

Supplement to the agenda for

Environment and Sustainability Scrutiny Committee

Tuesday 26 July 2022

10.00 am

**Herefordshire Council Offices, Plough Lane, Hereford, HR4
OLE**

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| 6. ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE ROLE AND OBJECTIVES | 3 - 6 |

**DRAFT1****The Environment and Sustainability Scrutiny Committee Role and Objectives 2022-2023****Introduction**

Scrutiny is a statutory role fulfilled by councillors who are not members of the Cabinet. The role of the scrutiny committees is to help develop policy, to carry out reviews of council and other local services, and to hold decision makers to account for their actions and decisions¹.

It was agreed at the Scrutiny Management Board on 16th June 2022 that each of the scrutiny committees would set out their key objectives for the municipal year and that this would assist in the evaluation of the scrutiny function near the end of the municipal year. The following key areas of scrutiny have been identified with key objectives for the committee.

The Role of Scrutiny

According to the Statutory Scrutiny Guidance 2019, local councils should take steps to ensure scrutiny has a clear role and focus within the organisation, i.e. a niche within which it can clearly demonstrate it adds value². According to the Guidance, effective scrutiny should:

- *Provide constructive ‘critical friend’ challenge;*
- *Drive improvement in public services³.*

The overall stated aim of the Environment and Sustainability Scrutiny Committee is:

to provide effective constructive critical friend challenge to drive improvement in public services and be an effective vehicle for non-executive members to contribute to policy development.

In addition, twelve key objectives for 2022-2023 set out below provide some more specific objectives, consistent with the committee’s remit and the overall constitutional and statutory role for scrutiny committees.

Objective 1: Being clear about the scrutiny committee’s role and objectives within the organisation and wider governance structures.

Policy Development

One of the main roles of the Council’s scrutiny committees is to influence the Council’s policies, through policy review or helping to shape policies in development⁴.

¹ Herefordshire Council Constitution Article 6.

² Statutory Scrutiny Guidance 11b (2 Culture).

³ Statutory Scrutiny Guidance paragraph 2.

⁴ Herefordshire Council Constitution 2.6.6a, July 2022.

Objective 2: Make a demonstrable impact and add value to Council policy, strategies and cabinet decisions.

Scrutiny Reports and Recommendations

Scrutiny committees may make scrutiny reports and recommendations to the Cabinet⁵, which should be submitted for consideration by the Cabinet (and/or other body as appropriate) or Cabinet Member⁶.

Reports of Scrutiny Committees

Scrutiny committees may make reports and recommendations to the Cabinet. Scrutiny reports should be of a high quality, technically valid and credibly describe the evidence, yet be accessible to a wide variety of different audiences.

Objective 3: Scrutiny reports that effectively communicate the work of the committee inquiries to key audiences (eg the Cabinet, Council officers, external stakeholders and the public), clearly evidencing scrutiny recommendations.

Recommendations in Committee

In practice, scrutiny committees often make recommendations in committee, without an accompanying scrutiny report from the committee.

Objective 4: Ensure that any scrutiny recommendations made in committee are clearly addressed to the Cabinet (or other appropriate decision maker) strategic and SMART (Specific, Measureable, Achievable, Realistic and Time-based).

An Evidence Based Approach

Objective 5: Ensure that scrutiny reports and recommendations made in committee are clearly based and referenced to the evidence received either in officer reports to the committee or provided in committee.

Executive Response

The scrutiny committees can make reports and recommendations to the Cabinet, Council and some partner organisations. The decision takers are not required to implement the recommendations but do have to consider any recommendations made⁷.

Objective 6: Request the Cabinet agree a definitive, clear Executive Response to all scrutiny reports and recommendations.

⁵ Herefordshire Council Constitution 4.5.42.

⁶ Herefordshire Council Constitution 4.5.44.

⁷ Herefordshire Council Constitution 2.6.8.

Holding the Executive to Account

Scrutiny committee inquiries fulfil different roles; ie policy development or holding decision makers to account⁸. According to the Statutory Scrutiny Guidance 2019, effective overview and scrutiny should provide constructive ‘critical friend’ challenge⁹.

Objective 7: Provide demonstrable accountability of the Cabinet and Cabinet Members. (How does it do this most effectively / least effectively?)

Scrutiny of Partnerships

The scrutiny committees also have the power to scrutinise the services provided by organisations outside the Council e.g. NHS services and the work of the community safety partnership¹⁰.

Objective 8: Effective scrutiny and involvement of external organisations and partnerships in the scrutiny process.

Questioning in Committee

Effective questioning in committee is key to both holding the executive to account and in finding evidence to support scrutiny conclusions and recommendations. The approach to questioning can be different depending on the purpose of a scrutiny inquiry, what the committee is trying to find out and who it is questioning.

If the purpose of an agenda item is to demonstrate accountability, or “critical friend challenge”, then the questions may be directed to a Cabinet Member on things like delivery of the Council’s priorities or on Council performance within their portfolio.

If the purpose is evidence gathering, then the approach may be more analytical and investigatory, and offer more scope for insightful contributions, in trying to find out evidence. The questions may be based around hypotheses of possible scrutiny recommendations, to find out if these may be supported by evidence or not.

Objective 9: Effective questioning in committee in holding decision makers to account for things they are promised to deliver (eg referencing Council priorities or performance).

Scrutiny Work Planning

Effectively prioritising and planning the work of scrutiny committees can be an essential feature to successful scrutiny. According to the Statutory Scrutiny Guidance 2019, prioritisation is necessary, which means that there might be things that, despite being important, scrutiny will not be able to look at¹¹.

⁸ Herefordshire Council Constitution Article 6.

⁹ Statutory Scrutiny Guidance paragraph 2, Introduction and Context.

¹⁰ Herefordshire Council Constitution 2.6.7.

¹¹ Statutory Scrutiny Guidance paragraph 49.

Objective 10: Be effective in identifying the topics where the committee can add most value to the organisation. (EG where they can play a role in policy development not being carried out elsewhere and where they may realistically be able to propose changes or development to make an impact on service improvement, rather than areas where it is unlikely to add much value).

Scrutiny Task and Finish Groups

Scrutiny “task and finish” approaches are where scrutiny committees set up informal working parties to carry out work on a particular topic outside of the main committee and report back.

Objective 11: Ensure that in-depth scrutiny activities carried out through task and finish groups are effective.

Scrutiny and the Public

According to the Statutory Scrutiny Guidance 2019, local councils should ensure scrutiny has a profile in the wider community. (Statutory Scrutiny Guidance 11i I, Communicating scrutiny’s role to the public – authorities (2 Culture)) and should amplify the voices and concerns of the public (Statutory Scrutiny Guidance paragraph 2).

According to Herefordshire Council Constitution, the public can be involved in the scrutiny process and help shape and inform decision making and policy by submitting evidence for consideration by a scrutiny committee or one of its task and finish groups (Herefordshire Council Constitution Article 6, 2.6.11 b).

Objective 12: Engaging the public and external VCOs (Voluntary and Community Organisations) in the work of the committees, in particular in inviting and receiving written and oral submissions in and outside of the committee to inform their work.