



## Appendix A



Liz Elliot,  
Interim Chief Executive,  
Harborough District Council

March 2022

Dear Liz,

### **Short Scrutiny Improvement Review – CfGS consultancy support**

I am writing to thank you for inviting the Centre for Governance and Scrutiny (CfGS) to carry out an evaluation of the Harborough District Council's scrutiny function. This letter provides feedback on our review findings and offers suggestions on how the Council could develop its scrutiny process.

As part of this feedback stage, we would like to facilitate a workshop with Members and Officers to reflect on this review and to discuss options for improvement.

### **Background**

Harborough District Council (HDC) commissioned CfGS to advise and support its Members and Officers in the review of the Council's scrutiny function to ensure that it is effective in providing a quality contribution in accountability, policy and decision making, delivery of Council plans and overall improvement.

The Council has not undertaken a comprehensive review of its scrutiny arrangements for some time and wanted to check and test that scrutiny arrangements meet the Council's high expectations of democratic accountability, and that decision-making and scrutiny is transparent, effective and impactful.

HDC's current scrutiny arrangement consists of an overarching Scrutiny Commission, which sets the scrutiny workplan. This workplan is then split between the Communities Scrutiny Panel and the Performance Scrutiny Panel.

CfGS undertook a review of these scrutiny arrangements, involving evidence gathering online through conversations with Members and Officers on 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> October 2021. In addition, we listened to 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 review was conducted by:

- Ian Parry – Head of Consultancy, Centre for Governance and Scrutiny
- Kate Grigg – Senior Research Officer, Centre for Governance and Scrutiny

The findings and recommendations presented in this letter are 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.

## Summary of findings

### 1. Scrutiny has the conditions for success

The conditions for successful scrutiny are present at HDC; there is a shared understanding from Members and Officers that good governance involves scrutiny, and when used effectively scrutiny can add value to decision-making. All of those interviewed believed that improvements are needed to make scrutiny more effective and to add greater value.

Given that Members recognise the benefits of change and improvement, this presents a good opportunity for the Council to refresh the way in which scrutiny operates. Change could aim to elevate scrutiny so that it is recognised as a strategic function and is used as a resource for corporate improvement.

### 2. Officer support and organisational culture

It is clear that the Council's senior leadership team are also committed to supporting scrutiny. Through our conversations, Members were very positive about the assistance they received from Officers who support scrutiny and were highly complimentary about the quality of Officer support within the Council's resource constraints.

Organisational culture was also identified as foundational in improving the quality of scrutiny, and that some aspects of the current prevailing culture may need to be challenged in order to improve governance overall at HDC. The Council's ability to effectively carry out day to day business, as well as to confidently plan for the future, rests on the strength of organisational culture. This includes but is not limited to:

- Mutual respect between Members – within the context of robust political debate and disagreement, and Members respecting Officers as professionals;
- Members and Officers understanding their mutual roles and responsibilities – in the most basic sense, that Councillors lead on strategy and overall direction, while Officers lead on delivery and implementation.

These cultural aspects above are present at HDC, but many Members and Officers that we interviewed recognised that improving these behaviours and ways of working would have a positive influence on decision-making and accountability.

### 3. Clarity on scrutiny's role and responsibilities

Scrutiny's overall role is to hold the Cabinet to account, to carry out policy development, contribute to improved decision-making, and channel the voice of the public. A good scrutiny function is one that provides not only effective challenge, but is recognised and valued as a body that positively influences policy development.

Through our evidence gathering, Members involved in scrutiny could articulate the role that scrutiny should play in being an integral part of the council's governance structure and contributing to the council's budgetary and policy making function. However, many seemed to be unclear on who exactly scrutiny should be holding to account.

In practice, strategic challenge of Cabinet Members needs to be strengthened. Within meetings we found that scrutiny tends to focus on Officers and Officer reports - where Cabinet Members are

involved in scrutiny meetings this is usually light touch rather than an exploration of current policy, or decisions where scrutiny can play a valuable role in shaping and improving.

