

## **Title of report: Progress Report**

**Meeting: Scrutiny Management Board**

**Meeting date: 9th January 2023**

**Report by: The Statutory Scrutiny Officer**

### **Classification**

Open

### **Decision type**

**This is not an executive decision**

### **Wards affected**

(All Wards);

### **Purpose:**

This report provides a brief summary update on issues previously considered by the Scrutiny Management Board, including responses to information requests made by the committee, updates on resolutions made by the committee, including reports and recommendations to the executive and the Executive Response and executive decision made in respect of scrutiny reports and recommendations.

### **Recommendation(s)**

That the progress report on scrutiny information requests, scrutiny reports and recommendations and other matters raised by the committee be noted.

### **Alternative options**

1. The alternative is for the committee not to receive a Progress Report to update on matters since the last meeting, which would provide less clarity and transparency on the progress of issues since the last meeting.

### **Key considerations**

2. Scrutiny committees have statutory powers to make recommendations to the Executive, as appropriate, and the Cabinet has a statutory duty to respond to scrutiny recommendations. They may also make reports and recommendations to external decision making bodies.
3. In tracking scrutiny recommendations, it is important that it is clear that the recommendations are addressed to the Cabinet, as the Executive decision making body of the council (or,

where appropriate, external agency), and to track the decision of the Cabinet and thereafter the implementation status of the Executive Response and Cabinet decisions.

4. Scrutiny committees also have the power to request information from council departments and certain other external organisations, from who they should expect a response. Scrutiny committees should be clear why they are requesting information and when they need the response by. Scrutiny committees may therefore wish to keep track of information requested at the previous meeting and for this to be received at the next ordinary meeting of the committee.

### **Scrutiny Committees at Herefordshire**

5. The council has five scrutiny committees, established by full Council on 20 May 2022;
  - i). Scrutiny Management Board
  - ii). Environment & Sustainability Scrutiny Committee
  - iii). Connected Communities Scrutiny Committee
  - iv). Children & Young People Scrutiny Committee
  - v). Health, Care & Wellbeing Scrutiny Committee.
6. The general role of the scrutiny committees is set out in Article 6 – Scrutiny, of the Herefordshire Council Constitution, in accordance with the Local Government Act 2000. Part 3, Section 4 of the Constitution sets out the specific remits for each of the scrutiny committees. This includes a strategic management and coordination functions for the Scrutiny Management Board, as well as the thematic remits of the four other scrutiny committees. The Scrutiny Management Board is also responsible for the scrutiny of corporate cross cutting functions of the council.
7. Although scrutiny committees do not have any executive decision making powers, they do have statutory powers to make recommendations to Cabinet, as appropriate, and Cabinet has a statutory duty to respond to scrutiny recommendations. The scrutiny committees may also make reports and recommendations to external decision making bodies.

### ***Progress from the Previous Meeting***

#### **Budget Scrutiny - 2023/24 Budget Setting Progress**

8. At the meeting on 7<sup>th</sup> October 2022 the committee considered budget scrutiny - 2023/24 budget setting progress, with an update report from the Head of Strategic Finance (deputy S151) Officer.
9. The committee also suggested that that the Executive take further action to ensure that the saving proposals are robust and deliverable. This suggestion was noted by the committee for further consideration a part of the committee's scrutiny of the Council's budget proposals.
10. At the end of the consideration of that item the committee made the following information requests:
  - i). A summary briefing note on the overall estimated impact expected on the Economy and Environment budget.
  - ii). A summary briefing note on the measures being taken to mitigate budget pressures to lobby for additional Government funding for Herefordshire.
  - iii). A summary briefing note to provide a longitudinal view of the capital budget projects performance, including capital budget underspends.

