

Minutes of the meeting of Scrutiny Management Board held in Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Tuesday 25 July 2023 at 2.00 pm

Board members in attendance remotely, non-voting:

Councillor Bruce Baker

Board members present in person, voting:

Councillor Jenny Bartlett (Vice Chair)

Councillor Ellie Chowns

Councillor Frank

Cornthwaite

Councillor Pauline Crockett

Councillor Toni Fagan

Councillor Peter Hamblin

Councillor Liz Harvey (Chair)

Councillor Louis Stark

Councillor Richard Thomas

Note: Board members in attendance remotely, e.g. through video conference facilities, may not vote on any decisions taken.

Others present in person:

Simon Cann	Democratic Services Officer	Herefordshire Council
Rachael Hart	Head of Strategic Finance	Herefordshire Council
Alfred Rees-Glinos	Democratic Services Support Officer	Herefordshire Council
Danial Webb	Statutory Scrutiny Officer	Herefordshire Council

Others in attendance remotely: None

63. APOLOGIES FOR ABSENCE

No apologies were received.

64. NAMED SUBSTITUTES

There were no named substitutes.

65. DECLARATIONS OF INTEREST

There were no declarations of interest.

66. MINUTES

The minutes of the meetings from 9th and 17th January 2023 were agreed as an accurate record and signed by the Chairperson.

67. QUESTIONS FROM MEMBERS OF THE PUBLIC

Question (via email):

In December 2022 following online 'Get Involved' guidance I suggested a topic for scrutiny to the Governance Support Team. Where may I view the present status of this suggestion?

Peter McKay Leominster

**Background information - email From Mr McKay – Submitted to Democratic Services on 19 December 2022*

Email title: Suggested topic for scrutiny

Dear Sirs May I suggest that the mechanism for addressing long standing anomalies, etc., in our highway and path records as a topic for scrutiny, such as those that Leominster Town Council has requested be addressed as part of the 2021-41 Place Shaping Local Plan, see <https://www.leominstertowncouncil.gov.uk/public-rights-of-way/>

And

<https://www.leominstertowncouncil.gov.uk/wp-content/uploads/sites/103/2022/10/PROW1Anomalies-2022.pdf>

plus the Green Lanes shown as footpaths that come about due to use of the non-statutory term CRF, subject of question to Cabinet on 15 December, see

<https://councillors.herefordshire.gov.uk/documents/b23981/Public%20and%20Councillor%20Questions%20Thursday%2015-Dec-2022%2014.30%20Cabinet.pdf?T=9>

the present expectation that they all be subject of a Definitive Map Modification Order Application raised by someone else being unrealistic, and conflicts with obligation to tidy up the records making them complete and correct ?

Rgds Peter McKay Leominster

Response:

Dear Mr McKay, Your suggested topic for scrutiny dated 19 December 2022 was noted and feedback is currently awaited from the relevant committees, which are now functioning again following the elections this year. Details regarding a status update, in relation to the suggestion, will be forwarded to you as soon as they become available.

Kind regards,

Democratic Services

Supplementary Question (via email):

Could you advise from which committees replies are awaited?

Rgds

Peter McKay

Response to supplementary question:

Dear Mr McKay,

Your suggestion has been passed to the Chair of the Connected Communities Scrutiny Committee. Your suggestion will be added as an item to the committee's long list for consideration when it discusses and approves its work programme at its next meeting on 13 September 2023.

Kind Regards,

Democratic Services

68. QUESTIONS FROM MEMBERS OF THE COUNCIL

There were no questions received from members of the council.

69. FINANCIAL STRATEGY WORK PROGRAMME

The chair invited the board to discuss the report detailing the Financial Strategy Work Programme and consider the recommendations contained within.

The board acknowledged that the new administration and changing economic landscape would necessitate a flexible response to existing and emerging plans.

The board recognised that the new administration had inherited a budget and a four year medium term financial strategy (MTFS) and that the board would expect the administration to add to and tweak those as necessary, along with other budgeting documents.