The experience from elsewhere is that when Cabinet Members attend and are the focus of questioning, a more strategic exchange takes place and better recommendations are achieved. To enact effective democratic accountability, scrutiny needs to recognise its role and responsibility in holding Cabinet Members to account, ensuring questions are directed to the relevant portfolio holder and are linked to clear priorities.

For scrutiny to be more strategic there needs to be change from both scrutiny and the Cabinet. If the Council wants more emphasis on shaping policy, challenging and holding to account, then scrutiny will need earlier access to and involvement with the core policy and decision-making activities of Cabinet. Our discussions concluded that the Leader, Cabinet and Scrutiny recognise and agree that greater collaboration and engagement would be strongly beneficial.

#### **We would recommend:**

- **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.

#### **4. Collaborative approach to scrutiny**

Scrutiny is meant to be a forum for the evidence-based discussion of issues affecting local people where challenge is welcomed and encouraged. However, from our conversations many highlighted that scrutiny tended to be very political, and cross-party working was lacking.

In any democratic institution, there will be differences of opinion and disagreement about policy and decisions - this should be accepted. However, if scrutiny encounters become too politically charged or adversarial this can diminish mutual trust and respect and lead to defensive and negative outcomes, rather than resulting in creative and useful exchanges.

We heard that proactive engagement between scrutiny and Cabinet could also be improved both before and during scrutiny meetings. While Cabinet Members attend meetings, their involvement with the scrutiny process should be more visible and regular. There is also work to be done to establish parity of esteem between scrutiny and Cabinet. Putting scrutiny and Cabinet on a more equal footing will create conducive conditions for effective challenge to happen, and will bring benefits in terms of improved decision-making.

Some concerns were also raised regarding the professional conduct between Members, and between Members and Officers. There is evidence that the tone taken within scrutiny can at times be perceived as combative rather than constructive, which weakens scrutiny as a forum for open and candid exchange. Putting scrutiny and Cabinet on a more equal footing may help address the

concerns raised. Alongside this, Members should have regard to the expectations set out in the Council's Member Code of Conduct regarding respectful behaviour and leading by example.

There is also mixed level of engagement from those who sit on scrutiny, with some Members showing minimal levels of involvement within committee meetings. Engagement, contributions and challenge from all Members of scrutiny is essential if individuals Members wish to have an influence on shaping decisions, and if scrutiny is to fulfil its role in being a space for cross-party inquiry. This not only requires attendance, but background preparation for the meeting.

#### **We would recommend:**

- **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.
- **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.

#### **5. Scrutiny's focus and workplan**

There is a recognition that scrutiny at HDC needs to focus on more strategic issues, where it can have influence, and that scrutiny should input into the decision-making process at an earlier stage than it does currently.

Scrutiny has a tendency to be more retrospective, rather than forward looking. It is important that scrutiny carries out reviews and assess performance, but there is a missed opportunity for it to add value to council policy and strategy through greater emphasis on the big challenges and opportunities ahead for the district.

The Council's corporate plan should direct scrutiny's focus, but business does not always seem to be aligned with either the Council's overall priorities or with pressing performance or risks - when topics are reviewed the focus tends to be operational rather than strategic or outcome focused. There are some positive signs and examples of useful work by scrutiny where it has selected key issues to scrutinise and to explore, but these were described as the exception rather than the norm.

Scrutiny should focus its attention on cross-cutting issues which affect communities across the district, avoiding parochial issues affecting single wards. In concentrating on critical issues, scrutiny will be able to focus on understanding how the Council proposes to mitigate some of the most significant challenges facing local people.

Finance and budgets receive only annual scrutiny, and there is little in-year or in-depth analytical challenge of the budget-making process or the Council's financial performance. Considering the substantial gap in the budget last year and the new approach to making savings, scrutiny should be meaningfully involved in oversight of this process and challenging the rate of progress made.

Work planning is key to ensuring scrutiny stays focussed on strategic issues where it can make an impact, whilst making the best use of time and resources. From our conversations we noted that

many Members felt that they have little opportunity to influence scrutiny work plans, and the way that issues are prioritised. Harborough's scrutiny function may need to consider how it organises its work plans in a way that is led by Members of the Panels in order to have ownership over committee activity.

