

Minutes of the meeting of Scrutiny Management Board held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Monday 5 September 2022 at 2.00 pm

Physically Present and Voting: Councillors: Graham Andrews, Christy Bolderson (Chairperson), Toni Fagan, Phillip Howells, Graham Jones, Felicity Norman, Louis Stark, David Summers and Elissa Swinglehurst
In Attendance: Councillor David Hitchiner (Leader of the Council)
Remote Attendance: Councillors: Jonathan Lester, Yolande Watson (Vice-Chairperson) and William Wilding

Members attending the meeting remotely, e.g. through video conferencing facilities, may not vote on any decisions taken.

Officers: Democratic Services Manager, Democratic Services Officer, Director of Resources and Assurance, Senior Solicitor, Statutory Scrutiny Officer

11. APOLOGIES FOR ABSENCE

There were no apologies for absence from members of the committee.

Apologies for absence were received from Cllr Liz Harvey, Cabinet Member for Finance, Corporate Services and Planning. Cabinet representation at the meeting was provided by Cllr David Hitchiner, Leader of the Council.

12. NAMED SUBSTITUTES

None.

13. DECLARATIONS OF INTEREST

None.

14. MINUTES

It was noted that the presentation of the attendance listed for members attending virtually in the minutes from the previous meeting was inconsistent across committees and requested that this be standardised.

A correction to the published minutes was noted, the word “virtually” to be inserted after the word “meetings” and before “and vote”, to read:

“The Senior Solicitor advised that the legislation did not allow for members to attend meetings virtually and vote”.

The Democratic Services Manager further clarified that remote attendance at committee meetings did not count towards an individual member’s attendance record, and it remained a legislative requirement to attend a meeting in person at least once in any six-month period to avoid disqualification from office. Some Members indicated that they had previously been unclear on these provisions, whilst other Members expressed

concern that their records of attendance for the previous two year period were inaccurate. The Democratic Services Manager confirmed an intention to update the records of both physical and virtual member attendance and undertook to make a guidance note available to members on the current legal position.

It was resolved that:

The minutes of the meeting held on 16 June 2022, as amended, be approved as an accurate record and signed by the Chairperson.

15. QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no questions from members of the public.

16. QUESTIONS FROM MEMBERS OF THE COUNCIL

There were no questions from councillors.

17. ROLE AND DEVELOPMENT OF THE SCRUTINY FUNCTION

The Board gave consideration to the report as set out on pages 13 – 34 of the agenda, which asked it to note the general role and remit of the scrutiny committees and progress in the development of the scrutiny function, and to agree the Key Objectives for 2022-2023 for the Council's Scrutiny Committees with identified outputs and activities.

Members sought clarification on access to information rules for members of Herefordshire's scrutiny Committees, and advice was sought on what the Council constitution provided for. The Senior Solicitor advised that the constitution set out the relevant provisions which reflect the legislative position, but added that any proposed additions or amendments could be referred to the Audit and Governance Committee for consideration. The Chairperson and the Statutory Scrutiny Officer advised that an Executive-Scrutiny Protocol was being developed, and it was intended that this would assist with establishing the working relationship and a common set of expectations between the Council's scrutiny committees and the Cabinet.

The Chairperson of Children and Young People Scrutiny Committee suggested that, whilst recognising the role of the Scrutiny Management Board involved considering issues of a cross-cutting nature at a strategic level, the role and remit of individual scrutiny committees should also make specific reference to their ability to consider the same issues within the particular context of their own committee remit. It was noted that the Member would provide wording to this effect for later consideration.

In respect of Appendix 3, the Chairperson of the Health, Care and Wellbeing Scrutiny Committee requested that the Integrated Care Board be added to the list of health partners set out at Objective 8b.

The Chairperson highlighted the particular importance of item 1b on the Key Objectives document, in relation to tracking the implementation and effectiveness of the Rethinking Governance Working Group recommendations on scrutiny. It was requested that an update report be brought to a future meeting, setting out the progress of these recommendations.

It was resolved that:

The general role and remit of the scrutiny committees and progress in the development of the scrutiny function be noted, and the Key Objectives for 2022-

2023 for the Council's scrutiny committees with identified outputs and activities be agreed, subject to:

- (i) An Executive-Scrutiny protocol be drafted, to include how scrutiny committees request information from Council departments and on how scrutiny committees can communicate their work to the public;**
- (ii) The addition of the NHS Integrated Care Board to the list of partners set out at Appendix 3 Objective 8b;**
- (iii) That the objectives include that scrutiny committees consider issues in greater depth, the wording to be re-phrased by the Chairperson in consultation with the Statutory Scrutiny Officer on behalf of the committee; and**

That an update be requested from Democratic Services on operational improvements and progress arising from the implementation of the Rethinking Governance Working Group recommendations, including those relating to the Council website.

18. ANNUAL SCRUTINY WORK PROGRAMME 2022-2023

The Board gave consideration to the report as set out on pages 35-70 of the agenda, which asked it to agree the Annual Scrutiny Work Programme 2022-2023, made up of the Scrutiny Work Plans of the Council's five scrutiny committees.

A correction to the Connected Communities Work Plan was tabled, to replace reference to the former Interim Service Director for Economy and Regulatory Services with the current Interim Service Director for Planning and Regulatory Services.

