



Introduction

This review has come about as a result of a commitment made by the council to review the revised scrutiny structures following their creation in May 2022. Council agreed to review these scrutiny arrangements after a two-year period.

This review focuses on the council's scrutiny function and explores the underlying culture and effectiveness of scrutiny at Herefordshire Council. It also looks at how committee members use evidence to scrutinise a topic and make good recommendations for change. The review is based on the following objectives:

- Review current arrangements, against the backdrop of the priorities in the new Herefordshire Council Plan.
- Understand current thinking on the purpose of scrutiny within the council's governance framework.
- Make recommendations on improvements to the structure of scrutiny, including training and governance processes.
- Make further recommendations on effective and proven cultural change regarding scrutiny reflecting elected members, officers and partners.
- To create a set of actions to create any agreed changes to structure, operation and support of the scrutiny function.

Methodology

In carrying out this review, the following research was carried out:

- 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 with:
 - eleven senior officers of the council
 - all five scrutiny committee chairs
 - Leader of Council and
 - Cabinet Member for Finance and Corporate Services.
- Focus groups with Cabinet members and with the leaders of the council's political groups¹.
- Desktop research analysing:
 - Herefordshire Council's constitution
 - Committee structures in other unitary local authorities
 - Public questions asked at Herefordshire Council committee meetings
 - Public question provision at other unitary local authorities.
 - Recommendations made by Herefordshire Council scrutiny committees, and scrutiny committees at neighbouring local authorities.

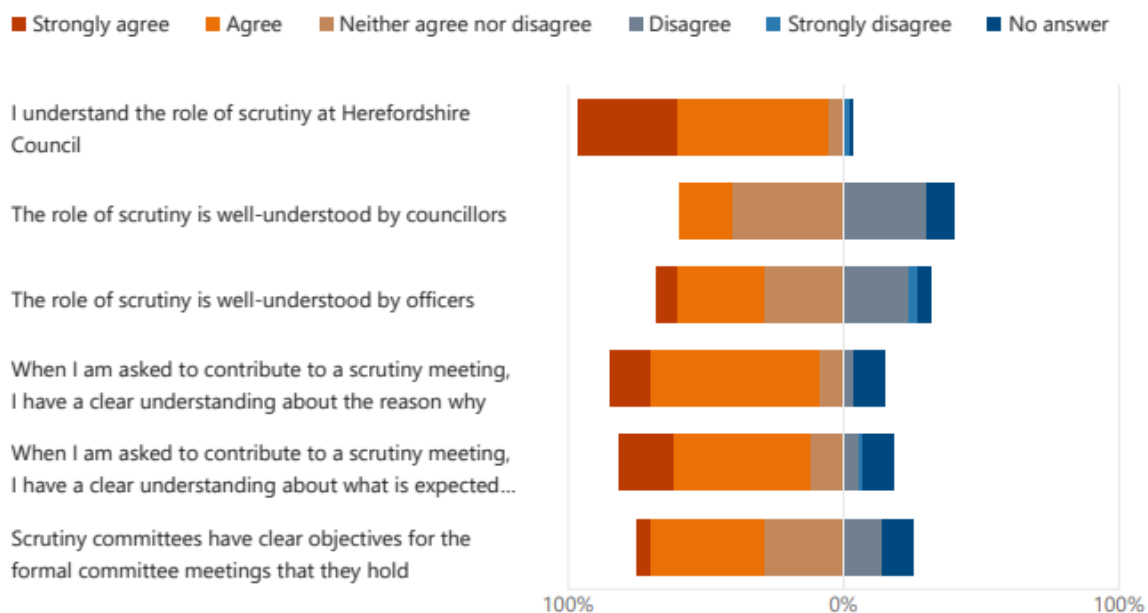
¹ The Leader of Council, who is also the leader of the Conservative group, did not attend the focus group as he was interviewed separately.

A shared purpose for scrutiny

The Centre for Governance and Scrutiny states that a foundational requirement of good scrutiny is a shared vision of what scrutiny is for, and a shared purpose for the work it undertakes to meet that vision.

Nearly everyone completing the survey, elected members and officers, told the review that they agreed they understood scrutiny's purpose. 94% of respondents said that they strongly agreed (42%) or agreed (52%) that they "understand the role of scrutiny at Herefordshire Council".

Respondents were less certain about their colleagues. Only 21% agreed, strongly or otherwise, that councillors understood scrutiny's purpose with more (42%) neither agreeing nor disagreeing or (33%) disagreeing. Responses indicated slightly more confidence in officers' understanding than they were of the understanding of elected members.



The interviews and focus groups provided considerable insight into these seemingly contradictory results. Although those who were interviewed all gave overviews of scrutiny's purpose, those overviews differed in their focus. There is no one right way to go about scrutiny, but what is crucial is that there is an agreed approach when undertaking it. Much of the tension within scrutiny at Herefordshire Council – a tension noted by both officers and elected members interviewed for this review– stems from this lack of shared approach.

A minority view of those interviewed indicated that scrutiny is primarily, if not entirely about holding the administration to account for the outcome of decision making. It looks backwards, making recommendations to strengthen already agreed courses of action. For others, scrutiny had an additional role to play in developing and strengthening policy and projects before they are agreed by Cabinet and Council.