It is important to emphasise that work planning is an ongoing process and not just a one-off event. Whilst a workshop will help identify priorities and provide structure to work for the months ahead, there will need to be flexibility in the work plan and time set aside to regularly revisit the relevance of topics in meetings as the local context changes.

### We would recommend:

- **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. We would recommend bringing it to the beginning of meetings, so emerging issues or changing priorities can benefit from considered discussion.
- **A review of the current approach to financial scrutiny, MTFs/ budget scrutiny and the scrutiny of commercial arrangements.** We have produced guidance on financial scrutiny with CIPFA<sup>1</sup>, 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.

## 6. Scrutiny committee structure and scheduling

Changing the structure of scrutiny committees is rarely a universal solution to bring about immediate changes, the cultural issues are more important. However, we received a lot of feedback that the current structure of an overarching Scrutiny Commission and two thematic Scrutiny Panels for a council the size of HDC may not be the most effective use of resources and is creating confusion.

It has been reported that the current structure often leads to duplication between the three committees and takes significant resource to support. The role of the Scrutiny Commission appears to be limited to suggesting and approving topics for the Panel workplans and to oversee and monitor all Scrutiny work, but this could potentially be managed by the committees themselves.

Through our evidence gathering, it was not always clear how the role of the *ex officio* Scrutiny Commissioner related to the Chair and Members of the Scrutiny Panels when attending Panel meetings. It may be appropriate to review the role of the Scrutiny Commissioner in contributing to the Panels, to define the purpose and involvement, and to ensure that the Chair and Members sitting on each respective Panel are able to lead and take ownership over their committees.

The frequency and timing of scrutiny meetings has also been highlighted as a barrier in creating greater impact. Whilst the Cabinet meets on a monthly basis, Scrutiny Panels tend to meet quarterly. Not only will this frequency inevitably lead to overpacked agendas, but it may improve Member engagement to meet on a more regular basis with a focus on shorter, sharper meetings. Aligning scrutiny meetings to occur enough time prior to Cabinet will also assist in building greater

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<sup>1</sup> CfGS & CIPFA (2020) 'Financial scrutiny, practice guide' - [https://www.cfgs.org.uk/wp-content/uploads/Financial-scrutiny-practice-guide\\_proof3.pdf](https://www.cfgs.org.uk/wp-content/uploads/Financial-scrutiny-practice-guide_proof3.pdf)

policy development into scrutiny, giving the opportunity for scrutiny to operate more 'upstream' in the decision-making process.

**We would recommend:**

- **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.
- **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.

## 7. Scrutiny's output and impact

When asked about scrutiny's output and impact most Members and Officers found it difficult to point to more than a couple of examples of work that has made a real difference, or substantive recommendations that have been implemented.

The majority of successful examples of scrutiny at HDC were task and finish group work. Scrutiny would benefit from further use of task and finish groups or spotlight events where single issues of major importance to the Council or community can be considered and explored in greater detail. This can add significant impact and quality to scrutiny activity. But must be clearly scoped, resourced, time-limited and with clear objectives to be useful and effective.

We noted for a number of the substantive items considered by scrutiny committees the conclusion of the discussion did not always have an articulated outcome, or otherwise could be seen as solely for the purpose of obtaining information or to obtain updates. The practice of reports being presented 'to note', or inviting speakers only to share information, should be avoided. This can lead to missed opportunity for insightful questioning, if scrutiny has no value to add to a topic being considered, then it should not be on the agenda. As a matter of general principle, items for information or updates should be shared with Members as briefing notes outside of committee.

We noted that there is a process in place to monitor recommendations. An effective scrutiny function should be able to review recommendations in 6- or 12-months' time to see that the outcomes have made a difference or added value. Improving systems to monitor the Cabinet's response and implementation of recommendations that have been accepted will help track scrutiny's outcomes and Councillors' perceptions on the effectiveness of work.

