

Title of report: Scrutiny Annual Report

Meeting: Council

Meeting date: 25 July 2023

Report by: Statutory Scrutiny Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

All wards

Purpose

To provide an account of the work of Herefordshire Council's scrutiny function and its committees during the 2022/23 municipal year.

Recommendation(s)

That:

- a) **Scrutiny's annual report be noted.**

Alternative options

1. Council can choose to reject scrutiny's annual report. It is not required by legislation or by its own constitution to consider, to note or to accept an annual report from its scrutiny committees.

Key considerations

2. The scrutiny function at Herefordshire Council underwent significant reform during the 2022/23 municipal year. The impetus for this was the Audit and Governance committee's review of governance arrangement in Herefordshire. Initiated by Council in 2019, the review sought to:
 - a. maximise member engagement and participation in decision-making
 - b. ensure decision-making is informed, transparent and efficient
 - c. welcome public engagement
 - d. enable members and officers to perform effectively in clearly defined functions and roles and

e. assess any resource implications for any proposed changes.

3. The review recommended that the scrutiny committee expand to form five committees, to appoint a statutory scrutiny officer, and to conduct an annual effectiveness review of committees presented to the annual council meeting.

4. On 4 March 2022 Council agreed to the following structure and remit for its committees:

Committee	Scrutiny of:
Health Care and Wellbeing scrutiny committee	<ul style="list-style-type: none"> • Adult social care (including adult safeguarding) • Health and wellbeing board • Housing • Adults mental and physical health & wellbeing • Safe Herefordshire campaign • Outbreak control plan • New models of care accommodation • Talk Communities • Homelessness • All ages whole system commissioning strategy • Independent living services and Assistive technology plan • Adults and Communities budget and policy framework • Statutory health scrutiny powers including the review and scrutiny of any matter relating to the planning provision and operation of health services affecting the area and to make reports and recommendations on these matters.
Children and Young People scrutiny committee	<ul style="list-style-type: none"> • Children's social care including safeguarding • Online teaching & home learning • Signs of Safety • Children and families policy framework items • Statutory education scrutiny powers • Children's mental and physical health & wellbeing • Schools investment programme • Children's Improvement Board and the oversight of the required improvement journey
Connected Communities scrutiny committee	<ul style="list-style-type: none"> • Talk Business programme, advice and support • Development Investment plans – town, market town, rural, Hereford City • Hereford Enterprise Zone • Higher education development • Adult and community learning programme • Apprenticeships • Fastershire programme • Digital connectivity • Heritage, culture & tourism • Social Value procurement policy • Planning • Licensing

	<ul style="list-style-type: none"> • Regulatory • Capital highway maintenance, Asset management & infrastructure repair • Council housing • Statutory community safety and policing scrutiny powers
Environment and Sustainability scrutiny committee	<ul style="list-style-type: none"> • Core strategy • Waste & recycling • Transport incl. active travel • Climate & ecological emergency • Climate and nature impact assessment on infrastructure proposals • Environmental and energy efficiency standards • Nature strategy - Stewardship of natural resources & green spaces • Integrated wetlands & water quality • Statutory flood risk management scrutiny powers
Scrutiny Management Board	<ul style="list-style-type: none"> • To undertake the scrutiny role in relation to areas which are cross cutting nature eg. Corporate Strategy and Finance (Budget), People and Performance and Corporate Support. • Where a matter falls within the remit of one or more Scrutiny Committees, decide which Committee will consider it and whether a spotlight, task and finish or standing panel review is appropriate • Budget • Treasury Management • Approve an annual work programme for itself and the other scrutiny committees • Oversee communications to members and public in relation to scrutiny matters • The coordination of an annual effectiveness review • Oversight of performance of Council's companies, e.g. Hoople

5. These newly-constituted committees began their work following the appointment of their chairs at the annual meeting of council on 20 May 2022.
6. The Scrutiny Management Board also managed a programme of service development during the municipal year, which is outlined later in this report.

Training and Development

7. The Scrutiny Management Board identified as a risk that the reconstituted structure in itself would not necessarily strengthen scrutiny's effectiveness. Scrutiny has therefore undergone significant training and development since May 2022.
8. During Spring and Summer 2022, all elected members underwent training delivered by the Centre for Governance and Scrutiny. This training consisted of five modules of face-to-face sessions that covered:
 - an introduction to scrutiny
 - creating a programme of work
 - chairing a meeting

- gathering and using evidence and
- questioning skills.

