



Title of report: Annual review of effectiveness - Scrutiny Review

Meeting: Annual Council

Meeting date: Friday 23 May 2025

Report by: The Statutory Scrutiny Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

That Council agrees the content set out in the Scrutiny Review and authorises the Monitoring Officer to make any requisite changes and amendments to the council's constitution.

Recommendation(s)

That Council:

- a. **Agrees with the contents of the Scrutiny Review (in appendix 1) and the Statutory Scrutiny Officer's recommendations;**
- b. **Agrees that the number of the Overview and Scrutiny Committees should remain as current (as set out in 9 J, below); and**
- c. **Authority is given to the Monitoring Officer to make any requisite changes and amendments to the council's constitution as a result of the Statutory Scrutiny Officer's recommendations (as set out in 9 M-O, below).**

Alternative options

1. To propose alternative recommendations to those set out in this report. This is not recommended. The council is committed to conducting evidence led effectiveness reviews to ensure its scrutiny arrangements remain constitutionally 'fit for purpose'. The recommendations set out in this report have been proposed in order to either:
 - a. Improve clarity, practice and accountability, and
 - b. Improve the effectiveness and outcomes delivered by the council's scrutiny function
2. To not make the requisite changes to the constitution as a result of the Statutory Scrutiny Officer's recommendations. This is not recommended. The Scrutiny Review has evaluated and triangulated a range of qualitative and quantitative evidence. The review has also had oversight from the cross-party scrutiny review working group. The proposed changes to the constitution have been formed by the Statutory Scrutiny Officer by drawing the evidence together.

Key considerations

3. At their 4 March 2022 meeting, full Council agreed to review constitutional arrangements on an annual basis in the form of annual effectiveness reviews.
4. In line with this commitment, in late 2024 to April 2025, a Scrutiny Review was undertaken by the Statutory Scrutiny Officer. It considered the council's scrutiny functions focussing – principally – on culture and effectiveness of scrutiny at Herefordshire Council.
5. The review was asked to consider:
 - a. Current scrutiny arrangements, against the backdrop of the priorities in the Herefordshire Council Plan.
 - b. The purpose of scrutiny within the council's governance framework.
 - c. The current structure of scrutiny, and
 - d. The operation of scrutiny, including training and governance processes, to enhance and strengthen its functions.
6. The evidence gathered for the review included an online survey of elected members and officers involved in scrutiny. This generated 63 responses, 29 from elected members and 34 from officers of the council. Face to face interviews were conducted with eleven senior officers of the council, all five scrutiny committee chairs, the Leader of Council and the Cabinet Member for Finance and Corporate Services. Focus groups were held with Cabinet members and with the leaders of the council's political groups.
7. Desktop research was undertaken to review Herefordshire Council's current constitutional and committee structure arrangements. These were compared and contrasted with committee structures in other unitary authorities.
8. This research also considered the public question provisions at other local authorities and an analysis of the recommendations made by Herefordshire Council scrutiny committees and scrutiny committees from our neighbouring local authorities.
9. The scrutiny review's principal recommendations (which can be found in full at Appendix 1), are grouped into the following categories:

A Shared Purpose for Scrutiny

- a. Herefordshire Council elected members to agree a common purpose for scrutiny in Herefordshire.
- b. Scrutiny committee chairs and vice chairs meet their Cabinet counterparts and corporate directors at least quarterly to identify priorities and shape topics for scrutiny.
- c. Scrutiny to produce and deliver a rolling programme of training on the role of scrutiny, to both elected members and Herefordshire Council officers.

Using evidence well and making good recommendations

- d. Scrutiny to collaborate with the Democratic Services Manager to produce a programme of elected member briefings, aligned to scrutiny work programme and forward plan of key decisions.
- e. Herefordshire Council provide a funded training programme for members of scrutiny committees.
- f. Scrutiny to provide a report on training offered and taken up in its annual review of effectiveness.
- g. Herefordshire Council review its report template for scrutiny, removing superfluous sections suited to decision-making committees
- h. To draft a programme of training on scrutiny skills, to include:
 - i. Effective scrutiny chairing
 - ii. Critical thinking
 - iii. Asking questions
 - iv. Drafting recommendations, and
- i. Scrutiny committees take a pause during their committee meetings in order to draft their recommendations.