It was noted that the MTFS was a four year document and that at least three years of it would be relevant to the context in which the budget was going to be developed and set. It was a good document to look at early on in the board's work programme as it took a longitudinal view extending out several years.

The board noted the table set out at paragraph 9 page 22 in the report and concluded that many of the items detailed were ongoing and should be brought back or adopted as part of any new work programme. It was also noted that the financial strategy report had taken on board some of the comments that were made during the previous board's review of the budget.

The Statutory Scrutiny Officer explained to members that work was continuing on from the previous committee, but as a new administration the new board was free to set up its own programme and disregard the existing one.

The board welcomed the structure of having set briefings in addition to formal meetings. It was also suggested that monthly briefings should be held and be open to all councillors. The importance of frontloading briefings ahead of relevant meetings was discussed and the board asked the Head of Strategic Funding (deputy S151) whether it would be necessary to shift any of the briefings to be able to scrutinise more effectively.

The Head of Strategic Finance (deputy S151) explained that the next two scheduled briefings would focus on the MTFS and treasury management. It would be possible to work together with the external advisors and the Statutory Scrutiny Officer to ensure relevant briefings were held in advance of items to be scrutinised, this would be particularly helpful in relation to the capital investment programme and the items on the December agenda.

It was confirmed that the treasury management training session for members on 31 July was still going ahead and would provide a general overview on the subject, this would then be followed by another meeting in September 2023, which could be tailored to suit any specific requirements of the scrutiny board.

The board asked if there was a timeframe in relation to Councillor Stoddart reviewing the capital investment programme.

The Head of Strategic Finance (deputy S151) suggested that a timeframe would be confirmed by Councillor Stoddart and that no action would be taken before a briefing had taken place regarding any changes and recommendations resulting from the review.

The board discussed timelines around the budget process for 2024/25 and suggested that if details of the capital investment programme were still being finalised by 21 November then it would potentially need to move meetings and briefings around this.

The board enquired how it would scrutinise proposed commissioned services before they came to the board as a fait accompli.

The chair suggested that the board would need to take advice from the finance team about timeframes for the budgeting process this year. It was noted that last year the board had wanted to take a look at the budget in an earlier stage of its development than its final state, but the relative lateness of the financial settlement from central government had left too many uncertainties to be able to tie the budget down.

The chair stated it would be helpful for other scrutiny committees to relay information to the scrutiny management board about priority services in their respective areas, highlighting the potential implications of budgetary decisions on these services.

The board asked if there was an earlier point in the process, maybe when looking at saving options, where the board could be involved.

The Head of Strategic Finance (deputy S151) stated it was something that could be considered, but the timeframe was challenging. The settlement was typically received very late in December leaving little time to finalise the draft budget presentation for early January. However, the finance team would work with the board and look into what input the board could have as the finance team moves through the timetable in the autumn.

The board discussed the purpose and structure of briefings, meetings and the remit of the board itself.

The chair explained that briefings were there to help build capacity as a committee and essentially provided training/information for public-facing meetings. The importance of putting the cart and horse in the right order was emphasised. Regarding the remit of the board, the chair pointed out that the committee's remit was published on the council website and covered: finance, council budgeting, scrutiny of the council's corporate services, cross-cutting themes that didn't sit easily on other committees, external communication and public engagement in promoting understanding of the scrutiny process. It was also noted that in areas where there was potential overlap between committees the board would determine which committee would lead on an activity.

The Statutory Scrutiny Officer pointed out that financial strategy could be quite a daunting topic for a new committee. There were various ways to approach the subject and without proper planning there was a risk of setting off on ineffective courses of action.

The Statutory Scrutiny Officer explained that the election earlier in the year had somewhat curtailed the board's potential to engage in the current financial cycle, but that it was helpful to think of this as the beginning of a four year programme rather than a one year programme. Newer members were given an assurance that priorities would begin to emerge and become clearer once they were provided with training on and became more familiar with the MTFs and other areas of finance.

