



Scrutiny Commission

To All Members of the Scrutiny Commission on Wednesday, 20 September 2023

Date of meeting: Thursday, 28 September 2023

Time: 18:30

Venue: Council Chamber
Council Offices, Adam and Eve Street, Market Harborough.

Members of the public can access a live broadcast of the meeting from the [Council website](#), and the meeting webpage. The meeting will also be open to the public.

Agenda

- 1 Introductions**
- 2 Apologies for Absence**
- 3 Declarations of Members' Interests**
- 4 DRAFT Minutes - Scrutiny Commission - 27 June 23** **3 - 4**
- 5 Consider the following reports:**
 - 5.1 Future of Scrutiny arrangements** **5 - 36**
- 6 To consider any urgent items (to be decided by the Chairman)**

LIZ ELLIOTT
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Circulate to: Jonathan Bateman - Member, Amanda Burrell - Member, Paul Dann - Member, Peter Elliott - Member, Rose Forman - Member, David Gair - Member, James Hallam - Chairman, Peter James - Member, Rosita Page - Member, Michael Rickman - Member

And all other Councillors for information

HARBOROUGH DISTRICT COUNCIL

MINUTES OF THE MEETING OF THE SCRUTINY COMMISSION

- Held:** In the Council Chamber, The Symington Building, Adam and Eve Street, Market Harborough, Leicestershire LE16 7AG
- On:** 27 June 2023 commencing at 18:30.
- Present:** Councillors Bateman, Burrell, Dann, Elliott, Forman, Hallam (Chair), James, Rickman and Nunn
- Officers:** Liz Elliott – Interim Chief Executive, Clare Pattinson – Interim Director of Law & Governance, Kathryn Parsons – Democratic Services Officer

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies were received from Councillors Mrs Page, who was substituted by Councillor Nunn.

2. DECLARATIONS OF MEMBERS' INTERESTS

There were none.

3. DRAFT MINUTES SCRUTINY COMMISSION 3RD NOVEMBER 2022

The Commission noted updates required to the draft minutes provided to them and it was:

RESOLVED that the Minutes of the Meeting of the Scrutiny Commission held on the 30 March 2023, as updated, be accepted and signed by the Chairman as a true record.

4. Review of existing Terms of Reference and Scrutiny Work Plans

The Interim Director of Law and Governance introduced a report and discussion occurred around the recommendations in the report:

- Whether Task and Finish Groups should be set up to feed into the two current Overview and Scrutiny Panels (Communities and Performance) and if quarterly meeting were sufficient.
- If there was a requirement of Overview and Scrutiny training (CfGS).
- How many Members would be required for the Task and Finish Groups.
- Whether the names of the two current Overview and Scrutiny Panels should be changed from Communities Overview Scrutiny Panel to People Overview and Scrutiny Panel and for Performance Overview and Scrutiny Panel to be changed to Places.

- The requirement for the Panels to align with Cabinet meetings and Cabinet decisions to ensure pre-scrutiny and to recognise that the work plan would not contain call ins to Executive or Cabinet decisions.
- Adoption of the work plan.

The Scrutiny Commission debated the above recommendations and decided that:

1. Task and Finish Groups would be set up.
2. Quarterly meetings for the panels were sufficient in view of the use of task and finish groups.
3. Constitutional Review Committee should be invited to make small changes to the Constitution to facilitate the use of task and finish groups.
4. Training by the Centre for Governance and Scrutiny (CFGs) should be arranged (possibly for the 26 September Scrutiny Commission Meeting, with the September scrutiny date also being used for training).
5. Task and finish groups shall comprise 7 Members and be politically balanced - groups will provide nominees to Democratic Services.
6. Consideration should be given to changing the names of the current Scrutiny panels once aligned with the Council's Corporate Plan, Council structure and service delivery plans.
7. The split of work between panels be carefully considered.
8. The meeting date of 20 July 2023 would be used for the Task and Finish Group.
9. The current structure of the work plan would be accepted with the view that it would change once the Task and Finish groups were set up and work would be redistributed between the Panels accordingly. Workloads would further be discussed between the Chairman of the Panels.
10. The Task and Finish Group would examine the Terms of Reference further, making use of the current work plan and data available.
11. Members can review and challenge issues outside of the scrutiny panels as appropriate – the function of scrutiny is to demonstrate impact and outcomes for the district.

The Commission **RESOLVED** to create a joint scrutiny panel task and finish group comprising 7 members to bring forward proposals for the future development of the scrutiny function within Harborough District Council.