A correction to the Environment and Sustainability Scrutiny Committee (ESSC) Work Plan was tabled, to re-insert previously agreed wording under the 21st September 2022 Herefordshire Local Plan item:

“To consider the Herefordshire Local Plan 2021- 2041, which includes the planning framework for the county, housing provision, the economy, retail and town centres, infrastructure provision and the environment.

Specifically to consider:

- a) Does the preferred spatial option lead to sustainable communities, including promoting active travel and reducing car journeys?
- b) Is the rural assessment scoring system used for allocating housing development across rural wards robust and supported by evidence?
- c) To consider the analysis of the public consultation on the Local Plan and the mechanism by which the consultation was undertaken”.

The Leader of the Council welcomed the consolidation of the individual scrutiny committee work plans into a single accessible document. The Leader noted, in respect of the Herefordshire Farming item on the Environment and Sustainability Scrutiny Committee (ESSC) Work Plan, that the identified themes and witnesses were confined to Herefordshire and suggested whether a broader approach may be worthwhile considering, with potential witnesses from organisations such as the National Farmers Union (NFU) invited to contribute. The Chairperson of ESSC noted that there was a balance to be struck in terms of how broad the outlook could be without losing focus, and suggested that the Leader could email him with his suggestions for consideration by the Committee. The Leader and the Chairperson also noted that the Children and Young People Scrutiny Committee (CYPSC) Work Plan appeared to be ambitious in terms of the number of items included and queried whether officers would have the necessary

capacity to deliver all of the reports that would be requested. The Chairperson of CYPSC said that the agenda plan was being reviewed in consideration of what could reasonably be delivered in view of current departmental pressures and its responsiveness to the Children's Services improvement programme and reported that some items for the September meeting, following consideration, had been deferred to reduce the overall burden from the Committee's work on the department.

Members noted that the items on the Annual Work Programme could be delivered through committee or also through Task and Finish Groups, where appropriate (Task and Finish Group work was not listed separately). It was also queried why historic Task and Finish Group material did not appear to be readily available. The Democratic Services Officer advised that whilst some Task and Finish Group material may not be in the public domain (as Task and Finish Groups were not formal committees), final scrutiny reports were placed in the public domain by virtue of their referral to the formal scrutiny committee upon completion, when these were published with the committee's papers. It was, however, suggested that a centralised, accessible location for the deposit of Task and Finish Group papers may be useful and further consideration of this would be reported back to the Board.

The Chairperson raised the issue that some Scrutiny Work Programme items were being brought back to committee due to lateness of reports or missing information that had been requested and that there were historic backlogs of previously made information requests not having been provided, and it was stressed that the proposed Executive-Scrutiny protocol needed to establish a clear set of expectations on reports and information requests to scrutiny committees and that report requests made by the scrutiny committees should henceforth be copied to the relevant Cabinet Member so that they can retain oversight.

The Chairperson proposed that once the Board had agreed the Annual Work Programme a progress report to the committee should provide an update on any substantive changes to scrutiny committee work plan items during the municipal year.

It was resolved that:

- (i) Democratic Services be requested to report back to the Board on how historic Task and Finish Group material and reports might be made more accessible;**
- (ii) Report requests made by scrutiny committees to council departments be copied to the relevant Cabinet Member for information and oversight;**
- (iii) A progress report be provided and included on future agendas to update the Board on the progress of any matters arising from previous committee meetings, including information requested, tracking any recommendations made to the Cabinet and any substantive amendments made by scrutiny committees to their work plan during the municipal year.**

19. BUDGET SCRUTINY

The Board gave consideration to the report as set out on pages 71-80 of the agenda, which provided suggestions on how Scrutiny could support the budget setting process for 2023/24.

The Chairperson expressed disappointment that the papers received did not contain the identified elements of the budget that the Board wished to scrutinise at the meeting, as specified in the Scrutiny Management Board Work Plan 2022-23. This was in spite of extensive pre-meeting discussions at a senior level setting out the information the Board were requesting. It was suggested that, in respect of both the Scrutiny Management Board and other scrutiny committees, a greater commitment was required at leadership

level to provide members with the information they were entitled to in a timely manner, and an assurance was sought from the Leader of the Council, in attendance, that the information that had been requested for inclusion the report would be provided to a future meeting. The Leader confirmed that it was useful to gain an understanding of how the Board wished to scrutinise the budget process and undertook to work with officers to ensure that future papers provide what is asked for.

Members suggested that to put the current budgetary position and pressures into context, it would be useful to receive a comparison against the position at the beginning of the 2021/22 Medium Term Financial Strategy (MTFS). Members also expressed a desire to see different potential budgetary scenarios modelled to gain an insight into how the picture may look if some of the underlying assumptions turned out to be better or worse than expected.

It was resolved that:

A further budget meeting be convened, in October 2022, for the purpose of considering a report which fully addresses the five key items of interest identified in the Scrutiny Management Board Work Plan:

- (i) The financial outturn for 2021-2022;**
- (ii) The budget priorities, positioning, assumptions and risks informing the development of the budget proposals for 2023-2024;**
- (iii) How the budget priorities and plans link to the Council priorities;**
- (iv) The arrangements and overall timetable for the scrutiny of the budget proposals for 2023-2024 for agreement in 2023; and**
- (v) The plans for consultation on the budget proposals for 2023-2024.**

20. DATE OF THE NEXT MEETING

To be confirmed.

The meeting ended at 4.05pm

Chairperson