Many of the people interviewed for this review, particularly cabinet members and scrutiny chairs, noted the at-times tension between the current administration and scrutiny arising from this shared lack of understanding, a tension common to scrutiny in other local authorities, which

hampered the ability of scrutiny to add value to the decision-making progress, thus depriving Cabinet of the critical friend role that scrutiny should provide.

The current committee structure, and the expectations for the function, originate in part from scrutiny being seen by some members as ‘the next best thing’ to the committee system² of governance, and its distribution of decision-making powers. Some members referred to scrutiny as being seen as “a quasi-committee system”. This confusion over scrutiny’s also contributes to the tensions observed between scrutiny and the administration

A solution which is supported by the [Centre for Governance and Scrutiny](#) may be to create a protocol that sets out an agreed role for scrutiny. This could be used to set scrutiny’s role/purpose aligned to Herefordshire Council’s constitution and to provide the framework on which to base closer working between scrutiny committees and Cabinet.

Another recommendation, albeit one that will take longer to bear fruit, is to inculcate closer working between scrutiny, Cabinet, officers of the council and its partners. Since 2023, there has been more rigorous approach to scrutiny at Herefordshire Council. This is engendering a far more collaborative approach to work, with committee members, cabinet members, officers and the council’s partners now having more confidence about the meeting’s purpose. Regular strategy meetings between chairs and the council’s corporate to discuss the ‘lines of enquiry’ prior to scrutiny meetings being described by those interviewed as helping to entrench a shared purpose for scrutiny. This practice should be considered in a manner that will help to support the development of a protocol.

Having decided on scrutiny’s role, Herefordshire Council should do more to inculcate these values among councillors, officers and the council’s partners. A rolling training programme, including a session on scrutiny’s purpose and how that manifests at Herefordshire Council, would bolster the day-to-day work required to entrench these values. This training should be offered on a regular basis, to take into account the number of officers and councillors who start at and leave the council each year.

Suggested recommendations

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

² A committee system is where a council establishes a number of committees, each with a specific area of responsibility and decision-making powers. The political groups appoint elected members to those committees. It means that more councillors are actively involved in decision-making.

Using evidence well and making good recommendations

Presenting evidence well

A common theme when speaking with officers about scrutiny was the time and effort required to produce reports for scrutiny. In particular, officers felt that the current report format for decision-making committee did not serve scrutiny well. There were a number of issues identified:

- Confusion over the purpose of the 'recommendations section in the report cover. As those writing the report were not recommending decisions, this section was felt to be superfluous and at times caused confusion about the report's information-providing purpose.
- Multiple sections of the report format asking officers to assess the implications of recommended decisions, despite making no recommendations.
- Whether a formal report was necessarily the best way to provide evidence to the committee.

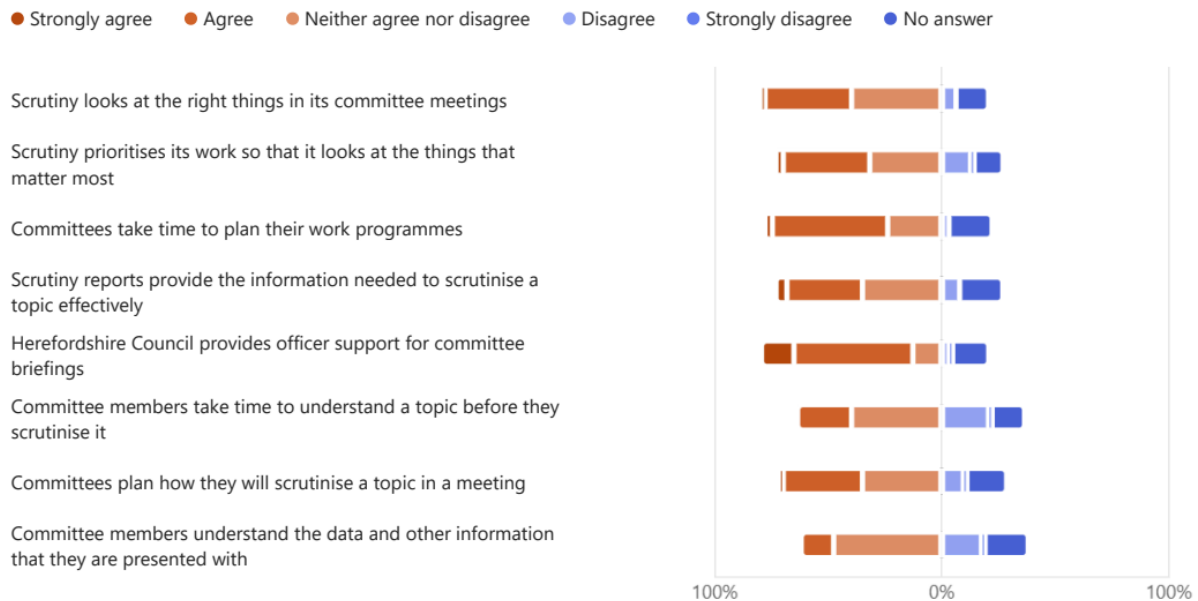
A written report serves two purposes. It provides information for the committee to carry out their work, but also provides public assurance on the council's work and performance. A report format that requires officers to provide large amounts of writing that is superfluous to this purpose, is an ineffective use of everyone's time. This report therefore recommends that Herefordshire Council review its report format for scrutiny, removing superfluous sections suited to decision-making committees.