5. ANY URGENT BUSINESS

There was none.

The Meeting ended at 19:22

Harborough District Council

Report to Scrutiny Commission Meeting of 27 June 2023



Title:	The Future of Overview and Scrutiny arrangements within the Council
Status:	Public
Appendices:	A – Centre for Governance and Scrutiny review B – Report to Scrutiny Commission meeting on 30 March 2023 Frequently Asked Questions

Summary

- i. The Scrutiny Commission is responsible for overseeing any Overview and Scrutiny Panels appointed by the Council.
- ii. The Council has consulted the Centre for Governance and Scrutiny (CfGS) in relation to its overview and scrutiny arrangements, and a decision is now required as to how the overview and scrutiny provision will be met.
- iii. This report pulls together the timeline and options open to the Council and invites the Scrutiny Commission to determine how it recommends the Council discharge its overview and scrutiny obligations in the future.

Recommendations

1. That Scrutiny Commission report the options open to the Council, to the next meeting with a view to the whole Council determining what, if any, changes should be made to the current overview and scrutiny arrangements.

Reasons for Recommendations

- | | |
|------|---|
| iv. | It is appropriate that the Council formally considers and addresses the findings of the CfGS review. |
| v. | A task and finish group set up for the purpose of trying to identify a consensus as to the future arrangements was unable to agree on a proposal. |
| vi. | A survey issued at the scrutiny training has seen limited responses being provided by members and is therefore of little probative value. |
| vii. | It appears that all members will need to discuss all options and determine the future vision of overview and scrutiny for the Council. |

1. Purpose of Report

- 1.1 To report the activity undertaken by the Task and Finish group charged with reviewing the arrangements for the overview and scrutiny arrangements and identify how this issue will be resolved.

2. Background

- 2.1 The Council is required to have in place arrangements for overview and scrutiny of the discharge of executive functions. The primary purpose of an overview and scrutiny body is to hold those discharging executive functions on behalf of the Council (i.e. the Leader, Cabinet and officers with executive delegated authority) to account for their actions. This includes investigating their decisions and policies, and issuing reports and recommendations where any shortcomings are identified. The function helps ensure that local government remains transparent, accountable and open, and contributes to improved public policies and services. At present the Council discharges this obligation by way of a Scrutiny Commission supervising two scrutiny panels, with task and finish groups convened as required.
- 2.2 In the last administrative term, the Council considered options for the future delivery of the Overview and Scrutiny function. A scrutiny review was undertaken, facilitated by the Centre for Governance and Scrutiny ('CfGS'). A copy of the report produced is attached as Appendix A. The recommendation was that the Scrutiny Commission be deleted and two Overview and Scrutiny Panels be maintained, aligned to the Corporate Priorities identified within the Council's Corporate Plan. The two retained panels would manage their own work plans and coordinate how overarching matters were to be dealt with, working jointly as appropriate (such as when scrutinising budget issues).
- 2.3 The Scrutiny Commission received a report on the review of the Overview and Scrutiny function on 30 March 2023 but concluded that, given the proximity of the review to the local government elections on 4 May 2023, it was appropriate to defer the final decision on the review until after the election. A copy of that report is attached as Appendix B.
- 2.4 In May 2023, the new administration confirmed the existing overview and scrutiny arrangements until such time as a review of the same was completed. In July 2023, the Scrutiny Commission agreed to create a task and finish group to consider the options open to the Council.

3. Details

- 3.1. The CfGS reviewed the current overview and scrutiny arrangements. The first stage of the review consisted of gathering evidence through conversations with Members directly involved in the current scrutiny process and Officers. The review team also listened to recordings of scrutiny meetings and reviewed key documents on the Council's website.
- 3.2. The review assessed the following aspects :-
- 3.2.1. **Culture:** the relationships, communication and behaviours underpinning the operation of the overview and scrutiny process, including the corporate approach, organisational commitment, and status of scrutiny;
 - 3.2.2. **Member engagement:** Are members motivated and engaged. How do they participate, take responsibility, and self-manage their role?
 - 3.2.3. **Member skills and application:** Are skills up-to-date and can Members participate fully or are there development gaps?
 - 3.2.4. **Information:** How information is prepared, shared, accessed and used in the service of the scrutiny function;
 - 3.2.5. **Impact:** Ways to ensure that scrutiny is effective, that it makes a tangible and positive difference to the effectiveness of the council, and to local people;
 - 3.2.6. **Focus:** How prioritisation, timeliness and relevance of the work programme and agendas lead to value-adding and productivity;
 - 3.2.7. **Structure:** Formats used by scrutiny to carry out its work and their effectiveness.
- 3.3. Following the initial evidence gathering, feedback was provided by the CfGS which summarised the findings, highlighting areas where scrutiny performed well, and potential areas for improvement within the current process. A Member development workshop took place in March 2022 where the findings were explored and the suggested improvements discussed. All Members were given the opportunity to provide views and feedback on the suggested improvements.
- 3.4. The CfGS found that conditions for successful scrutiny were present at the Council and that there was a shared understanding from Members and Officers that good governance involves scrutiny, and when used effectively scrutiny can add value to decision making. The findings were detailed in a letter to the Council in March 2022 (Appendix A).
- 3.5. The suggested areas for improvement identified were grouped into seven themes:

CfGS Theme	CfGS suggestions
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.

	<p>2. More emphasis on scrutiny as a vital part of Council business and governance</p> <p>With clear council-wide ownership and understanding of its important role in improving policy and holding to account.</p> <p>3. Developing a Cabinet-Scrutiny protocol</p> <p>To further reinforce the working relationship and expectations between Scrutiny and the Cabinet.</p>
Collaborative approach to scrutiny	<p>4. Developing regular communication and information sharing so that Scrutiny can be a resource that can inform Cabinet decision making.</p> <p>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.</p> <p>5. Further steps need to be taken to improve cross-party working at HDC.</p> <p>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.</p>
Scrutiny's focus and workplan	<p>6. Review the process for developing work plans for each scrutiny Panel</p> <p>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.</p> <p>7. A review of the current approach to financial scrutiny, MTFS/ budget scrutiny and the scrutiny of commercial arrangements.</p> <p>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</p>

	quarterly financial performance scorecards being reported to committee.
Scrutiny committee structure and scheduling	<p>8. Consider a revised scrutiny structure</p> <p>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.</p> <p>9. Reviewing the frequency and timing of Scrutiny Panel meetings</p> <p>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.</p>
Scrutiny's output and impact	<p>10. Changing the way that information is provided to scrutiny Members for oversight</p> <p>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.</p> <p>11. Review how the recommendations are made and how impact is measured</p> <p>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.</p>
Chairing, member development and meeting preparation	<p>12. Chair/Vice Chair training and compulsory member development for all Committee members.</p> <p>13. Provision of additional briefing or expert involvement as required.</p> <p>14. All-party pre-meetings for scrutiny committees</p>
Public engagement	<p>15. Public engagement</p> <p>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</p>

- 3.6. The CfGS invited members to identify their priorities for development of the overview and scrutiny function. The top 5 suggestions for improvement based on Member feedback were:
 - 3.6.1. Chairing, member development and preparation;
 - 3.6.2. Democratic accountability;
 - 3.6.3. Making scrutiny an integral part of council business and governance;
 - 3.6.4. Recommendations and their impact;
 - 3.6.5. Public engagement.
- 3.7. Whilst decisions on the future governance arrangements of the Council will be considered and determined by Council, it is appropriate that the bodies discharging overview and scrutiny functions are aware of the historic context of the function within the Council, and alive to the future options for delivery of the function.

Current Structure

- 3.8. The Council's current overview and scrutiny arrangements consist of the following:-
 - 3.8.1. 15 scheduled meetings currently in the rota for the municipal year;
 - 3.8.1.1. 3 Scrutiny Commission meetings;
 - 3.8.1.2. 5 Performance panel meetings;
 - 3.8.1.3. 5 Community panel meeting;
 - 3.8.1.4. 2 reserve dates for additional panel meetings;
 - 3.8.2. Maximum of 2 task and finish groups at any one time

Future options for strengthening the overview and scrutiny function

- 3.9. The CfGS suggested that the options open to the Council were:
- 3.9.1. Leave the arrangements as currently operating;
 - 3.9.2. Enhance the existing arrangements with a third panel and the recruitment of a part time scrutiny officer;
 - 3.9.3. Remove the Scrutiny Commission, bolster officer support for the scrutiny function and:
 - 3.9.3.1. Increase the number of panels to three; or
 - 3.9.3.2. Retain two panels;
- 3.10. The Corporate Plan priorities could be allocated between the panels as follows:
- Communities Scrutiny Panel – ‘Place and Community’
‘Healthy Lives’
- Performance Scrutiny Panel – ‘Environment and Sustainability’
‘Economy’.
- 3.11. It was also proposed that the panels be re-named to reflect their area of focus, with the Communities Scrutiny Panel becoming the People Overview and Scrutiny Panel, and the Performance Scrutiny Panel becoming the Place Overview and Scrutiny Panel. Utilising the full statutory title of “overview and scrutiny panel” better reflects the nature of the role that both panels should fulfil in contributing to the strategic direction and corporate plans.