The Statutory Scrutiny Officer stated that member briefings would be open to and accessible to all members, regardless of which committees or boards they were sitting on.

The board highlighted the importance of discussing and implementing the public consultation for the budget as swiftly as possible, the historic struggle to get the public to engage was noted and it was hoped this could be addressed in future.

The Head of Strategic Finance (deputy S151) explained that discussion with external consultancy support, regarding proposals for the public consultation, were already taking place and it was hoped that a paper on this might be available in time for the September meeting.

The board discussed the importance of getting briefing and meeting items on the MTFS right and suggested that members would potentially need to manage expectations of outputs from the August briefings.

The Statutory Scrutiny Officer pointed out that there were a number of highly relevant documents relating to finance scrutiny on the board's Teams area and these would provide members with an excellent foundation to start looking into the subject.

The Head of Strategic Finance (deputy S151) explained that in terms of the MTFS briefing in August, the timing wouldn't allow the board to scrutinise the proposed MTFS for the forthcoming four years, but it would provide an opportunity for members to consider the approach rather than the details, such as: how does the team consider the assumptions, what external advice does it make use of and how risk scenarios were considered.

The board requested that reports be written and briefings be delivered using plain English and layman's terms.

The Statutory Scrutiny Officer echoed this request and directed members towards the board's MS Teams spaces, where jargon-busting glossaries for the health, care and wellbeing scrutiny committee (HCWSC) and children and young people scrutiny committee (CYPSC) were available.

The board discussed the scheduled November item on 'closer working with parish councils'. The chair noted that there had been increased and fruitful engagement with parish councils over the last four years and that initiatives such as the Lengthsman scheme had enabled access to funding for parishes to undertake work locally.

Early dialogue and engagement had been working and there was potential for the city, market towns and rural parishes to discuss opportunities for closer working and shared service provisions.

The board felt it might be useful to discuss funding opportunities that might be available to town councils from the county, to help them design and shape their budgets for 2024/25.

The board noted that the previous leader's monthly newsletter had been warmly received by parish councils. The chair believed that the current leader was intending to send out a similar style of letter going forward.

A discussion took place in relation to extending the number of paragraphs included in recommendation 'c' of the report.

The Statutory Scrutiny Officer felt that the suggestion to refer to additional paragraphs (to also include paragraphs 10 and 11) to emphasise the importance of acknowledging the environment and community, when budgeting, would be recursive.

The board decided that the environment and community were implicitly included through the inclusion of the term 'strategic objectives' as detailed in paragraph 8a and 8b of the report. It was also noted that there was a separate section for the environment in all decision reports.

The Statutory Scrutiny Officer pointed out that that the environment and community were two of the three strands of the County Plan and the shaping of this would be something the board would be looking at as part of its work.

The board discussed Talk Parish and concluded that it may be necessary for a discussion to take place with Talk Parish to ensure that all parish clerks were filtering through communications to their relevant councils.

The board identified as a significant problem, the council's potential inability to generate the income needed to cover the challenges it was facing. This was partly due to economies of scale, the economic climate and its locality to the Welsh border, which often made cross-county working problematic because neighbouring authorities were involved in other arrangements and agreements.

The chair suggested that this could potentially fall within the devolution agenda, whereby the government had been pressing/encouraging local authorities to commit to various devolution deals to open up funding schemes and was possibly something that could be picked up under the agenda programme.

RESOLVED UNANIMOUSLY:

The board unanimously approved the recommendations included in the report:

That:

- a) Scrutiny Management Board considers the work programme for scrutinising financial strategy and budget setting;**
- b) approves the work programme subject to any amendments it requires;**
- c) identifies topics of focus for the committee's work as listed in paragraphs 7 and 8 of this report; and**
- d) further identifies training or topic briefing required to support their work.**

70. SCRUTINY ANNUAL REPORT 2022/2023

The chair and Statutory Scrutiny Officer introduced the item and invited discussion on the report from the board.