Using evidence

During the course of this review, both elected members and officers spoke at length about the evidence that members receive, and how they use it to scrutinise officers and members of the council in order to make good recommendations. Of greater concern, only 18% of people responding to the survey believed that committee members understood the information presented to them, and fewer than a quarter believed that committees took time to understand the topic they were scrutinising. These views were held by officers and elected members almost equally.

Using the interviews to explore these results in greater detail, two narratives emerged. Committee members and chairs spoke of their occasional frustration at receiving inadequate evidence to carry out their work, either because of reports with inadequate information, or information received too soon before the meeting, or presented at the meeting itself through 'verbal updates' or long, information-rich presentations. This was a long-standing concern of committee members and some officers, who reflected that as a result some scrutiny meetings had been little more than elected member briefings. A committee chair noted that *"if [a report] is tabled on the day or the night before and you're expected to swot up the night before when you've got a meeting the next day, it doesn't make for good scrutiny."* Committee chairs noted that this could fuel a belief that the administration was not being entirely transparent.

Correspondingly, officers noted that they found that questions in formal committee meetings appeared to often focus on further information seeking rather than testing the evidence presented at the meeting. This could result in poor use of time in formal committee meetings, and frustration from Cabinet members and officers who were prepared and willing to have their work scrutinised.



The new scrutiny process, whereby presenting officers and committee chairs meet a couple of months before a meeting to plan their work, has helped to set expectations and improve the quality of questioning. Officers found the written briefs produced after these meetings to be useful, but these were only produced sporadically. Nonetheless, these meetings helped officers to produce the right information for the committee, as well as giving officers sufficient time to produce reports. As a result, it was noted that the quality and timeliness of reports have risen in recent months.

Similarly, committees now held regular pre-meetings to plan their lines of enquiry in the meeting. Some officers interviewed for this review were positive about this development, noting that committees appeared to be both more structured in their work and purposeful in what they sought from the meeting.

This report concludes that more that can be done to improve the quality of scrutiny in meeting. Both officers and elected members agree that more training and development for committee members was crucial. Ideas for this included:

- a programme of briefings on topics relevant to the committee
- more pre-committee briefings on topics due to be considered by the committee
- background information on a topic supplied to the committee
- a training programme of skills relevant to a committee

This work already happens to some extent, with member briefings already part of the scrutiny topic planning process. This could be bolstered with greater collaboration with the Democratic Services Manager, who organises a rolling programme of elected member briefings. This review therefore recommends that the Statutory Scrutiny Officer produce a programme of briefings for all committee members, not just scrutiny committees, in collaboration with the Democratic Services Manager. The take-up of training opportunities should also be presented to Council annually in scrutiny's annual review of effectiveness.

Although there is a lot that scrutiny and its members could do to develop their skills, some committee members felt strongly that scrutiny members, particularly chairs, would benefit considerably from professional training in skills such as leading reviews, chairing meetings and

understanding data and other evidence. This training should however be restricted to scrutiny chairs but extended to all elected members seeking to develop their skills. At present there is no dedicated budget for elected member development. This review therefore recommends that scrutiny receive a dedicated training budget to develop the skills of elected members.

More fundamentally, changing the way that scrutiny is carried out in Herefordshire could make better use of the skills of elected members. A formal committee system requires elected members who understand a topic well and have the skills to scrutinise it effectively. As a result, the council is expecting elected members to understand up to 18 related topics a year, and to meaningfully scrutinise professionals for whom the topic in hand is a full-time job. This is not to lose sight of the value elected members provide in their insights as community representatives to the decision-making process. Exploring different ways of working, to include more informal working through task and finish groups, may make better use of the committee's time and skills.

Making recommendations

In interviews with scrutiny chairs, there was a common understanding that making recommendations was how their committees demonstrated impact.

A focus on producing recommendations to demonstrate impact should be seen in a positive light. Throughout the review, members interviewed made it clear that they were keen to make a difference, wanted to focus on adding value to decision-making through their work, and wished to contribute to development of existing and proposed policy and practice.

For some of Herefordshire Council's scrutiny committees, recommendations also appeared to serve in part to structure a meeting and to give it a purpose. The Local Government Association's guide to good scrutiny suggests this as a useful way to go about committee work, particularly when a committee and attending Cabinet members and officers are in broad agreement on an issue and potential courses of action. The Centre for Governance and Scrutiny recommends considering potential recommendations as an integral part of the scrutiny planning process, and for Herefordshire Council scrutiny committee meetings where recommendation planning has happened, there is evidently a resulting structure to the committee's work.

However, the current process and underlying culture around making recommendations presents some challenges. Compared to other local authorities, Herefordshire Council scrutiny committees make a lot of recommendations to Cabinet and to Cabinet portfolio holders. For example, in 2024 Shropshire Council scrutiny committees made 23 recommendations. Worcestershire County Council did not appear to make any. By comparison, Herefordshire Council's five scrutiny committees made 175 recommendations. This has created a considerable workload for officers of Herefordshire Council, who have had to consider, draft, and seek agreement on responses to these recommendations

Cabinet members, directors and other officers interviewed for the review felt that committee produced too many recommendations, many of which they felt were of low quality. They stated that at times, recommendations were made without any supporting evidence and sometimes were even entirely divorced from the scrutiny that had taken place.