performance of the Council. It recognises that both panels are responsible for holding the Council to account on its performance in delivering the corporate priorities

- 3.12. It was proposed that the Chairs of the two Panels would work more collaboratively to allocate cross cutting issues and allows for joint overview and scrutiny where it is not appropriate for one panel to be seized of a topic – such as budget matters.
- 3.13. Meetings would be scheduled to take place on a quarterly basis, with the focus on the corporate priorities alternating at each meeting. The cabinet portfolio holders who contribute to a corporate priority would be invited to attend and update the panel on that priority and performance in respect of it. The panel would be able to ask questions of the portfolio holder, review council performance and trends and contribute to strategic forward planning. They would also identify topics which would be appropriate to explore further through task and finish groups, identifying future strategies, changing legislation and new pressures.
- 3.14. Each Panel would be able to have one task and finish group operating at a time. The task and finish group would be able to explore issues in more detail and operate with more flexibility and responsiveness as it would not be hampered by the democratic restrictions imposed on a committee meeting.

Proposed provision for consideration

- 3.15. The proposed overview and scrutiny provision:-

- 3.15.1. 10 scheduled meetings in the municipal year comprising:

- 3.15.1.1. Quarterly Place overview and scrutiny panel meetings;

- 3.15.1.2. Quarterly People overview and scrutiny panel meetings;

- 3.15.1.3. 2 Joint Budget Scrutiny meetings;

- 3.15.2. Each panel may have one task and finish group working at a time, meeting as much or little as determined by the group;

- 3.15.3. The panels join together to have a joint task and finish group for cross cutting issues such as the budget - two annual joint budget scrutiny meetings could be scheduled to facilitate budget scrutiny – one in autumn with a focus on reviewing past performance, and one in winter to consider the proposed budget;

With a view to realising the following benefits:

- 3.15.4. Better alignment of meetings to feed into the Cabinet cycle;

- 3.15.5. Aligning the Overview and Scrutiny Workplan to complement the combined work plan;

- 3.15.6. Scrutiny resources which reflect the four Corporate Plan priorities;

- 3.15.7. Clear delineation between:-

- 3.15.7.1. routine scrutiny (i.e. holding to account for past performance) of Council performance through attendance of Portfolio Holders and officers at quarterly meetings for both Panels; and

- 3.15.7.2. Pro-active scrutiny (i.e. pre-decision scrutiny) of policies, strategies, changes of approach, challenges to service provision, changing legislation etc.

- 3.15.8. Fewer formal meetings to facilitate officer resource for focused task and finish groups, with Members better able to influence the pace of the scrutiny progress;

Desired Outcomes of the review and changed scrutiny provision

- 3.16. A strengthened overview and scrutiny function would assist in improving the governance of the Council in a number of ways, including:-
 - 3.16.1. A clear, transparent role and function of overview and scrutiny with all stakeholders;
 - 3.16.2. Promoting an organisational culture focused on democratic accountability and responsibility – by both Officers and Members;
 - 3.16.3. A clear, consistent and robust criteria for task and finish groups, with tangible outcomes;
 - 3.16.4. Scrutiny to be pro-actively used to contribute to pre-decision scrutiny e.g. of policies, operational challenges etc which align to the corporate priorities and have a greater influence on the strategic direction of the Council;
 - 3.16.5. Better alignment of meetings with the Council and Cabinet scheduled meetings and performance reporting timeframes, allowing more timely consideration of emerging issues and trends;
 - 3.16.6. Quantifiable and tangible evidence of the impact of Scrutiny on the Council and its performance.
- 3.17. The proposed measures could be robustly reflected in a revised and fit-for-purpose Constitution which accurately reflects the role and purpose of the overview and scrutiny function.