The board recognised that it had not been possible to complete as effective a review of scrutiny as it would have wished and that purdah had been a significant contributing factor in this.

A discussion took place regarding whether closing down scrutiny during the purdah period had been overly solicitous, given that cabinet members had been able to continue with business as usual. The board felt it might be helpful to establish whether business as usual should include scrutiny, if cabinet members can continue with their work right up to the election.

The Statutory Scrutiny Officer explained that his recruitment in early March, without a direct predecessor or knowledge of the improvement journey made through rethinking governance, had, along with the impact of purdah, ensured that this had been a narrative rather analytical report.

The Statutory Scrutiny Officer and his line manager had taken the decision that it was more important for the board to account for itself in public than it was to get an effectiveness review right.

It was explained that the final report provided an account of what the Scrutiny Management Board and committee's had been up to, not just in terms of the themes, but

also the work that had been done through rethinking governance and in getting into the habit of accounting for this annually, which had not happened previously.

The Statutory Scrutiny Officer asked the board if it felt the report had been commissioned too soon after the formation of the new committees and how it wanted to review its own effectiveness going forward.

The Statutory Scrutiny Officer recommended that the board started its work in earnest in relation to how it wanted to measure its effectiveness and how this could be relayed to council on an annual basis, in an achievable and sustainable manner.

The chair suggested there might be a need for a workshop within the work programme to consider quantitative and qualitative views on how such an evaluation could be undertaken. It was noted that the performance of the connected communities scrutiny committee in the previous week (week commencing 17/07/23) delivered some very effective recommendations that were taken into account when it came to Cabinet making its decisions. The chair pointed to that as an effective piece of scrutiny work, which had helped shape how a decision was taken, although it was recognised that there was more to measuring effectiveness than just that.

The chair noted that the creation of new and additional committees had resulted in increased workload not just for councillors, but also in terms of staffing and supporting those committees.

There was a need to ensure that resourcing made available for the scrutiny functions was sufficient to deliver effective scrutiny and to enable the committees to operate how they wanted to.

It was noted that over the last year there had been very few task and finish groups and no spotlight reviews. Assurances would be needed that adequate funding was available to resource for officers and to co-opt technical experts from outside when required.

The board discussed the process being developed regarding the executive response to scrutiny recommendations and asked if this could come before the scrutiny management board before it was finalised and made concrete.

The chair stressed to the assembled committee chairs the importance of scrutinising external partners and organisations, and bringing them into the scrutiny process. This was a powerful tool in their possession and should be exercised when putting together work programmes.

The board made a number of general points in relation to the report:

Regarding the terms of reference for the committees, as laid out in paragraph 4, it was noted that there were potential areas of overlap between the Connected Communities and Environment and Sustainability Scrutiny Committees, particularly in relation to the areas of planning and transport. These had been resolved between the relevant committees and no alteration to work programmes had been required, but it was felt there was a certain lack of clarity within the committee remits and that maintaining a watching brief might be advisable.

The board raised concerns regarding the 12 objectives contained in paragraph 13 of the report and felt that it might be wise to pare these down somewhat to avoid overlap/repetition and to concentrate focus. It was acknowledged that the objectives had only been in place for a year or so, so there was still time to see how/if they worked. Considering paragraph 27, the board felt that Connected Communities wasn't specifically responsible for community related issues and that on a general level the name of the committee was unhelpfully vague. It was noted that issues concerning

community were often directly related to health, care and wellbeing, and children and young people rather than just the economic development and infrastructure elements looked at by Connected Communities.

The board found it helpful to have the appendices, reports and the summary provided, but felt there were a lot of bullet points and stressed the need for continuity when using numbers and lettering as part of reports.

It was noted that the report for the Scrutiny Management Board employed a different format and was more of an action plan than a narrative report. It was suggested that going forward this report could be clearer in detailing what each committee was setting out to do and that it could then be used to track progress over the year.