There was also a belief among some officers that some committees could be placing too much emphasis on creating change through recommendations, at the expense of the core business of a formal scrutiny, the holding to account of the executive and its health partners for their decisions

and proposed courses of action. At other times, they felt that a focus on testing pre-planned recommendations appeared to crowd out a more holistic scrutiny of the topic in question.

For committee members and chairs, there was some concern at a lack of responses to recommendations. As table 1 below shows, scrutiny committees have received responses to just 47% of the recommendations that they made in 2024, despite considerable efforts by some chairs to ensure prompt responses. Chairs believed that a lack of urgency in replying to recommendations undermined the work their committees carried out.

Both elected members and officers criticised heavily the current process for formulating scrutiny recommendations. At present, recommendations are typically discussed in the meeting once the topic under scrutiny has been discussed. Committee members generally submit ideas for recommendations during the meeting to the Statutory Scrutiny Officer, who collates and writes them up to be displayed and agreed upon. However, many people felt that this was resulting in recommendations that were too numerous, rushed and ill-considered. As one director pointed out “the committee doesn’t have to make its recommendations on the spot.”

Committee	Recommendations Made	Responses received	Response rate
Children and Young People	39	27	69%
Connected Communities	22	12	55%
Environment and Sustainability	35	10	29%
Health, Care and Wellbeing	16	16	100%
Scrutiny Management Board	63	17	27%
Total	175	82	47%

Table 1: Total recommendations and responses received by scrutiny committee, 2024

There are some relatively easy changes that will ameliorate some of the challenges caused by the scrutiny committees’ emphasis on making recommendations. Committees could take more time to produce their recommendations. Some of those interviewed noted that there is no requirement for them to agree their recommendations in the meeting in question. Instead, much like their minutes, they could be drafted between meetings and agreed at a future meeting. Others felt instead that committees should take a break in the meeting to provide time to draft recommendations. The suggestion of requiring a break was popular with those it was suggested to. As well as having a lower administrative burden, they noted that this had the advantage of allowing scrutiny to continue to make recommendations following time-critical pre-decision scrutiny (such as with the annual budget). The review therefore recommends scrutiny adopt this approach in committee meetings.

Suggested recommendations

- 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.
- Herefordshire Council provide a funded training programme for members of scrutiny committees.
- Scrutiny to provide a report on training offered and taken up in its annual review of effectiveness.

- Herefordshire Council review its report template for scrutiny, removing superfluous sections suited to decision-making committees
- To draft a programme of training on scrutiny skills, to include:
 - Effective scrutiny chairing
 - Critical thinking
 - Asking questions
 - Drafting recommendations
- Scrutiny committees take a pause during their committee meetings in order to draft their recommendations.

The right structure for scrutiny

The committee structure at Herefordshire Council

Herefordshire Council's scrutiny function is currently divided into five main committees, each focused on specific areas of council and partner organisation operations.

- Connected Communities Scrutiny Committee
- Environment and Sustainability Scrutiny Committee
- Children and Young People Scrutiny Committee
- Health, Care, and Wellbeing Scrutiny Committee
- Scrutiny Management Board (SMB)

Committees tend to meet formally six times a year, in January, March, May, July, September and November. Committee meetings are underpinned by:

- A *topic planning session* for each major agenda item. This brings together the chair and vice-chair with the officers who are leading on the item, to agree a more detailed scope and objectives for each topic, and to plan the information to be shared with the committee in advance. These typically happen around two months before the committee meeting.
- A lines of enquiry meeting of the committee, to plan questioning on the topics to be scrutinised. These typically take place a week or two before the committee meeting.
- A member briefing or training session. These do not happen as a matter of course, but they are becoming increasingly common. Although these are primarily intended to support a particular topic at a scrutiny committee meeting, recordings are often shared with all elected members when they are of wider interest.

Other ways of working

Herefordshire Council's constitution allows for other ways of working, these are:

- A specific committee meeting known as "spotlight" review
- task and finish review – properly focused to ensure members can swiftly reach conclusions and make recommendations back to the scrutiny committee.
- standing panel – when a complex topic requires significant detail, which may take a longer period of time to investigate.

