

Scrutiny Review – frequently asked questions

Useful links:

[Overview and scrutiny: statutory guidance for councils and combined authorities](#)

[LGA Councillor workbook: Scrutiny](#)

[Local Government and Social Care Ombudsman help for scrutinising local services](#)

[Effective Local Government Scrutiny](#)

[Local Government Scrutiny essentials](#)

[Scrutiny Impact Assessment Model](#)

1. What is the purpose of scrutiny?

Scrutiny ensures that decision-making processes are clear and accessible to the public and that the people taking decisions are held accountable for those decisions.

Good scrutiny also ensures that there are opportunities for the public to influence and improve the services they receive. It examines the work of the Cabinet and holds it to account in order to help Harborough District Council to achieve its vision as set out in the Corporate Plan.

Scrutiny can support departments in maintaining high service delivery standards, and to steer them towards improved efficiency and effectiveness.

Input from local people and organisations is a crucial part of the scrutiny review process as they bring an external focus and perspective. Good scrutiny can:

- Spotlight important issues
- Highlight key stakeholder issues
- Highlight the need to develop new strategies and areas for improvement in existing service performance to address current demand for service
- Identify areas of improvement for service area staffing and leadership
- Highlight workforce areas for improvement
- Highlight best practice in service provision
- Hold decision making to account;
- Create opportunities for stakeholders, partners, voluntary organisations and members of the general public to be involved in a democratic debate on the effectiveness of current service provision

2. What are the current scrutiny arrangements?

At present, the Council's overview and scrutiny arrangements consist of:-

- i. 15 scheduled meetings currently in the rota for the municipal year;
- ii. 3 Scrutiny Commission meetings;
- iii. 5 Performance panel meetings;
- iv. 5 Community panel meeting;
- v. 2 reserve dates for additional panel meetings;
- vi. Maximum of 2 task and finish groups at any one time

3. Why did we have a scrutiny review?

The Council wanted to look at the function, purpose and quality of activity of the scrutiny function.

The purpose of scrutiny is to positively impact the lives of the community it serves.

4. How was the review carried out?

The Centre for Governance and Scrutiny was commissioned to undertake a review. It gathered evidence from Members and Officers on 5 - 7 October 2021. It reviewed recordings of scrutiny meetings and reviewed key documents on the Council's website.

CfGS met with elected Members and Officers, including the Council Leader and Cabinet Members, Group Leaders, Scrutiny Chairs, Members of the Scrutiny Panels, the Council's senior leadership team and the Scrutiny Officer.

The findings and recommendations presented by CfGS were intended to advise HDC in strengthening the quality of scrutiny activities, increasing the impact of its outputs, and through its Members, to develop a strong and shared understanding of the role and capability of the scrutiny function.

5. What does CfGS think scrutiny should do?

- **A clearer focus on democratic accountability** - scrutiny of Cabinet Members should form a key part of the work plan, and Cabinet Members regularly attending scrutiny to answer questions on items falling within their portfolio responsibilities is vital. Alongside this, we also recommend inviting the Leader to attend scrutiny on a quarterly basis to present an integrated finance and performance report.
- **More emphasis on scrutiny as a vital part of Council business and governance** - with clear council-wide ownership and understanding of its important role in improving policy and holding to account.
- **Developing a Cabinet-Scrutiny protocol** - to further reinforce the working relationship and expectations between Scrutiny and the Cabinet.

6. Why do we need to change the scrutiny arrangements?

Scrutiny is not working for the Council at the moment. Some panels have only one item of business on while others exceed their time limit and have to reconvene to finish their business.

