both the members and officers will, and should be, brought into question.

The role as Overview and Scrutiny Members, whilst laid out within the above documents, is open to some interpretation.

Overview and Scrutiny have been given the ability by both local and national legislation to operate in a fashion which they believe will maintain the necessary high standards of service and performance for our community and it is hoped and these standards will be carried forward to the new Unitary Administration.

Overview and Scrutiny must use this scope in Teesdale to focus upon the areas of concern that it is felt most appropriate as we approach Unitary Status to ensure that the needs of Teesdale District are fully taken into account.

When it comes to challenging officers and members of the Executive, legislation is clear, in the event that we have concerns regarding the representation of facts or the conduct of members/officers then Overview and Scrutiny should, as its duty dictates, ensure that the persons concerned either; provide the necessary evidence to allay any concerns raised or are held duly to account for their actions.