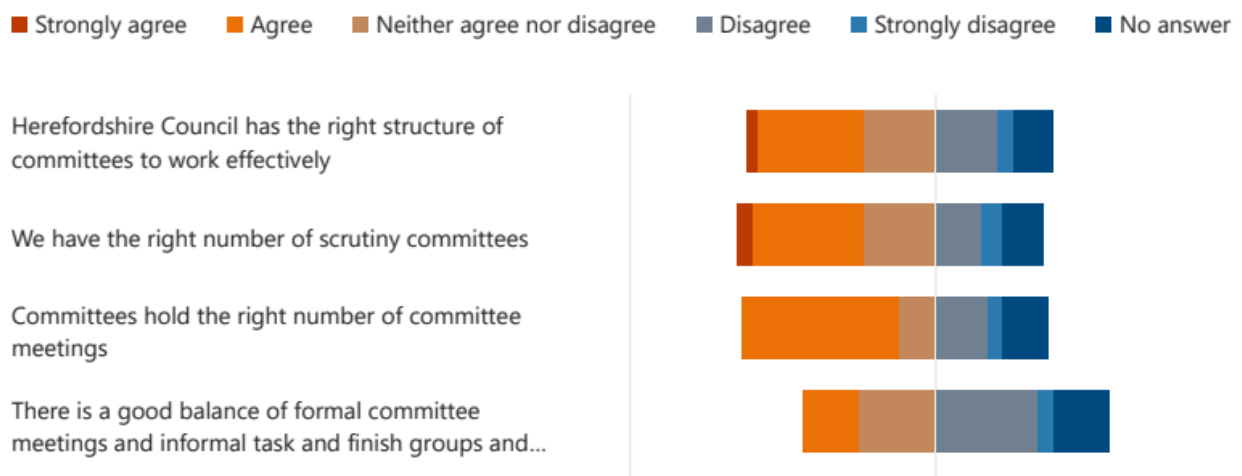
In practice, scrutiny does not use these formal mechanisms often to carry out its work. However, many scrutiny committee meetings are effectively 'spotlight' reviews, because they usually contain a single substantive topic for reporting formally back to a committee to ensure transparency of its work. These working group meetings however are generally focussed on a particular topic relevant to the committee, rather than the sort of overarching question a task and finish group might seek to answer. There is no evidence that in the last ten years scrutiny has set up any standing panels.

The impact of the current scrutiny structure on its effectiveness

The survey of officers and members of the council asked members whether they agreed or not that the current scrutiny committee structure was right for Herefordshire Council. It also provided respondents with open ended questions on the committee structure to gather more nuanced opinion. These opinions were then reflected on in interviews.

Opinion from the survey suggests that although on balance, people are content with the current structure, they are far from enthusiastic about it. Although more people felt that the committee structure was right for Herefordshire Council (38.3%) than didn't (25%), this was still a minority opinion. Similarly, the survey found that more people agreed that we had the right number of committees (41.7%) than did not (21.7%), but, again, those in agreement were again in a minority. However, more people felt that there was the wrong balance of formal, committee-based work and informal task and finish group work (38.3%) than thought it to be the right balance (18.3%).

This suggests that respondents are less concerned about the committee structure, than what each committee does with its time. This was echoed in the survey commentary and the interviews that took place as part of this review.



Both the survey's open questions and the interviews raised numerous concerns with the impact of the scrutiny current committee system on scrutiny's effectiveness. Elected members told the review that they felt that they were stretched too thinly across committees. Some elected members sat on more than one committee, with several members serving on three. The council's political groups had at times struggled to fill all their allocated seats on a given scrutiny committee. Both councillors and officers occasionally noted that in their opinion most committees contained at least one elected member who was either unwilling or unable to contribute to the committee's work.

A typical committee meeting involves more than attendance at the meeting, occasionally requiring attendance at both a pre-meeting topic briefing and usually at a further pre-meeting to plan questioning at the formal meeting. This could mean attendance at up to 18 planning and formal committee meeting per year, per committee, as well as more general planning meetings and time-limited working or task and finish groups.

Both officers and councillors felt that because of this, there was at times a lack of capacity to undertake the reading and other preparation required to understand the topic that they were scrutinising. One councillor told the review: "Sometimes I lack confidence to contribute because I feel I should have better knowledge of the subject under scrutiny, but I also don't have the time to do any background reading beyond the briefing papers."

Council officers also felt that they were at times stretched across too many scrutiny committees. A corporate director expressed concern with the amount of time officers needed to prepare for a meeting, in particular responding to data requests in advance of a committee meeting.

Some of the officers and members interviewed also felt that too often they were asked to bring a topic to scrutiny without a clear purpose for the meeting. When they worked with committees to plan an item for scrutiny, the purpose for bringing the topic to scrutiny would sometimes change during the planning process, creating additional work. The strengthened planning process for committee items, however, was generally regarded as bringing greater rigour and purpose to scrutiny meetings, recognising that changing objectives was a natural part of the planning process.

Many of the people interviewed told us that even when members took the time to carry out the work required to prepare for a meeting, the committee system often hindered their work. A five-committee scrutiny structure requires narrower remits for each committee, resulting in some major aspects of the council's work split across two committees. For example, the council's Connected Communities Scrutiny Committee has a remit to consider highways matters, with the Environment and Sustainability Scrutiny Committee responsible for transport. Similarly housing development is a matter for Connected Communities Scrutiny Committee, whereas supported housing is within the remit of the Health Care and Wellbeing Scrutiny Committee. As a result, it is not always clear which committee should scrutinise high-level planning and strategic documents such as the Local Plan or the Local Transport. Herefordshire Council identified this issue when it expanded the number of scrutiny committees, by creating the Scrutiny Management Board. This committee, on which the chairs of the other four committees sit, has a remit to co-ordinate scrutiny's work. In practice, it has only exercised this remit informally.

What would be an optimal committee structure for Herefordshire Council?

This question has been a salient issue throughout this review. To help answer this question, the review asked both officers and members for their thoughts on the right committee structure for Herefordshire. It also looked at how other local authorities structure their committees.