Analysis of previous scrutiny commission and panel agendas shows that between 1 April 2021 and 31 March 2023 the scrutiny function considered:

31 reports which were noted:

Registered housing providers; RIPA, revenue and capital monitoring Q3, performance q3; Update from Health & Well-being team (activity); rev and capital monitoring Q2; RIPA Q2; Business centres; working arrangements and open book accounting with SLM and Leisure performance; Performance Report Q2; Scrutiny work plan; community safety partnership; Performance Q1; Revenue & Capital Monitoring Q2; Working arrangements with SLM; implementation and lessons learnt from local plan; performance 2020/2021 q4; smarter services update; Equality policy; Empty property strategy; ICT strategy; 20/21 Q4 financial performance; flexible use of capital receipts strategy; RIPA; Development Management update; Armed Forces Covenant; Lightbulb presentation; 21/22 Q4 outturn; 22/23 Q1 Revenue and Capital monitoring; 22/23 Q1 Performance;

15 strategies / plans considered and or commented on:

Budget; Corporate plan; Voluntary Sector Strategy; Housing civil penalties policy; Market Harborough master plan; Performance Management framework; Leisure Procurement Strategy; Statement of Common Ground; Scrutiny Review; Climate emergency; Housing Enforcement Policy and Penalties; Waste Strategy; 22/23 Q2 Performance; 22/23 Q2 revenue and capital monitoring; 23/24 Draft budget.

1 Urgent Business:

Section 106 planning obligations

3 items deferred / not available:

Health and Wellbeing strategy scrutiny report 2021; Annual review of partnership register; Scrutiny Reveiw

The CfGS invited members to comment on the top five priorities for the development of the scrutiny function at HDC and those were:

- i. Chairing, member development and preparation;
- ii. Democratic accountability;
- iii. Making scrutiny an integral part of council business and governance;
- iv. Recommendations and their impact;
- v. Public engagement

7. What was recommended?

CfGS put forward 3 options for the council to consider:

- 1) no change;
- 2) have 3 panels and dedicated scrutiny resource, retaining the Scrutiny Commission;
- 3) Remove the Scrutiny Commission, bolster officer support for the scrutiny function and:
 - a. Increase the number of panels to three; or
 - b. Retain two panels

8. Why was this recommendation made?

CfGS identified the following 7 areas for improvement:

- **Clarity on scrutiny's role and responsibilities;**

1. **A clearer focus on democratic accountability** Scrutiny of Cabinet Members should form a key part of the work plan, and Cabinet Members regularly attending scrutiny to answer questions on items falling within their portfolio responsibilities is vital. Alongside this, the CfGS recommends inviting the Leader to attend scrutiny on a quarterly basis to present an integrated finance and performance report.
2. **More emphasis on scrutiny as a vital part of Council business and governance** with clear council-wide ownership and understanding of its important role in improving policy and holding to account.
3. **Developing a Cabinet-Scrutiny protocol** To further reinforce the working relationship and expectations between Scrutiny and the Cabinet.

- **Collaborative approach to scrutiny**

4. **Developing regular communication and information sharing so that Scrutiny can be a resource that can inform Cabinet decision making.** This could be achieved through holding triangulation meetings between Scrutiny Chairs, Cabinet Members and relevant Directors to consider future issues and the part which scrutiny could play in testing and shaping these forward plans. It would also present an opportunity to share and discuss opportunities to involve scrutiny as an improvement asset.
5. **Further steps need to be taken to improve cross-party working at HDC.** There was a broad agreement that all Members have a duty to uphold their responsibilities as a scrutineer, attend meetings and work towards a shared goal in their committee. Members should consider what further work is necessary to address working relationships.

- **Scrutiny's focus and workplan**

6. **Review the process for developing work plans for each Scrutiny Panel** Engaging Members, Officers, partners and the public to prioritise the topics for review. This process should be led by Members of the Panels and could

include a selection criteria to identify appropriate topics for the work plan. Currently the work plan is not discussed on the agenda at scrutiny meetings. The CfGS would recommend bringing it to the beginning of meetings, so emerging issues or changing priorities can benefit from considered discussion.