Outcome of the Task and Finish Group

- 3.18. The task and finish group met and considered the above information. They debated the various options proposed and agreed:
 - 3.18.1. it is appropriate for the Council to have more than one overview and scrutiny panel and no more than three;
 - 3.18.2. there is no need for a Scrutiny Commission;
 - 3.18.3. there should be a process for evaluating which issues should be scrutinised;
 - 3.18.4. pre-decision scrutiny is the most important way of influencing decisions;
 - 3.18.5. Cabinet Members should be invited to meetings regularly to facilitate more effective scrutiny of the performance of cabinet;
- 3.19. The task and finish group was unable to agree:
 - 3.18.6. how many overview and scrutiny panels should be recommended;
 - 3.18.7. how many members should sit on each panel (the number being influenced largely by whether there are two or three panels).
- 3.20. It was hoped that training arranged with a facilitator from the CfGS (scheduled for 14 September 2023) together with the information supplied to all members in a Frequently Asked Questions format (Appendix C) would help the Task and Finish group to reach a consensus which could be reported to Scrutiny Commission, ratified and recommended to the Constitutional Review Committee for incorporation into the revised constitution.

once produced. However, the CfGS facilitator was unable to attend at short notice therefore the “training” progressed as a refresh of the options open to Members, led by the Director of Law and Governance. During the session, Members were provided with copies of the FAQ document (Appendix C) and reminded that this included links to helpful documents such as the Statutory Guidance on scrutiny, the CfGS documents bank. They were also encouraged to complete the scrutiny workbooks and e-learning modules provided by the Local Government Association. The session was not well-attended by Members.

3.21 Feedback via comments and questions of those attending the training included:

- the status quo should be maintained for a further 12 months and reviewed after that;
- in favour of engaging, being outward looking and listening;
- queries as to the level of officer support and how it may be facilitated;
- Members are regularly invited to scrutiny meetings and don't attend;
- effective scrutiny planning benefits the scrutiny work plan but means that there needs to be time allowed for this in advance of decisions
- programming of scrutiny needs to tie in with scheduled decision making arrangements (i.e. Cabinet);
- there is no point scrutinising (not call-in) decisions which have already been taken by Cabinet;
- the balance of work between the panels needs looking at and managing as it is not balanced at present;
- the current Scrutiny Commission is unwieldy and panel chairs should be able to agree who does what;
- Cabinet members should present their reports and answer questions on them so they are accountable;
- two panels were appropriate.

3.22 The Chief Executive reminded members that they all have a voice and can influence the future shape of the overview and scrutiny function. She encouraged everyone to take the proposals back to their groups and discuss them so that decisions made were fully informed. She reminded everyone that there were finite financial and personnel within the Council and that while removing the Chair of the Scrutiny Commission would provide a limited saving, this would not pay for a scrutiny officer and how scrutiny is supported would also need considering, but this was an operational issue for her to determine once Members indicate the structure that needs supporting.

3.23 In addition, all members were encouraged to complete a survey on the future of scrutiny arrangements at the Council, and to discuss the options within their group and feed back the same (whether to the Chair of the Scrutiny Commission, group leadership or the Director of Law and Governance). At the point of this report being published, 2 of the 34 members have completed the survey. An update of responses will be provided to the meeting, by when it is hoped more responses will have been received.

4. Implications

- 4.1 The new administration will review the existing corporate priorities adopted by the Council in due course, but until then, the Scrutiny Commission will focus on preparations for scrutinising the budget with a view to promoting the corporate vision of building a future for the people of Harborough district that gives them the best life chances and opportunities through:
- 4.1.1 Community leadership to create a sense of pride in our place;
 - 4.1.2 Promoting health and wellbeing and encouraging healthy life choices;
 - 4.1.3 Creating a sustainable environment to protect future generations;
 - 4.1.4 Supporting businesses and residents to deliver a prosperous local economy

Consultation

- 4.2 In preparing this report, no statutory consultation has been required. Given the age of the administration, this report has been prepared by officers to assist Members to start to identifying priorities and how they wish to deliver the Overview and Scrutiny function in future.

Financial

- 4.3 The Overview and Scrutiny function does not have a dedicated budget for its work, but is serviced through Democratic Services as with other democratic bodies. Consideration as to the support available to the function will need to be given once the future delivery model for the Overview and Scrutiny function is settled. However, the most appropriate method of supporting the function is likely to be through a blend of democratic support and officers from the relevant services. For example, a review of waste services will be better assisted by officer support from the waste team, who will know what information is available and who would be best to attend meetings to answer questions and provide information to the Panel.
- 4.4 In view of the above, there are no direct financial implications as a consequence of this report. However, if there are future proposals to directly support the overview and scrutiny function (e.g. dedicated staff resource) that will require financing. Additional finance must be funded either by savings from elsewhere within the revenue budget, or via a successful growth bid for revenue funding for the function.