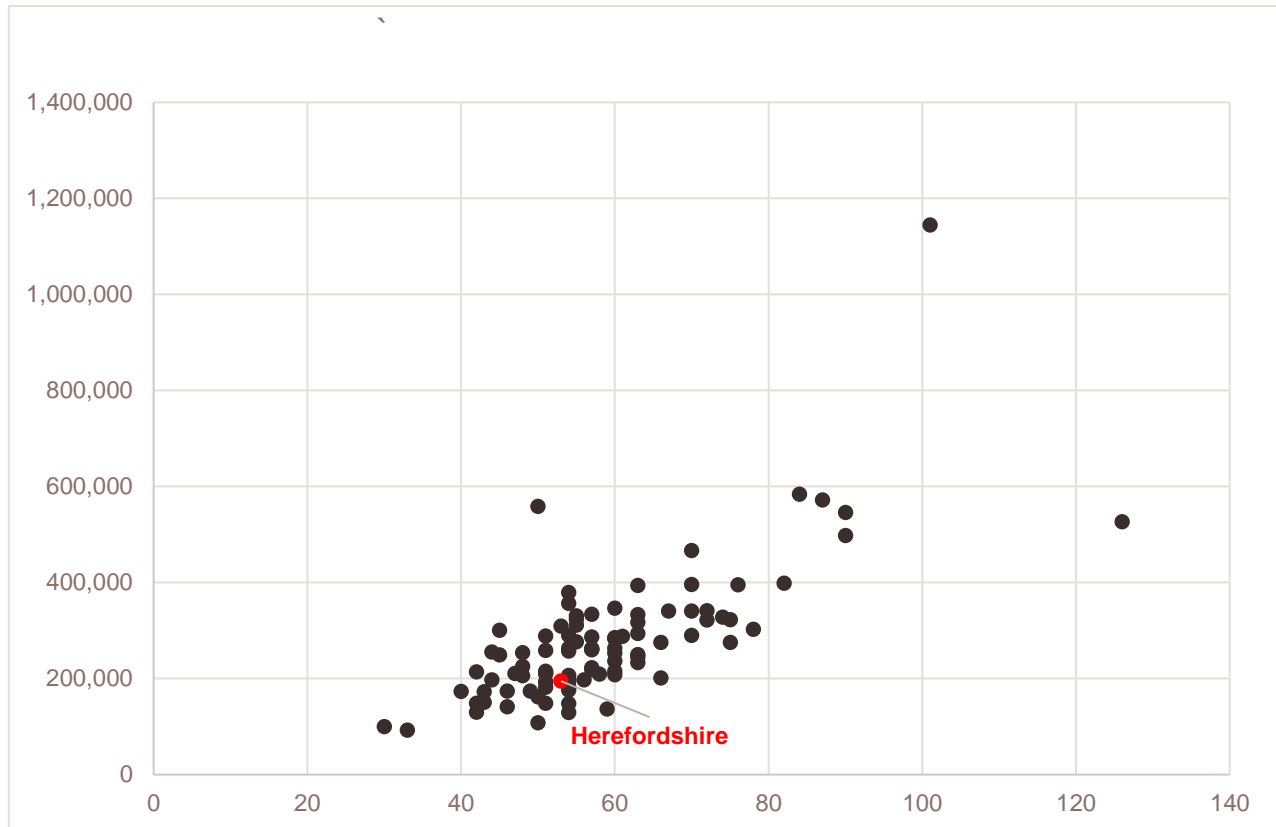
Officer/councillor opinion

Among officers and members of Herefordshire Council, opinions varied considerably between keeping the current system and reducing the number of committees dramatically. There was no call to increase the number of committees. Ideas for different structures included:

- A four-committee system, based on the council's corporate themes of people, place, growth and transformation. This in practice would likely mean combining the remits of the Connected Communities Scrutiny Committee and Environment and Sustainability Scrutiny Committee.
- A three-committee system, based roughly on people, places and corporate matters such as the budget. This would mean additionally combining the remits of the Children and Young People Scrutiny Committee and Health Care and Wellbeing Scrutiny Committee.
- Abolition of the overarching oversight role of Scrutiny Management Board. The board would then focus on corporate matters such as budget and financial strategy, council workforce and transformation.
- Restructuring the committees' work programmes rather than the committees themselves, with less focus on formal committee meetings, and greater focus on task and finish groups.

How is scrutiny structured at other local authorities?

The scrutiny team undertook a review of 102 other unitary local authorities with scrutiny committees. Although Herefordshire is one of England's larger counties, compared to other local authorities, it has a relatively small population. The count of 194,700 makes it the 21st smallest local authority in this sample of 103 unitary councils. Unsurprisingly therefore, Herefordshire Council also has a relatively small cohort of 53 councillors.



Herefordshire Council currently operates five scrutiny committees, as outlined earlier in this report. A council operating five scrutiny committees, according to scrutiny's research, has an average of 73 members serving a residential population of around 500,000. Of this cohort, Herefordshire is the smallest in terms of number of councillors, and by far the smallest in terms of population served. For a council of Herefordshire's Council's size and Council membership, three committees is more usual. In our research, a typical council with three scrutiny committees, some 36 councils in our research, has 53 members serving a population of 208,000 residents.

However, Herefordshire Council has a significant programme of business in several key areas. Substantial new infrastructure proposals (in roads, active travel and rail) and housing development in the county is being progressed. Continuing improvements being required to children's services. There remains significant environmental concern around the health of our local rivers and water ways. Ongoing budgetary pressures which require careful management and continued oversight within a climate of 'real terms' government funding. All of which sit within a vision of 'Delivering the best for Herefordshire in everything we do'.