The right structure for scrutiny

- j. Herefordshire Council to retain its current structure of committees
- k. Scrutiny committees to provide, as part of their work programme planning, the rationale for the approach chosen for each scrutiny investigation.
- l. Scrutiny committees to demonstrate in their work programming that they are using the right forum to carry out their work (such as formal committee meeting, working group or task and finish group).

Public Questions

- m. Herefordshire Council restricts public questions to scrutiny committee matters that can be answered directly by the committee chair or statutory scrutiny officer.
- n. Herefordshire Council subjects supplementary questions to the same rules as initial public questions.
- o. Herefordshire Council re-introduces the six-month rule, whereby the same, or very similar question, cannot be asked within a six-month period of the answer being given, for scrutiny committees

10. Group Leaders were offered the opportunity to review the Scrutiny Review in April. There was general agreement with many of the recommendations. However, Group Leaders were unable to agree on recommendation 9J. The Independents for Herefordshire and the Green groups favouring a reduction in committees to four. The Conservative, Liberal Democrats and True Independents favouring the statutory scrutiny officers recommended course of action to retain the existing five committee structure.

11. In regard to public questions, there was general agreement with all of the proposed recommendations 9 M-O, with one exception. In relation to recommendation 9M, group leaders were of the view that if a question didn't relate to an item on the agenda, it would be referred to the Statutory Scrutiny Officer to put forward as a future work programme item. In this regard, group leaders felt that reintroducing the six-month rule would not be necessary and were not in favour of this recommendation.

Community impact

12. The Council Plan is committed to *Delivering the best for Herefordshire in everything we do*. Periodic reviews of the models of governance employed, processes and cultures adopted by the council are valuable ways in which we can demonstrate how we do this.
13. This review fulfils the Council's agreement to review constitutional arrangements through, although not limited to, annual effectiveness reviews.

Environmental Impact

14. 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.
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.

Equality duty

16. The Public Sector Equality Duty requires the Council to consider how it can positively contribute to the advancement of equality and good relations, and demonstrate that it is paying 'due regard' in our decision making in the design of policies and in the delivery of services.
17. The mandatory equality impact screening checklist will be completed on all Council decisions and where required, full Equality Impact Assessments will be undertaken. The impact of this decision is low, meaning that a full Equality Impact Assessment is not required.

Resource implications

18. There are no resource implications with this decision. However, if Council were to propose and agree alternative recommendations, for example, reducing the number of scrutiny committees there would be financial implications. Notably, a reduction in special responsibility allowances associated with chairing a scrutiny committee.

Legal implications

19. The council is required to have a constitution. The proposed recommendations, if agreed, will provide the basis for changes that can, or not as the case may be, be adopted at, and then implemented after, the annual council meeting.

Risk management

Risk / opportunity	Mitigation
Risk: Not making structural changes to scrutiny does not deliver the improvements needed to strengthen the scrutiny function at the council.	The refreshed emphasis and focus on strengthening and diversifying the ways in which scrutiny operates, including additional training and development will ensure best practices can be adopted and applied in all scrutiny settings.
Opportunity: Not making changes to the current committee structures allows for continuing improvements to the scrutiny culture. Introducing focus on additional ways of working/scrutiny practice allows continuing development to be sustained.	Scrutiny functions and practice at Herefordshire Council are continually reviewed on an annual basis.

These risks/opportunities will be monitored at an operational level, scrutiny's performance will be reported to Council.

Consultees

20. The scrutiny review was produced with oversight from a cross-party working group. The role of this group was to offer feedback, comment and advice on the preparation of the review. The statutory scrutiny officer has taken account of those views in the preparation of the review.
21. Group leaders were apprised and consulted of the scrutiny review on 24 April.

Appendices

- **Appendix 1 – The Statutory Scrutiny Officer's Scrutiny Review Report**

Background papers

None identified