7. **A review of the current approach to financial scrutiny, MTFs/ budget scrutiny and the scrutiny of commercial arrangements.** The CfGS has produced guidance on financial scrutiny with CIPFA, setting out scrutiny activity to complement the Council's annual financial cycle. The guide suggests ways to move budget and finance scrutiny beyond set-piece scrutiny 'events' and quarterly financial performance scorecards being reported to committee.
- **Scrutiny committee structure and scheduling**
 8. **Consider a revised scrutiny structure.** This will include assessing the terms of reference of the Scrutiny Commission in light of value that the committee adds, and assessing whether the term of reference for the two Panels aligns with the Council's key corporate priorities.
 9. **Reviewing the frequency and timing of Scrutiny Panel meetings.** To position meetings so that they can shape and test policy with enough time to meaningfully input into Cabinet decision-making. This is not to increase workload, but to create more efficient and effective scheduling.
- **Scrutiny's output and impact**
 10. **Changing the way that information is provided to scrutiny Members for oversight.** Cut back on the number of items coming to scrutiny solely for information, and consider how information could be shared with councillors on a monthly basis outside of committee.
 11. **Review how the recommendations are made and how impact is measured.** This could include putting a 'recommendations monitoring report' at the beginning of agendas to orientate scrutiny towards outcomes-focused meetings, alongside an emphasis on finding strong recommendations from questioning to present to Cabinet as improvement or challenge proposals.
- **Chairing, member development and meeting preparation**
 12. **Chair/Vice Chair training and compulsory member development for all Committee members.**
 13. **Provision of additional briefing or expert involvement as required.**
 14. **All-party pre-meetings for scrutiny committees**
- **Public engagement**
 15. **Public engagement.** Explore and experiment to encourage greater access, openness and involvement, including site visits in the community, inviting the public to offer ideas for work plans, using social media channels for resident input and communicating the progress and impact of scrutiny work

9. Which option have officers recommended and why?

Officers consider that option 3b is the most appropriate for an authority the size of Harborough District Council. This solution should offer a proportionate way to deliver the scrutiny function, provided that there is a change in approach to how scrutiny is undertaken.

The number of members sitting on the panels need not remain the same as currently however – it is open to members to increase the number of members on the panels, which would provide greater flexibility for task and finish panels.

10. What do Scrutiny Commission Chairs think of the proposals?

Former chair Cllr Page supports the removal of the Scrutiny Commission, but thinks the Commission should be replaced by a third panel as there is too much scrutiny work for 2 panels.

Current Chair, Cllr Hallam, supports the removal of the Scrutiny Commission and the retention of 2 renamed panels aligned to the current corporate priorities.

11. How would work be allocated more efficiently with 2 panels when the Scrutiny Commission finds it so time consuming to do?

By allocating panels to corporate priorities, the panels would be able to share the work more easily. The CfGS suggested having portfolio holders attend scrutiny meetings to account for the performance of their portfolio – this should be encouraged as performance should be integrated to each panel, not dealt with separately. Similarly, queries on budget performance to them can be raised throughout the year.

Where there are cross cutting issues (such as budget, emergency planning etc) these can be addressed through joint meetings.

The CfGS also suggested adopting criteria for determining if something should be accepted for scrutiny – this would help members and the public understand the sort of things that scrutiny can and should focus on.

12. What does the Performance Panel think of the proposals?

Unfortunately, technical problems meant that those attending the performance panel remotely (including the presenting officer, Chief Executive and Chair of the Community Panel) could not be heard by the panel sitting in person therefore consideration of the review of scrutiny was deferred.

Members of Performance Panel were all invited to attend the Communities Panel meeting on 15 December 2022 to give their views on the review instead.