9. The Children and Young People Scrutiny Committee was supported throughout the year by the Local Government Association. The committee undertook three training courses, and the chair and deputy chair were mentored by a chair of a scrutiny committee from another local authority.
10. The Scrutiny Management Board received training on treasury management to support its scrutiny of financial strategy and the council budget. Although focussed on members of the board, the training was open to all elected members of Council.
11. During the induction period following the May 2023 all-Council elections the training material delivered by the Centre for Governance and Scrutiny has been provided for the new cohort of elected members, delivered by the statutory scrutiny office. Following the election all new members received an introduction to scrutiny. In addition, all committee members received training on creating a programme of work. All of the recently appointed chairs of scrutiny committees, whether new or returning, received training on chairing skills.
12. Herefordshire Council has also created a timetable of briefing sessions to support the work programmes of its scrutiny committees. Although the purpose of these sessions is to provide background information to scrutiny committee members, they will be open to every member of Council.
13. **Strengthening Scrutiny**
Throughout the 2022/23 municipal year, the scrutiny committees have undertaken a programme of service development. They have structured this work around twelve principal objectives, which are listed below alongside the progress made in achieving each objective.
14. **Objective 1: Being clear about the scrutiny committee's role and objectives within the organisation and wider governance structures**
Scrutiny's role and objectives within the organisation are specified in the Herefordshire Council's constitution. Part 2, article 6 of the constitution states that "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 decisions."

This overarching role for scrutiny is further detailed in [part 3, section 4, of the constitution](#). This provides detail on the functions that scrutiny uses in order to meet its objectives. In addition, the individual remits for each committee, as listed in this section of the constitution, provide the thematic scope for each committee's objectives. Each of the five committees also agreed a set of objectives for their work at the beginning of the 2022/3 municipal year.

This role and these objectives were highlighted in the training that was provided to elected members during the summer of 2022 and again during the induction programme following the 2023 local elections. They are also detailed on scrutiny's pages on the council's website. These pages were refreshed during the 2022/23 municipal year.
15. **Objective 2: Make a demonstrable impact and add value to Council policy, strategies and Cabinet decisions.**

The five scrutiny committees engaged in a significant work programme planning process during June and July 2022, bolstered by the five training courses provided by the Centre for Governance and Scrutiny. This work programming was successful to some extent in identifying topics where the council was undertaking policy development. As a result the committee have engaged in pre-decision scrutiny with the Local Plan, Health and Wellbeing Strategy, Flood Risk Management Strategy and work around nutrition and obesity. More detail about the work of each committee can be found in appendices 1-5.

During the year scrutiny carried out only one task and finish group, on the impact of poultry sheds on public health. These groups provide scrutiny with an opportunity to explore a particular topic – possibly one that cuts across multiple services or organisations – with the purpose of providing policy recommendations for Cabinet to consider. Although such groups can be very useful, they are also resource intensive.

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

Scrutiny produced one task and finish group inquiry during the year. As a result the opportunity has not yet arisen to critically appraise task and finish group reports or to make suggestions for improvement in future reports.

The Scrutiny Management Board has within its objectives to produce an annual review of scrutiny's effectiveness on behalf of all scrutiny committees. This report constitutes scrutiny's first annual report on its effectiveness. It is necessarily limited, as it is being written only nine months after the new structure was put into place. It is also being written by the council's new Statutory Scrutiny Officer, who began work in February 2023. Future iterations of the review will be managed by the incoming Scrutiny Management Board, supported by officers.

17. **Objective 4: Ensure that any scrutiny recommendations made in committee are clearly addressed to the Cabinet (or other appropriate decision maker) and are strategic and SMART**

All scrutiny committees are now tracked to ensure that scrutiny receives a response to any recommendations made. These trackers record every recommendation and information request made by the committee, providing assurance that scrutiny requests are responded to.

Scrutiny committees did not undertake any appraisal of their recommendations to ensure that they were strategic or SMART. Nor did they determine a means by which they could carry out this appraisal.

To ensure that the recommendations made by committee do not generate an additional administrative burden on officers, democratic services officers at Herefordshire Council continue to work on processes to embed scrutiny recommendations in the existing processes for Cabinet decision making.

18. **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**

The appointment of a permanent Statutory Scrutiny Officer will help to ensure that reports to

Cabinet and Council will contain recommendations that are based in the evidence received by the committee.

Scrutiny has also put into place a work programme assessment tool. This guided process will support committees to consider the evidence that they will need in order to scrutinise a selected topic. This should help to ensure that committee the right evidence to make good recommendations.