While the county as whole, on the face of it, could be viewed in demographic terms as potentially lacking the economy of scale to sustain the current scrutiny committee structure; it is a county that requires a healthy and broad reaching scrutiny remit to assist with the breadth of the council's priority work areas and programmes of transformation and change.

When exploring the reasons through interviews and focus groups why people were suggesting the number of committees be reduced, their concerns were less around the structure than they were about how scrutiny went about its work, with an undue focus on formal committee-based scrutiny. Compared to those same authorities, Herefordshire also carries out little informal work through task and finish groups. Instead of changing the committee structure therefore, it might be more effective to use the now-established chairs to deliver the changes that almost everyone agrees are needed. Instead of creating work programmes based on committee meetings, they should create them based on the best way to answer the questions they want to prioritise.

The statutory guidance on the operation of scrutiny notes that there is no single structure that in itself will deliver better scrutiny. Other factors, such as information provided, the skills of the committee members, and a culture of high challenge and high support will all have a greater impact.

The role of task and finish groups

Almost everyone who was interviewed for this review felt that scrutiny committees could and should carry out more task and finish work. Task and finish groups differ considerably in how they go about their work compared to a formal committee meeting. To begin with, they do not usually carry out their work within a formal committee meeting, meaning that they are not limited to a few hours of questioning within a single meeting. Because the work happens outside formal meetings, the participants are usually willing to talk more informally, which can lead to more frank and nuanced discussion than might happen in a meeting in public. It also allows for radically different ways of working, for example a site visit to a primary school or mystery shopping of a particular service or function. It also provides more opportunity for committee members to meet with residents, community groups and front-line officers, providing a very different perspective to formal scrutiny of senior officers and Cabinet members.

The Local Government Association notes that this allows groups to explore topics that might cut across several council or public sector services, or to answer questions that require co-operation across functions or partner organisations. For example, a task and finish group might look at how Herefordshire Council and its partners work together to tackle obesity. To properly examine this topic, making meaningful recommendations for change, would require a task and finish group to speak with more than the council's public health service, and might wish to speak with highways and transport officers, with planning, with police community safety teams and with partners in the NHS and third sector organisations. It might also look at how other local authorities approach this work to see what has worked in other areas. None of this work could be carried out easily within a formal committee meeting.

A way forward for Herefordshire Council scrutiny

The review has captured some disquiet at how scrutiny currently operates. However, the concerns raised by officers and members relate more to how committees work, rather than the committee structure itself. If Herefordshire Council were to decide to restructure its scrutiny committees, many of the challenges highlighted in this review would remain, such as the work required to bring a topic to scrutiny, the pressure of time on committee members, and the focus on committee-based work rather than on scrutiny through task and finish groups. A move to more task and finish group based working would still require an elected member to chair each review, and removing a committee chair might reduce the number of councillors willing to undertake such a role.

A less disruptive solution to the issues raised in this review might be for the existing scrutiny committees to review their work programmes in the light of the findings of this report and in relation to their considerations of the Council Plan and the executive's forward plan of forthcoming decisions. Rather than automatically booking in a schedule of committee meetings and then seeking topics to fill those meeting, the committees could instead identify priorities for their committees and then decide how best to carry out that work. If a committee decides to focus on one or two large, cross-cutting topics, then it may choose to only hold formal committee meetings to agree terms of references and final reports as part of that work. Similarly, a committee may decide to focus instead entirely on the holding to account element of scrutiny through the formal committee structure. Organisationally, Scrutiny Management Board would have a critical role in planning this work. As it already has a constitutional remit to oversee the work of the other committees, it is ideally placed to lead on such work planning.

On balance, this review concludes that keeping the current structure would provide the stability and capacity to put into place the changes needed to deliver more effective scrutiny. However there is a clear view held by many officers and councillors that the number of committees must be reduced, for the reasons explained earlier in this section. The elected member reference group convened to support this review also largely agreed that there ought to be a reduction in the number of committees, though there was no consensus in determining what sort of committee structure might replace the existing one.

If Herefordshire Council decides that it should close down one or more of its scrutiny committees, then there is no clear consensus from the review about what shape the structure might take. The most commonly suggested structure was a four-committee structure, based on the council's four directorates of Community Wellbeing, Children and Young People, Economy and Environment and Corporate Services. To mirror this structure, providing a single-committee focus on each of these directorates, would suggest Herefordshire Council merging the remits of its Environment and Sustainability Scrutiny Committee and Connected Communities Scrutiny Committee.

Regardless of which choice it makes, there are two changes that scrutiny could make to maximise the pool of people participating in scrutiny. First, Hereford Council's Remuneration Panel could be reconvened to reconsider whether there is merit in paying the chairs of task and finish groups. Task and finish groups, if done properly, are considerable pieces of work that require time and effort from the group chair for them to be effective. Properly remunerating task and finish group chairs for this work, perhaps using the budget saved from merging two committees, would help in recruiting councillors willing to undertake them.