When members of the Cabinet and senior Officers are asked to attend, Scrutiny Panels would benefit from being clear about what the aims and objectives are of the session (including clarity over the content of any reports and presentations). Through our recommendation of establishing pre-meetings in the next section, this can also improve scrutiny's impact by allowing the space to create a shared understanding and trying to discuss beforehand what recommendations the committee might make on the day, and how the Cabinet might respond to them.

In carrying out 'external' scrutiny work, it is important to ensure that scrutiny has a clear focus on objectives and is able to influence outcomes concerning the topic discussed.

**We would recommend:**

- **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 on the following matters could be shared with councillors on a monthly basis outside of committee:
  - Performance, finance and risk information for council services and those operated by partners;
  - Information about complaints handling;
  - The schedule of key decisions;
  - Details of any major council consultation carried out and their results, and consultations proposed to be carried out;
  - Information on external oversight – data produced by the external auditor and any form of inspection to which council services might be subject.
  
- **Reviewing 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.

## 8. Chairing, member development and meeting preparation

Scrutiny’s success is dependent on the right Members, with the right capabilities and attributes, leading and managing the scrutiny function. Scrutiny Chairs have a vital task in leading the committee, ensuring that it builds and maintains strong relationships with the Cabinet, Officers and relevant external partners.

Chairs can also lead on setting the working culture of scrutiny, helping it to set and uphold high standards of behaviour, engagement and debate, ensuring good cross-party working. The lack of opposition Members involved in scrutiny chairing roles was raised as an issue in our evidence gathering. Although there is no single ‘right’ approach to selecting chairs - the emphasis ought to be on selecting chairs based on skill set and capability and providing ongoing training and support.

Scrutiny provides an excellent opportunity to support Members in getting an in-depth understanding of issues across the Council’s services. To get the most out of scrutiny, Members need a clear sense of what is required of them as committee Members and the work involved which allows good scrutiny to happen.

Many Members were unsure of how to achieve impactful scrutiny, some were also open about a lack of understanding about the specific areas they are asked to scrutinise. Members felt that more briefings to provide them with core knowledge, especially on more complex or technical issues would be welcome and equip them better as scrutineers.

We heard that the quality of questioning in scrutiny varies; in some instances, it is forensic and probing, but it is often more general and exploratory and sometimes superficial. HDC is clearly committed to Member development, and training was raised by some Members who were clearly aware of the gaps in their knowledge and understanding.

A number of Members felt that reports were long and make demanding reading, which may prevent some Members from fully engaging. It was also acknowledged by Officers that reports in HDC have historically been very detailed and could benefit from being shorter and preceded by an executive summary to draw out the main themes and findings.

From the recordings of committee meetings there is little evidence of co-ordinated questions or Members acting as a team with clear lines of inquiry. Pre-meetings could allow Members to give

voice to their objectives for meetings and allow mutual motivations to be understood and questioning strategies to be agreed. It is likely that differences will remain and will in some cases be significant, but the airing of these differences will make it easier for Members to understand where consensus is possible.

**We would recommend:**

- **More skills development support is offered for the key roles of Chair and Vice-Chair** – To provide them with the confidence they need in leading the scrutiny function.
- **There should be mandatory scrutiny development and training for all committee members** - To develop a common understanding of what “good” scrutiny practice looks like.
- **Providing additional briefing or expert involvement as required** - To assist scrutiny members in becoming more capable to develop questioning strategies that will deliver high-impact and value-adding scrutiny.
- **Cross-party pre-meetings for scrutiny committees should be established** - With a specific focus on identifying priorities and Members working together to develop lines of enquiry so that recommendations are more likely.

## 9. Public engagement

Scrutiny should explore and experiment with ways to allow greater access, openness and involvement with the public. This could include scrutiny going on more site visits in the community, inviting the public to offer ideas for work plans, and greater use of social media channels for resident input and communicating the progress and impact of scrutiny work.

## Thank you and acknowledgements

We would like to thank the Chairs, Members of the Scrutiny Commission and Panels, Cabinet Members and Officers who took part in interviews for their time, insights and open views.

Yours sincerely,

Kate Grigg  
Senior Research Officer