13. What does the Communities Panel think?

The Communities panel (with some Performance Panel members in attendance) concluded at its meeting in December 2022 that the Scrutiny Commission should be removed and officer support bolstered for the two panels retained. It suggested that:

- there should be a review of allocation of work and panel membership;
- there be flexibility with meetings and the option to call extra meetings of the Scrutiny Panels should this be required, with extra dates being provisionally set in the first instance;
- more Members should be on the Scrutiny Panels;
- Task & Finish Panels are preferred to keep Scrutiny focussed; and
- members be provided with ongoing scrutiny training in addition to induction training

14. How does the Scrutiny function fit with the role of Audit and Standards Committee?

The Council is required by law to have both an Audit committee and an Overview and Scrutiny Committee¹. The legislative provisions set out the overarching role of each:

Scrutiny: To review or scrutinise decisions made or other action taken in connection with any council or executive function or any matter which affects the authority's area or the inhabitants of that area;

To receive and consider requests for Scrutiny from any source;

To review or scrutinise the performance of such arrangements as fall within its remit;

To act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy within the Budget and Policy Framework which falls within its remit;

To review or scrutinise executive decisions that have been Called In;

To make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made.

Audit: To consider the Council's arrangements relating to its account:

To consider the Council's external audit requirements;

To review the adequacy of policies and practices to ensure compliance with statutory and other guidance;

¹ Local Government Act 2000

To review the adequacy of the Council's corporate governance arrangements, including internal control and risk management;

To consider the Council's arrangements for internal audit requirements;

15. How can we do a good job with fewer meetings?

The CfGS identified a number of ways it thought scrutiny could be improved by the Council (see question 7). If the improvements suggested are adopted, the scrutiny function will be more efficient and effective at getting to the heart of important issues in a timely way. It is about making the meetings more productive so we “work smarter, not harder”.

16. How can task and finish groups work better than a third panel or Scrutiny Commission?

The biggest advantage of a task and finish group, over a Scrutiny Panel, is that there is no requirement for a formal agenda to be published in compliance with the Local Government Act 1972. This means that meetings can more easily be organised without the need for democratic services support. It also means that the panels can convene remotely or in a hybrid way, as they are not formal meetings. There is also no requirement for the meeting to be formally minuted, though clearly there would need to be a note of discussions taking place.

Further, as a more informal meeting focused on specific topics, it will be feasible for the meeting to be supported by the service which is the subject of the scrutiny exercise. This is beneficial because those officers will have direct experienced information and knowledge relevant to the topic being discussed and will therefore be better placed to quickly respond to any queries or requests for information.

Because the task and finish group is bespoke to the topic, Members can decide between themselves who may wish to be on the group – taking only those most interested in or engaged with the report allows more focused consideration of the topic. There is no quorum to comply with or any requirement for substitutions should a member not be able to attend.

17. Why should we change the names of the scrutiny panels?

This is proposed to more closely align the scrutiny function with the corporate priorities and ensure that the distinction between functions which are the remit of the Audit and Standards Committee is maintained.

18. Can we have officer resource to support scrutiny?

To have dedicated scrutiny resource will mean that something else is not funded. More importantly, the role of scrutiny officer is specialised and would in all likelihood be difficult to recruit too. A better way forward would be to ensure that the panels are working well and get support to complement this – having a scrutiny officer in and of itself will not cause the desired improvement in the scrutiny process. Also, co-operation with other local authorities in the region could be considered to access any dedicated and specialist resource they may have

19. Why are reports so large?

Frequently, officers save time on reports going to multiple committees by writing one report which contains all of the information that all audiences need.

Enhanced and improved scrutiny could allow for more focused reports for scrutiny provided that there is a clear plan of what scrutiny is focusing.

20. Why should there be criteria for what is considered by scrutiny and what would they be?

Having criteria for what will be considered by Scrutiny helps to manage the expectations of public, members and staff. It provides welcome objective consistency and can be reviewed and amended when necessary.

Criteria for deciding whether a proposal should go ahead could include:

- high level of public concern with an issue, or dissatisfaction with a service
- high local or national priority
- concerns about current performance
- opportunity to make savings or increase efficiency
- potential to improve services
- realistic chance of making changes
- resources needed to carry out review.

There could also be criteria for refusing to scrutinise something such as:

- there's already work under way in another area of the Council on that proposal
- the proposed subject for review doesn't have implications for a significant element of the local community.

21. I thought Councillors formed policy?

It is more correct to say that Councillors determine the strategic direction of the Council and implement this through the adoptions of policies developed by officers. It is the destination that is important, not the policy that gets the Council there. However, major policies will be put to Council for adoption so Members can approve it, refuse it, or ask officers to do more work on it.