Secondly, scrutiny could consider more actively seeking co-opted members to participate in task-and-finish based work. This needn't just be people who are experts in a topic, undoubtedly useful as they would be. Instead, scrutiny could look to recruit interested members of the public who would have the time and focus to carry out work that an elected member, juggling numerous civic roles, might lack. The constitution allows scrutiny committees to recruit up to two co-opted members – scrutiny could be more proactive in filling these roles and adding to its capacity.

The suggested recommendations from the Statutory Scrutiny Officer are:

- Herefordshire Council to retain its current structure of committees

- Scrutiny committees to provide, as part of their work programme planning, the rationale for the approach chosen for each scrutiny investigation.
- 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

Although the survey did not ask participants their thoughts on public questions at scrutiny committee meetings, this was a topic that featured heavily in interviews with both officers and councillors.

During the course of the review surveyed or interviewed nearly everyone surveyed or interviewed wanted to speak about how the current rules allowing public questions at scrutiny meetings was often a source of conflict or tension between elected members and officers. Committee chairs did not see why questions that could only be answered by the relevant portfolio holder or director were being asked at scrutiny meetings. However elected members also recognised the importance of allowing members of the public to ask questions of those making decisions on how public services are run.

The review considered the number of questions that had been asked in Herefordshire Council scrutiny committee meetings by members of the public since late summer 2022. For the Children and Young People Scrutiny Committee, as the sole remaining committee following the change in the committee structure in May 2022, we looked further back to October 2021. The team also carried out a review of 83 unitary local authorities in England and Wales to determine which allowed public questions.

Since October 2021, members of the public have received answers to 60 submitted questions. Of these 60 questions, nearly two-thirds of these questions were asked at the Children and Young People Scrutiny Committee. By comparison, in over two years the Health Care and Wellbeing Scrutiny Committee received only one question from a member of the public. Even if we discount questions asked at Children and Young People Scrutiny Committee before July 2022, this committee remains the principal destination for questions to scrutiny.

The questions were received from 27 members of the public, including a city councillor. Three members of the public asked more than six questions, with the most prolific questioner asking 12 questions to Children and Young People Scrutiny Committee and Scrutiny Management Board.

Children and Young People Scrutiny Committee	37
Connected Communities Scrutiny Committee	7
Environment and Sustainability Scrutiny Committee	8
Health Care and Wellbeing Scrutiny Committee	1
Scrutiny Management Board	7
	60

Table 2: number of questions asked at Herefordshire Council scrutiny committees since October 2021.

From this, we noticed a couple of concerning issues, where it appeared that public questions were either being used for party political purposes, or as a means to induce engagement by members of the public with longstanding grievances. Of the 60 questions asked, a total of 30 came from four members of the public, all of whom had been involved extensively in complaints to the council with regards to children's services. Another eight questions formed two groups of four questions asked by people who had appeared to coordinate their questions. In one case these were members of a political party – albeit not one at the time represented on Herefordshire Council – who used their questions to promote a conference that their party had recently held.

Officers and councillors also expressed concern at the ability of the public to ask supplementary questions. The constitution allows for the public to ask a supplementary question, having received the answer to their initial question, in person and without notice. Members and officers alike recounted incidents where members of the public had disclosed confidential information, or where those attending to ask a supplementary question had been disruptive to the meeting. This was a particular concern now that committee meetings were broadcast. One chair felt that supplementary questions ought to be scrapped entirely.

Of the sixty questions, over fifty were answered by the attending Cabinet member, corporate director or other senior officer attending the meeting. Only eight could be answered either by the chair or the statutory scrutiny officer. This in effect relegates scrutiny committees to messenger services between members of the public and the people who can answer their questions.

Herefordshire is among a significant minority of local authorities that allow the public to ask questions at scrutiny committees. Of the 83 unitary local authorities in England and Wales, only 33 allow public questions. Of these three only allow them at the absolute discretion of the chair.

Despite the challenges raised by public questions at scrutiny committee meetings, it does not seem appropriate to stop them entirely. The majority of people asking questions do so in good faith and it is recognised by officers and elected members, that public questions are an important aspect of public participation in the democratic process.

It is also striking that public questioners also have the opportunity to ask questions of Cabinet and Council and other non-executive committees. This seems a more appropriate place to answer these questions, as those likely to answer the question asked are usually in attendance at the meeting. Equally those questions that can be answered directly in a committee meeting, should be responded to in the meeting. Accordingly, this report recommends restricting the scope of questions that can be asked at scrutiny meetings to those that can be answered by the committee chair or the statutory scrutiny officer. In practice, this would mean restricting questions to any task and finish group terms of reference or final report, or to the management of scrutiny's work programme or its recommendations.

Similarly, the ability to ask supplementary questions appears to not be subject to the same rules around initial questions. A written supplementary question, for example, does not appear to be subject to the same rules around suitability as the initial question, a loophole that ought to be closed.

Finally, it was noted that the most prolific askers of questions to scrutiny were usually focused on a single topic, asking different variations of the same question at each meeting of the committee. As with supplementary questions, it is not clear how doing this adds value to the scrutiny process. The constitution ought therefore to be amended to restrict public and member questions on a particular topic to one question every six months.

Suggested recommendations

- Herefordshire Council restricts public questions to scrutiny committee matters that can be answered directly by the committee chair or statutory scrutiny officer.

- Herefordshire Council subjects supplementary questions to the same rules as initial public questions.
- 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 committee