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

Officers in the Governance team are working on a process for officers, Cabinet and Council to consider and respond to recommendations.

Officers are working with the Scrutiny Management Board and Cabinet to agree a revised process to be put into place from September 2023.

20. **Objective 7: Provide demonstrable accountability of the Cabinet and Cabinet Members**

This annual report, alongside committee recordings, committee minutes and other reports to Cabinet Council, account for the work of scrutiny.

Underpinning this work is a requirement for the relevant portfolio holder to attend committee meetings to account for their portfolio of responsibilities. Herefordshire Council's induction training for all new and returning members made clear that scrutiny should hold Cabinet and Council to account for council performance, rather than officers. This training also includes a module on questioning skills for elected members, which is focussed on using questioning to explore agreed lines of enquiry

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

As part of work programme planning at the beginning of the municipal year, the scrutiny committees identified external participants for each agenda item where appropriate. Additional participants were also identified through subsequent agenda planning discussions.

For example, the former General Scrutiny Committee had previously received updates from the Police and Crime Commissioner but, acknowledging its broader remit in the scrutiny of crime and disorder functions, the new Connected Communities Scrutiny Committee undertook scrutiny activity on the Herefordshire Community Safety Partnership (CSP). This involved participation by the Chairperson of the CSP, the Police and Crime Commissioner, and representatives of Hereford and Worcester Fire and Rescue, Herefordshire Council, NHS Herefordshire and Worcestershire Integrated Care System (ICS), and West Mercia Police. The committees will seek to strengthen their scrutiny of the council's significant partners, and have begun to address this in their work programming for the year ahead.

Another example was the Local Flood Risk Management Action Plan considered by the Environment and Sustainability Scrutiny Committee. This involved participation by representatives of Balfour Beatty, Environment Agency, Hereford and Worcester Fire and Rescue, and Herefordshire Council.

22. **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)**
All new and returning elected members have undertaken a short questioning skills training course during their induction programme.

Democratic services officers also support elected members to prepare their lines of enquiry and questioning of a given topic. The Scrutiny Management Board, the Children and Young People Scrutiny Committee, and the Environment and Sustainability Scrutiny Committee all met regularly before formal committee meetings, to discuss draft papers, and to formulate their lines of enquiry. Committee members have found this preparatory work has helped to sharpen their questioning. The committees are further supported by a policy briefing paper from the statutory scrutiny officer with a reminder of the committee agreed objectives for the agenda item and their agreed lines of enquiry.

23. **Objective 10: Be effective in identifying the topics where the committee can add most value to the organisation**

All of the council's scrutiny committees have carried out work programme planning at the beginning of the municipal year. They carried out this planning in partnership with portfolio holders and senior officers to identify not only local authority and partner priorities, but the optimum time for them to consider any given item. This work is overseen by Scrutiny Management Board, who ensure that committees do not duplicate work. The board also ensures that work programmes are focussed on the priorities of the overarching County Plan.

The committees have also considered how they may best look at any given topic, and whether a formal committee meeting is the best place to consider an item. For example, a given topic may be primarily an information request – which would be better served by an informal briefing – or in the case of a more complex item, a task and finish group.

To support them in this work, the Statutory Scrutiny Officer has delivered work planning training, based on the training delivered by the Centre for Governance and Scrutiny in June 2021.

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

Scrutiny committees published a single task and finish group during the 2022/23 municipal year, which looked at the impact of poultry sheds on public health and wellbeing.

Scrutiny has created a task and finish group specification form that it will use to determine whether a particular issue warrants such a group. This will help to ensure that scrutiny does not squander time considering matters on which it can have little or no impact. This will support the group scoping process, by which the committee determines the objective and scope for a task and finish group and the evidence it needs to carry out its work.

25. **Objective 12: Engaging the public and external 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**

Throughout the year scrutiny committees have involved the public, external voluntary and community organisations in the work of the committees in numerous ways:

- a. all committees now receive and respond to written questions submitted by residents
- b. the Children and Young People's scrutiny committee will put in place a parent representative co-opted member once it determines its programme of work and
- c. throughout the year all of the committees have received input from members of the public and expert witnesses, including a school head invited to discuss her experience of working with children with a special educational need or disability.

The corporate web pages for scrutiny also include a form for members of the public to raise concerns with committee members.