The Statutory Scrutiny Officer felt that the Scrutiny Management Board had done too much reviewing of its own effectiveness during the previous administration and that it had become hard to unpick sets of objectives from sets of recommendations and sets of outputs. Aligning all of this information had been problematic.

The Statutory Scrutiny Officer recommended that when committees went back to their effectiveness reviews, it would be beneficial to look at what was actually done over the previous year, what was complete, what could be safely dropped and what needed to be added. A more streamlined approach going forward would represent a far better use of time.

The chair suggested a workshop would allow for discussion on how/if the 12 objectives could be reduced to a more manageable number.

The board identified a need for clear outward facing communications to inform and update the public on how the council and scrutiny committees work and what activity they have and will be involved in.

The board felt that following the September meeting it would be helpful to draw up a communications plan and establish service level commitment in relation to what support communications could provide to scrutiny. Information was regularly released focusing on cabinet and council decisions, and scrutiny activity should be treated in a similar manner.

The Statutory Scrutiny Officer explained that regular meetings had been set up with the managers responsible for the governance aspects of the council. Meetings would be held at the end of each committee cycle to discuss committee work programmes with officers and the communications team, with a view to identifying areas of potential interest in terms of communications. Work was also ongoing in relation to the council's website and this would place increased focus on scrutiny activity.

The board praised the amount of training that had been provided over the last year and stressed the continued need for training to aid in effective questioning and understanding of scrutiny functions.

The Statutory Scrutiny Officer explained that training relating to question asking skills had been omitted from induction training due to time restrictions, but that this could be offered as a standalone topic for a training session for new and existing members. This and other training would take place over the coming year and committee work programmes would help shape training needs.

The Statutory Scrutiny Officer drew the board's attention to a number of useful background documents available on the Teams space including:

- The Good Scrutiny Guide

- A Workbook for Councillors
- Local Government Association Workbook on Scrutinising Finance (located in the financial strategy folder)

The chair encouraged committee chairs to hold pre-meetings where they could agree the lines of questioning and assist members to take the lead on a line of questioning. Some of the questioning skills expertise could be drip fed to members through those meetings, they would also provide an integrated view of everybody's opinions about certain lines of questioning.

A discussion took place regarding the use of applications such as WhatsApp to aid communications and allow for swift sharing of information between committee members.

The chair acknowledged the benefits of such apps for political groups, but felt that a discreet and secure council system of communication such as Teams was better suited to scrutiny.

The Statutory Scrutiny Officer stated that training on Teams could be provided as required.

The board discussed outsourcing work and the need to scrutinise the council's companies and suppliers. The board noted that this was something the previous committee had intended to do and that it should be added to the work programme, as 'Oversight of performance of Council's companies, e.g. Hoople' was listed within the remit of the Scrutiny Management Board.

It was also noted that Hoople and any other shareholding would be picked up by the newly established shareholder committee, although this would focus more on the council's relationship with these shareholders, rather than scrutinising them.

RESOLVED UNANIMOUSLY:

That: a) Scrutiny's annual report be noted.

71. WORK PROGRAMME

The chair of the board introduced the work programme item and stressed that it would be a live and fluid document that could and would be shaped to meet the changing demands and requirements of the board.

The board suggested that resourcing issues may be adversely impacting the ability of officers to communicate with and respond to the public and wards (answering phone calls and such like) and that the board might want to investigate this.

The board discussed the previous committee's work programme. It was agreed that the board's remit had not changed and that rather than reinventing the wheel it would be wise to retain certain existing items, especially those of an ongoing nature.

The board discussed best value principles and seven themes of best value: continuous improvement, leadership, governance, culture, use of resources, service delivery of partnerships and community engagement.

The board discussed cross-cutting themes that were felt to run through everything done by the Council:

It was asked to what extent was the board confident that the council was taking into consideration and stewarding the county's resources to meet the needs of the younger and future generations.