- iv). The breakdown of delayed capital projects to show how much of those is to do with delayed projects and how much to do with the projects costing less than anticipated.
  - v). A summary briefing note on the rising number of unpaid carers in Herefordshire, including up to date data on the number of unpaid carers.
  - vi). A request to the department for Work and Pensions (DWP) for the number of people in receipt of the carer's allowance.
  - vii). The definition of domiciliary care at Herefordshire Council and the Council's brokerage team and what agencies were involved in determining these definitions.
  - viii). A briefing note on the increase on placement requests, from where these are tending to be from and the reasons for the increase.
  - ix). A briefing note on the extent to which Talk Community Hubs are involved in delivering domiciliary care services and in front line service delivery in adult social care, and whether this was included in the Council budget.
  - x). A briefing note on the opportunity costs not included in the Council budget, delivered by Talk Community Hubs neighbourhood schemes.
  - xi). A briefing note with up to date data on risk register C05 digital transformation: the use of technology to support home care and extend independent living.
  - xii). A summary of the measures taken by the Executive to ensure that the saving proposals are robust and deliverable to be provided to the committee.
11. An information request was also made for an update on operational improvements and progress arising from the implementation of the Rethinking Governance Working Group recommendations, including those relating to the Council website.
  12. These information requests have been added to an information requests tracking table at Appendix 1.

### Scrutiny Management Board Annual Work Plan 2022-2023

13. The committee agreed its work plan for the year on 5th September 2022, along with the entire Annual Scrutiny Work Programme 2022-2023, comprised of all of the scrutiny committee Work Plans.
14. There have been some adjustments to the planned dates of the scrutiny committees, partly to accommodate attendance by key participants, partly due to reports schedules and partly because of the period of mourning subsequent to the death of HM the Queen, when committee meetings had to be postponed. The Children and Young People's Work Plan meeting dates and topics is being reviewed in the light of the Ofsted Inspection of Children's Services.
15. The Scrutiny Management Board Work Plan is proposed to be amended to reposition the budget scrutiny sessions to consider the draft budget proposals from 2<sup>nd</sup> December 2022 to 17<sup>th</sup> January 2023, to reflect the re-scheduled budget development timetable. This is an extended meeting to include questions to cabinet members and chief officers for each council department.
16. It was proposed to use the 2<sup>nd</sup> December 2022 date to consider the Treasury Management Strategy, along with the budget performance report. It is proposed to move the listed consideration of the budget scrutiny report from the scrutiny committee from 9<sup>th</sup> January 2023 to the new meeting date on 17<sup>th</sup> January 2023, with an update on the budget instead received instead on 9<sup>th</sup> January.

17. The Connected Communities Scrutiny Committee Work Plan was amended to reflect the deferment of the meeting on 9<sup>th</sup> September 2022, which was deferred due to the death of HM the Queen, to 18<sup>th</sup> November 2022.
18. The Environment and Sustainability Scrutiny Committee repositioned the meetings on 18<sup>th</sup> November 2022 and on 10<sup>th</sup> March 2023, which were Wednesday dates, to Friday dates, 20<sup>th</sup> November 2022 and 10<sup>th</sup> March 2023 respectively, to accommodate the Cabinet Member for Environment and Economy.
19. The committee has resolved to include consideration of an update on the Phosphates Commission – Restoration of the River Wye on 10<sup>th</sup> March 2023.

### ***Scrutiny Recommendations and Executive Response***

20. In accordance with Part 4 Section 5 of the Herefordshire Council Constitution, the council's scrutiny committees may make recommendations to the full Council or the Cabinet with respect to any functions which are the responsibility of the executive or of any functions which are not the responsibility of the executive, or on matters which affect the borough or its inhabitants. The Health, Care and Wellbeing Scrutiny Committee may also make recommendations to the relevant NHS bodies or relevant health service providers or full Council.
21. Scrutiny committees may not make executive decisions and scrutiny recommendations therefore require consideration and decision by the appropriate decision maker; usually the Cabinet, but also full Council for policy and budgetary decisions and the NHS where it is the decision maker.
22. The Scrutiny Recommendation Tracker table will provide a summary of scrutiny recommendations made during the municipal year, so that the scrutiny committee can track the progress of the recommendations made.
23. The Scrutiny Recommendation Tracker table includes each scrutiny recommendation made and the date it was made, (which will be as is recorded in the committee minutes), identification of the decision maker (e.g. Cabinet), the Executive Response (the actual Cabinet decision), which may be different from the scrutiny recommendation and which will be minuted in the Cabinet minutes, the date the Executive Response/decision was made and an implementation review date.
24. The Scrutiny Recommendation Tracker enables the scrutiny committee to track whether their recommendations have been agreed, what actually was agreed (if different) and ask about any outcomes arising from the scrutiny recommendations, for example, service improvements, value for money savings and outcomes for residents.
25. If the relevant respective executive decisions and actions have been implemented, they will not be referred over to the scrutiny recommendation tracker report for the next municipal year, but that any that have not been implemented may be referred to the scrutiny recommendation tracker for the next committee cycle.

