

Title of report: Public Realm Future Operating Model working group terms of reference

Meeting: Connected Communities Scrutiny Committee

Meeting date: 10 July 2024

Report by: Statutory Scrutiny Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

All wards

Purpose

To determine whether to form a committee working group to scrutinise development of the Public Realm Future Operating Model.

Recommendation(s)

That:

- a) The committee consider forming a working group according to the terms of reference attached as appendix 1; and**
- b) The attending Cabinet Member(s) at the meeting be invited to identify any additional elements relevant to the terms of reference.**

Alternative options

1. The committee could make changes to the terms of reference before agreeing to form a working group.
2. It could also decide not to form the working group.

Key considerations

3. As part of the development of the committee's work programme, the committee's chair, Cllr Ed O'Driscoll has met with officers of the council to discuss their priorities for the next twelve months. A key strand of work for the economy and environment directorate will be the development of the proposed future operating model for the council's public realm services.
4. On 27 June 2024, Cabinet agreed a public services realm operating model and to delegate the corporate director for economy and environment to carry out market engagement on this model. It is expected that the corporate director will report findings to Cabinet at its meeting on 24 October 2024.
5. The chair of the Connected Communities Scrutiny Committee proposes that the committee scrutinise the findings of the market engagement exercise and the resultant proposals before they are considered by Cabinet. This would provide Cabinet with a considered 'second opinion' that would complement the officer-led recommendations and strengthen its decision making. Ordinarily this would take place within a formal committee meeting. However there are a number of factors preventing that from happening. The market engagement exercise is unlikely to be concluded until very late September, before which there is little for the committee to scrutinise. The exercise findings are also likely to contain commercially sensitive information, making their scrutiny difficult in a formal meeting. In addition the chair of the Connected Communities Scrutiny Committee will propose at this meeting that the committee use its next meeting to focus on housing development.
6. As a result, the chair wishes to propose that the committee form a working group of the committee, to scrutinise the draft findings of the market engagement exercise and to propose recommendations for agreement by the Connected Communities Scrutiny Committee at the next formal committee meeting.
7. In order to provide the opportunity for the committee to agree the working group's recommendations in time for the Cabinet meeting on 24 October 2024, the chair proposes to move the planned September committee meeting to a date no later than 15 October 2024. This would require the working group to meet in the first two weeks of October 2024.
8. Draft terms of reference for the working group are attached as appendix 1.

Community impact

9. 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.
10. Scrutiny also supports community issues more directly through the work of the Connected Communities Scrutiny Committee.
11. 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

12. 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.
13. 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 Council Plan priorities, including the key priority to 'Protect and enhance our environment and ensure that Herefordshire is a great place to live'.

14. Climate change and carbon reduction related issues are directly identified in the remit and therefore focus of the Environment and Sustainability Scrutiny Committee.
15. 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

16. 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:
 - 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.
17. 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

18. 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.
19. 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.

Risk management

20. 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 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-base 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 scrutiny can operate as the voice of communities and
 - g. draw on member knowledge and experience to inform policy development.
21. 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

22. None

Appendices

Appendix 1 - Public Realm Future Operating Model working group terms of reference

Background papers

[The new Public Realm services - report to Herefordshire Council Cabinet, 27 June 2024](#)