Legal

- 4.5 The requirement to establish a mechanism by which the Cabinet can be held to account stems from the Local Government Act 2000 and the Localism Act 2011 – they require the Council to maintain a transparent and robust scrutiny function.
- 4.6 Reviewing the Council's overview and scrutiny function is also important to ensure that it is effective and adds value to the outcomes delivered for residents of the Harborough District.

Environmental Implications

- 4.7 The Council has declared a climate emergency. This report does not specifically address climate issues however by refreshing the terms of reference for the Council, it can be assured that the overview and scrutiny function will be well placed to deliver the required challenge to the Council's corporate objective.

Risk Management

- 4.8 The main risks in relation to this matter are failing to act upon the findings issued by the CfGS.

Equalities Impact

- 4.9 Given the committee is not being asked to make any formal decision or recommendation, undertaking an equality impact assessment at this stage is considered premature.

Data Protection

- 4.10 As this report contains no personal information, the principles set out in the Data Protection Act 2018 are not engaged.

5. Recommendations

- 5.1 For the reasons set out within this report, it is recommended that the Scrutiny Commission recommend to Council that it determine:
- 5.1.1 the number of scrutiny panels to be convened;
 - 5.1.2 the number of members to serve each panel;
 - 5.1.3 confirm the terms of reference of each panel;
 - 5.1.4 the number and frequency of scheduled meetings;
 - 5.1.5 that the Constitutional Review Committee propose amendments to the constitution to give effect to Council's decisions on the structure of overview and scrutiny arrangements at Harborough District Council.

6. Background Papers

- 6.1 Previous reports to Council bodies in respect of governance generally and the overview and scrutiny function review in particular as follows:
- Council: [15 May 2023](#)¹
[27 February 2023](#)²,
 - Constitution Review Committee [26 April 2023](#)³

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<https://cmis.harborough.gov.uk/cm5/Meetings/tabid/73/ctl/ViewMeetingPublic/mid/410/Meeting/5706/Committee/847/Default.aspx>

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<https://cmis.harborough.gov.uk/cm5/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=%2f6UqyEtlComU5TQaEwzpOwYFuK2a6Fc7HuijJUCS8q97jNbgmzzz5Q%3d%3d&rUzwRPf%2bZ3zd4E7lkn8Lyw%3d%3d=pwRE6AGJFLDNIh225F5QMaQWCTPHwdhUfCZ%2fLUQzgA2uL5jNRG4jdQ%3d%3d&mCTIbCubSfFXsDGW9IXnlG%3d%3d=hFflUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFflUdN3100%3d&uJovDxwdjMPoYv%2bAJvYtyA%3d%3d=ctNJFf55vVA%3d&FgPIIEJYlotS%2bYGoBi5oIA%3d%3d=NHdURQburHA%3d&d9Qjj0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJFf55vVA%3d&WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJFf55vVA%3d&WGewmoAfeNQ16B2MHuCPMRKZMwaG1PaO=ctNJFf55vVA%3d>

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<https://cmis.harborough.gov.uk/cm5/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=HnwhDCoeBC5tNyHjW8wy6AHwwzq9Fp5%2f1Eg3UhSL6bYD72AGtn4PMw%3d%3d&rUzwRPf%2bZ3zd4E7lkn8Lyw%3d%3d=pwRE6AGJFLDNIh225F5QMaQWCTPHwdhUfCZ%2fLUQzgA2uL5jNRG4jdQ%3d%3d&mCTIbCubSfFXsDGW9IXnlG%3d%3d=hFflUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFflUdN3100%3d&uJovDxwdjMPoYv%2bAJvYtyA%3d%3d=ctNJFf55vVA%3d&FgPIIEJYlotS%2bYGoBi5oIA%3d%3d=NHdURQburHA%3d&d9Qjj0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJFf55vVA%3d&WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJFf55vVA%3d&WGewmoAfeNQ16B2MHuCPMRKZMwaG1PaO=ctNJFf55vVA%3d>

[16 March 2023⁴](#)

[25 January 2023⁵](#)

- Performance Scrutiny Panel [15 December 2022⁶](#)
[17 November 2022⁷](#)
- Scrutiny Commission [30 March 2023⁸](#)
[3 November 2023⁹](#)
- Communities Scrutiny Panel [15 December 2022¹⁰](#)

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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 5th, 6th and 7th 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 CIPFA¹, 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

¹ CfGS & CIPFA (2020) 'Financial scrutiny, practice guide' - 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

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.