Community impact

- 26. The scrutiny function supports community development through robust scrutiny of the council's policy framework, including the Local Plan, Health and Wellbeing Strategy, County Plan and the Medium Term Financial Strategy.
- 27. Scrutiny also supports community issues more directly through the work of the Connected Communities Scrutiny Committee.
- 28. The function also helps to ensure that the council discharges its corporate parent duties effectively, through scrutiny of the corporate parenting board and the council's broader work to support its looked after children and their families.

Environmental impact

- 29. Herefordshire Council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.
- 30. All reports to scrutiny committees, as with all council committees, include appraisals of the impact of the report content on climate change. Scrutiny committee work programmes directly link to the County Plan priorities, including the key priority to "Protect and enhance our environment and keep Herefordshire a great place to live.
- 31. Climate change and carbon reduction related issues are directly identified in the remit and therefore focus of the Environment and Sustainability scrutiny committee.
- 32. Whilst this is a decision on back office functions and will have minimal environmental impacts, consideration has been made to minimise waste and resource use in line with the Council's Environmental Policy. Examples include:
 - a. Creation of an online-only briefing programme, eliminating the need to travel to Hereford for a single meeting.
 - b. Paper-free briefings and informal meetings, eliminating the need for printed paper.

Equality duty

33. Under section 149 of the Equality Act 2010, a public authority must, in the exercise of its functions, have due regard to the need to:
- prevent discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - 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. As this report is primarily for information, we do not believe that accepting (or rejecting) this report will have an impact on our equality duty.

Resource implications

35. Effective scrutiny produces evidence-based recommendations. These can be informed by learning from best practice and an understanding of 'what works' at other similar local authorities, as well as developing a robust picture of what the situation is locally based on data, intelligence and insights. Where adopted recommendations can help with the efficiency and effectiveness of services that can be delivered differently, as well as informing the development of current and new policies.
36. Herefordshire Council recently appointed a statutory scrutiny officer with responsibilities to promote the role of the council's scrutiny committees within the council, and support the work of the scrutiny committees by providing help and advice to scrutiny members and also to those being scrutinised. In addition democratic services have deployed two democratic services officers to support scrutiny exclusively. Scrutiny Management Board will continue to review its workload and the officer capacity to support it.
37. As this report is primarily for information, there are no direct resource implications arising from this report. However the function may require some funding in order to carry out its work effectively. Requirements may include purchasing training or expert advice. However it is anticipated that much of the training and development required during the year can be met using existing council resources.

Legal implications

38. This report has no specific legal implications.

Risk management

39. Effective scrutiny is a feature of the council's governance arrangements, where the council is operating executive arrangements. There are a range of factors that could result in risks to the council of not doing scrutiny effectively. These include the failure to:
- a. challenge and hold decision makers to account
 - b. link scrutiny work to the delivery of the council's priorities and risk management
 - c. carry out thorough and appropriate research to make evidence-based recommendations
 - d. engage partners and providers
 - e. ensure that structures and models of operation are fit for purpose and match ambition and available resources
 - f. ensure that O&S can operate as the voice of communities and
 - g. draw on member knowledge and experience to inform policy development.
40. To mitigate, tolerate or eradicate these risks, enablers for effective scrutiny include:
- a. operating in an apolitical manner
 - b. clarity of vision and purpose
 - c. scrutiny support availability, capability and capacity
 - d. effective engagement and commitment by members and officers at all levels, including cabinet, opposition leaders, scrutiny chairs and senior officers who play a central role in setting the tone and direction
 - e. robust work programming and prioritisation of topics with clear objectives and expected impacts
 - f. ensuring that scrutiny work will add value to the council and communities e.g. through strong links between work programme topics and the integrated strategic plans that set out the actions and timescales to deliver the priorities in the County Plan
 - g. access to and availability of robust data and intelligence and
 - h. good relationships with partners and providers.

Consultees

41. To provide some continuity, this report was drafted before local elections took place in May 2023. The previous membership of the Scrutiny Management Board provided feedback on an initial draft in April 2023 for submission to the newly-appointed membership of Scrutiny Management Board following the elections.

Appendices

1. Children And Young People Scrutiny Committee Annual Report
2. Connected Communities Scrutiny Committee Annual Report
3. Environment And Sustainability Scrutiny Committee Annual Report
4. Health Care And Wellbeing Scrutiny Committee Annual Report
5. Scrutiny Management Board Annual Report
6. Scrutiny Management Board action plan

Background papers

None identified

Please include a glossary of terms, abbreviations and acronyms used in this report.