

The devolution of public services requires better governance systems than currently proposed

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The Government is doing deals with combined authorities in England which will see responsibility for services costing billions of pounds devolved to a more local level. But what governance systems are being put in place to manage this transfer of power? [Ed Hammond](#) explores some of the issues surrounding the Cities and Local Government Devolution Bill, currently progressing through Parliament, and the implications for meaningful local accountability and transparency.



The progress of the Devolution Bill through the Commons has already seen a flurry of discussion around its governance elements. Perhaps inevitably a lot of that discussion has focused on the prospects for elected Mayors – the Government’s insistence on Mayors as a precondition for devolution deals is well-documented and has proved contentious.

However, one other one-size-fits-all solution to governance under devolution is covered at length in the Bill, but has been commented upon far less. This is the imposition of overview and scrutiny committees. On the face of it, OSCs provide a vital counterbalance to the risks associated with Mayors holding wide executive powers – but we think that there are risks with their imposition.

The first risk is one that is shared with Mayors – and any other aspects of the governance framework that Ministers specify. The more that governance is specified, the more that governance will be seen as a compliance issue – a requirement to put structures in place, to do the minimum required, rather than to think creatively and reflectively about what good governance is intended to achieve.

The second risk relates to the powers given to OSCs. In local government, over the fifteen years since overview and scrutiny was enshrined in legislation in the Local Government Act 2000, we have seen a development of scrutiny’s role and powers but also some significant weaknesses as well. The function has been subjected to surprisingly little comprehensive academic study (save for a couple of reviews commissioned by Government in the early 2000s, which cannot be considered reliable indicators of the current picture).

What we know of the function’s success can be gleaned from our own Annual Survey of overview and scrutiny in local government. It presents a troubled picture which suggests that, without further inbuilt protection, scrutiny will struggle for relevance in a world typified by fast-paced decision-making, carried out not only by councils but by a wealth of other partnerships and bodies whose governance arrangements are less than clear.

In this context we think it is vital that overview and scrutiny committees should sit in the centre of a wider governance debate, and governance framework, for combined authorities. We are suggesting amendments to the Bill which would require combined authorities to draft a governance framework, which could set out basic information about how the authority will engage with the wider community (and with non-executive councillors) on policy development, decision-making and performance management. Importantly, this framework would be “owned” by the overview and scrutiny committee of the combined authority, giving it more clout and a clear “way in” to hold the combined authority leadership, and Mayor, to account.

The governance framework would be exactly that – a framework in which we hope and expect that local discussions will result in local solutions about how different local partners in governance will work together to bring accountability, transparency and involvement to bear on decision-making in the interests of making local people’s lives better. Importantly, this will reflect the truism that devolution is a process, not an event. It will proceed at a different pace in different areas – priorities around the country will vary, and governance must vary with them, in

order to be relevant.

This will make it easier for combined authorities' OSCs to do two things – firstly, to address why devolution, and more powers, makes sense for the local area (tackling the assumptions and justifications sitting behind bids for more power) and then holding to account the combined authority for delivering against that aim. Fundamentally, they should be about holding combined authorities to the promises that devolution deals make – promises which, if they are to mean anything, must be held to account.

CfPS is campaigning on governance and devolution, starting with the publication of “Devo why? Devo how?” and involving the provision of some direct support to combined authorities grappling with these critical issues. You can find out more [here](#).

About the Author

Ed Hammond leads on the Centre for Public Scrutiny's work around local accountability. His work has a particular focus on corporate governance within local authorities, but he has also carried out extensive research on policing and community safety, having produced national guidance for the operation of Police and Crime Panels in 2011 and 2012, and research on their first year in operation in 2014. He is currently leading on CfPS's work on English devolution, alongside work on local authority governance change (including changes to schemes of delegation, rules of procedure and other constitutional amendments), transparency and Freedom of Information, and overview and scrutiny.