22. Isn't scrutiny is the only way back bench members can get involved in most issues?

That is not correct. Councillors are entitled to:

- ask questions at Council or Committee meetings as set out in the constitution;
- call-in executive (i.e. Cabinet) decisions;
- lodge motions to be debated at Council meetings;
- identify service or operational information through the Pentana system;
- raise issues with MPs;
- work with parish councils and community groups;

23. How will the proposed changes to scrutiny engage those councillors who don't attend meetings?

By becoming more strategic in nature, it is expected that members who may have previously disengaged from their role through being bogged down in detail, can be encouraged to return to add their voice to the shaping of the district.

24. How will the proposed changes engage those members who attend meetings but don't contribute?

By making scrutiny more relevant and qualitative it is hoped that more councillors will feel empowered to contribute to the debate. Also, it is the Chair's role to try and ensure that everything attending is contributing to the debate, even if its just to agree or disagree.

25. When you say Scrutiny should be aligned with Cabinet and Quarterly Reporting, what do you mean?

At present the meeting dates for Scrutiny and Cabinet are not synchronised which means that sometimes Cabinet receives proposals before Scrutiny has looked at them, thus denying scrutiny the opportunity to comment on the proposal prior to it being determined. Similarly, scrutiny meetings often happen just before quarterly reporting data becomes available, which means the data is old when it gets to the next meeting of scrutiny, or has already been reported elsewhere.

Careful alignment of meetings should allow an appropriate staged progression through relevant meetings.

The frequency of Cabinet meetings has reduced in this municipal year (to every 6 weeks instead of every 4) however the rota of meetings is not yet in sync with this given the uncertainty as to whether the Council will have 2 or 3 scrutiny panels.

26. What could pre-meetings bring to the scrutiny process?

Pre-meetings can be used to manage the scrutiny process by finding out what information may be available, who you need to hear from, whether you will need to hear from more than one “side” of the issue. If you are questioning attendees at a Scrutiny meeting, you can use pre-meetings to plan who will ask what question, and ensure that you have a plan to extract all of the information that you want. The order of questioning can be more structured to be efficient and strategies can be put in place to address reluctant attendees. This means that you will have all the evidence you need to make your final determination and the meetings will be more efficient.

27. How can we access more training on how to be a good scrutineer?

The LGA provide support for members, as do political groups – the Council has secured external training from CFGS for scrutiny in September 2023, which will build on the dedicated training and information sessions provided for all councillors after the election in May. The need for training will be kept under review throughout the year and will help build confidence in the role that scrutiny panels should be carrying out.

28. Why should we accept assurances about the future of the scrutiny function when previous assurances have not been delivered?

It is not unreasonable to be cautious about change, however if there is a valid reason for change, and evidence to suggest that it is being implemented, it needs to be given a chance to take root and grow.

The Corporate Management Team is keen to ensure that the Council operates professionally and efficiently. Intrinsic to the Governance Improvement Project is stronger management with more structure routes for the preparation and dispatch of reports, so that if a report is on an agenda, it is ready on time and in a suitable format. The number of “report / information to follow” items on agendas should start to decrease as reporting processes are embedded and enforced across all departments of the Council. However, implementing change takes time given the need to educate and support those involved in the process.

This process will be supported by the roll out of the MYCMIS app, which will give Members easy access to reports the Council has considered. Also, the performance management system (Pentana) is being constantly developed so that Members can access information on a self-serve basis when they want it. A Members Landing page on Pentana will soon show key performance data, and Kay will be able to help Members

learn their way around the system so scrutiny panels have the most up to date information when considering a topic.

29. What happens next?

The Scrutiny Commission agreed to set up a task and finish group to secure the views of the new administration and member cohort. It is important that people provide their views in order that the Commission can ask the Constitutional Review Committee to propose changes to the Constitution once the final structure of scrutiny is identified.