The climate ecology emergency was identified as a cross-cutting theme and it was felt that it would be useful to look at the extent to which the climate and ecology emergency was built into everything the council was doing. Examining how the council's partners and shareholders were embracing and implementing climate and ecology measures was something the board should potentially be scrutinising.

It was suggested the best value principles and identified cross-cutting themes could be combined and applied to create a framework of enquiry, which could help shape committee work programmes and also be applied to council activities.

The board raised concerns about the Wye Catchment Nutrient Management Board and how effective it had been over the last five years. It was felt that the Scrutiny Management Board should look at the performance of the Nutrient Management Board, Cabinet Phosphate Commission and Marches Forward Partnership. It would be necessary to question and establish where these bodies sat within scrutiny responsibility and whether there would need to be a multi-authority scrutiny dimension when looking at these bodies.

The board noted it would like to take a look at the County Plan as part of its work programme.

The board was keen to take a look at and have input on the approach to the budget consultation. It was also suggested that the board should open a wider scrutiny on general consultation and how the council engages with the public, with a view to ascertaining whether the council was maximising opportunities to include public feedback and input within the decision making process.

It was noted that risk management had historically been an area of overlap between scrutiny and audit and governance. Audit and Governance focused on process, but it was felt it was important that scrutiny was able to look at content and that this should be included on the work programme.

Information governance and knowledge management was identified as potential topic for inclusion on the work programme. This would involve looking at how this information was gathered, integrated, shared with partners and used to inform the council's decision making. It was acknowledged that this was a very broad subject with some overlap with Audit and Governance.

The chair requested that the Forward Plan should be published as part of the agenda paperwork in future, so that the board and all other committees could use that information to inform reviews of their work programmes. It would be helpful to have the six months look ahead to assist in creating robust work programmes, which would give officers time to put together reports for items further down the schedule.

The board noted that it would need to examine community responses to unaccompanied asylum seekers in the county and establish whether the council and shareholder services were able to provide the right support.

The board noted that it had put forward a substantial number of potential topics and that a key challenge would be to prioritise these. It was agreed that a workshop would provide a good opportunity to discuss and prioritise items for the year ahead.

A discussion took place in relation to whether or not specific items should be allocated to individual members of the board based on their personal/professional areas of expertise. It was also asked how effective scrutiny committee recommendations were in shaping decisions.

The chair explained that task and finish groups allowed the board to take a deep dive into areas and items that it felt needed to be paid additional focus. It was hoped that the board and other committees would use these where necessary to tackle bigger/complex issues.

It was explained that the scrutiny committees were politically balanced in terms of membership make up to promote broad debate, avoid political bias and allow recommendations to be put forward collectively. In terms of scrutiny recommendation effectiveness, it was noted that the previous administration had accepted a significant number of scrutiny recommendations and it was hoped that this would continue to be the case under the new administration.

RESOLVED: Following the discussions that had taken place during the meeting, the board felt that it would be useful to hold a workshop to allow it to structure and prioritise its work programme. In addition to the existing schedule the following items were also to be considered for inclusion:

- **Prioritising items for the work programme.**
- **Measuring, tracking and reporting scrutiny committee effectiveness.**
- **Considering if/how to streamline the board's current list of 12 objectives.**
- **Identifying and addressing potential areas of overlap between committees.**
- **Creating a framework of enquiry, based on best value principles and cross-cutting themes.**
- **Considering where the Wye Valley Nutrient Management Board and other cross-county bodies sit within the scrutiny framework.**
- **Examining the proposed process for Executive responses to scrutiny.**
- **The County Plan.**
- **The impact of unaccompanied asylum seekers on the county.**
- **Scrutiny of Hoople and other shareholders.**

72. DATE OF THE NEXT MEETING

Date of next meeting: 19 September 2023, 2-5pm

The meeting ended at Time Not Specified

Chairperson