### **Procedure for Recommendations from Scrutiny Committees**

26. Where scrutiny committees make reports or recommendations to the Cabinet, as soon as this has been confirmed, these will be referred to the Cabinet requesting an Executive Response and the issue will be published on the council's Forward Plan. This will instigate the

preparation of a report to Cabinet and the necessary consideration of the response, the technical feasibility, financial implications, legal implications and equalities implications etc.

27. Where scrutiny committees make reports or recommendations to full Council (e.g. in the case of policy and budgetary decisions), the same process will be followed, with a report to Cabinet to agree its Executive Response, and thereafter, a report will be prepared for Council for consideration of the scrutiny report and recommendations along with the Cabinet's Response.
28. Where scrutiny committees have powers under their terms of reference to make reports or recommendations external decision makers (e.g. NHS bodies), where they do this, the relevant external decision maker shall be notified in writing, providing them with a copy of the committee's report and recommendations, and requesting a response.
29. Once the Executive Response has been agreed, the scrutiny committee shall receive a report to receive the response and the committee may review implementation of the executive's decisions after such a period as these may reasonably be implemented (review date).

### **Community Impact**

30. In accordance with the adopted code of corporate governance, the council is committed to promoting a positive working culture that accepts, and encourages constructive challenge, and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development and review. Topics selected for scrutiny should have regard to what matters to residents.

### **Environmental Impact**

31. Whilst this is an update on the work of the scrutiny committees and will in itself have minimal environmental impacts, consideration has been made in the consideration of Executive decisions and the Executive Responses provided by the Cabinet.

### **Equality Duty**

32. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:
33. A public authority must, in the exercise of its functions, have due regard to the need to –
  - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
34. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. Whilst this is an update on the work of the scrutiny committees and will in itself have minimal equalities impacts, consideration has been made in the consideration of Executive decisions and the Executive Responses provided by the Cabinet.

### **Resource Implications**

35. The costs of the work of the committee will have to be met from existing resources. It should be noted the costs of running scrutiny can be subject to an assessment to support appropriate processes.
36. The councillors' allowance scheme contains provision for co-opted and other non-elected members to claim travel, subsistence and dependant carer's allowances on the same basis as members of the council. If the committee agrees that co-optees should be included in an inquiry they will be entitled to claim allowances.

### **Legal Implications**

37. The council is required to deliver a scrutiny function. The development of a work programme which is focused and reflects those priorities facing Herefordshire will assist the committee and the council to deliver a scrutiny function.
38. The Scrutiny Rules in Part 4 Section 5 of the council's Constitution provide for the setting of a work programme, the reporting of recommendations to Cabinet and the establishment of task and finish groups within the committee's agreed work programme.
39. There are no specific legal implications arising from this report which provides a progress update on recommendations made to Cabinet and subsequent Cabinet decision. Any legal implications arising from Cabinet Decisions will be detailed in the relevant Cabinet report.

### **Risk management**

Risk / opportunity	Mitigation
There is a reputational risk to the council if the scrutiny function does not operate effectively.	The arrangements for the development of the work programme should help mitigate this risk.

### **Consultees**

The Chair of the Scrutiny Management Board.

### **Appendices**

Appendix 1 - Scrutiny Management Board Information Tracking Report 2022-23.

### **Background papers**

None identified.