



Scrutiny Panel - Performance

To All Members of the Performance Scrutiny Panel on Wednesday, 09 November 2022

Date of meeting: Thursday, 17 November 2022

Time: 18:30

**Venue: The Council Chamber
The Symington Building, Adam and Eve Street, LE16 7AG**

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 Apologies for Absence and Notification of Substitutes.
- 2 Declarations of Members' Interests
- 3 DRAFT Performance Scrutiny Minutes - 12 October 2022 FINAL 3 - 6
- 4 Scrutiny Review report 7 - 30
- 5 Update on Harborough District Council Business Centres- TO FOLLOW
- 6 RIPA monitoring report - Q2 22-23 31 - 32
- 7 **Any Urgent Business**
To be decided by the Chairman.

LIZ ELLIOTT
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HARBOROUGH DISTRICT COUNCIL

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And all other Councillors for information

HARBOROUGH DISTRICT COUNCIL

MINUTES OF THE MEETING OF THE PERFORMANCE SCRUTINY PANEL

held at

Harborough Innovation Centre, Wellington Way,
Market Harborough, Leicestershire LE16 7WB

on

12th October 2022 commencing at 6.30 p.m.

Present:

Councillor Rickman, Chairman

Councillors: Critchley, Graves, Nunn, Mrs Page (ex-Officio) and Mrs Wood

Officers present: C. Bland, R. Ellis, S. Hamilton, C. Mason and C. Pattinson

Remotely: K. Aitken

Guests: Councillor Hallam

APOLOGIES FOR ABSENCE AND NOTIFICATIONS OF SUBSTITUTION

Apologies were received from Councillor Frenchman, Councillor Knowles and also Councillor Mahal who was substituted by Councillor Nunn.

DECLARATIONS OF MEMBERS' INTERESTS

There were none.

MINUTES OF THE SCRUTINY PERFORMANCE PANEL

RESOLVED that: The Minutes of the Meeting of the Performance Scrutiny Panel held on the 23rd June 2022 be signed by the Chairman as a true record.

REPORT 1: 2021/22 REVENUE AND CAPITAL MONITORING – QUARTER 4/OUTTURN

The report¹ was presented by the Finance and Services Manager. The report set out the financial position (outturn) for the year ending 31 March 2022, for revenue and capital. Revenue is showing an overspend of £7k, a variance of 0.1% to the approved budget. Capital is showing an underspend of £251k, a variance of 11% to the approved budget.

Questions were asked in relation to reserves and the overspend of £7k, details of which were contained in the narrative to Appendix 3 to the report.

The Panel CONSIDERED the report.

REPORT 2 2022/23 REVENUE AND CAPITAL MONITORING – QUARTER 1

The report² was presented by the Finance and Services Manager. The report set out the financial position (outturn) for the first quarter ending 30 June 2022, for revenue and capital. Based on known income and expenditure commitments and working assumptions, revenue is forecasting an overspend of £1,041k, a variance of 8.7% to the approved budget; and capital is forecasting an on-budget position.

Of the revenue cost overspend, some are directly linked to inflationary (cost of living impacts), including the Pay Award and energy costs; whereas others are due to underachievement of savings or variances related to normal operational delivery. This includes the delay of the Senior Management review and also the decision not to pursue the shared service in relation to Development Management, which was anticipated to have generated a saving of £94k.

In response to a question relating to the delay of the Senior Management review contributing to the underachievement of savings, it was confirmed that the commencement of the consideration of the Strategic Partnership would not be appropriate without a full complement of the Senior Management team being in place, due to a number of Senior Officers leaving the authority fairly recently. Therefore new members of Senior staff have joined the Authority, and it is anticipated that the Senior Management review will take place at a later date.

1

<https://cmis.harborough.gov.uk/cm5/Meetings/tabid/73/ctl/ViewMeetingPublic/mid/410/Meeting/5726/Committee/831/SelectedTab/Documents/Default.aspx>

2

<https://cmis.harborough.gov.uk/cm5/Meetings/tabid/73/ctl/ViewMeetingPublic/mid/410/Meeting/5726/Committee/831/SelectedTab/Documents/Default.aspx>

The Council completed on the sale of land at Naseby Square to Platform Housing Group, and after the setting off of known costs when the Council was looking to self-develop and the more recent costs of disposal, the net capital receipt is £59k.

The Panel CONSIDERED the report.

REPORT 3 PERFORMANCE: QUARTER 1, 2022/23 YEAR

The report³ was presented by the Corporate Services Manager. The report showed the status of all 32 Key Activities at the end of Quarter 1 of the 2022/23 year, with 27 Key Activities having a status of Green, 5 having a status of Amber and no Key Activities being classed as Red status.

Two Key Activities were added to the Corporate Plan during Quarter 1 of the 2022/23 year, these being KA.01.13 - External maintenance works to the Symington Building and KA.01.14 - Refurbishment of toilets in Welland Park, Market Harborough.

Three key performance indicators on the Strategic Performance Dashboard were Red status at the end of Quarter 1, these being the number of new affordable housing completions during the year; 60% of major planning applications determined within 13 weeks or other agreed time; and the number of interventions carried out to encourage owners of empty properties to bring them back into use/ number of properties brought back into use.

In response to a question relating to KA.01.08, asking for the timescales for the newly recruited Planning Officers to get up to speed, it was expected that this would occur reasonably quickly. The performance level in the Planning team was as expected by March 2022 following the five full time equivalent (FTE) redundancies, however the performance improvement was subsequently affected by an additional 2.5 FTE officers leaving in June 2022.

With regards to the narrative within Appendix A to the report relating to KA.01.04, it was confirmed by the interim Chief Executive that regular meetings are now taking place between the Finance Department and the Grants Officer.

It was confirmed that the 12 month project to understand the key issues faced by young people through Covid recovery, which was implemented by a Young Persons Officer, led to the development of a Young Person Opportunities Plan. This was reviewed by the Communities Scrutiny Panel in July 2022 and the accompanying action plan will be embedded by the relevant Service Areas within the Council. The Young Persons Officer has now left the Authority on conclusion of the 12 month project.

3

<https://cmis.harborough.gov.uk/cm5/Meetings/tabid/73/ctl/ViewMeetingPublic/mid/410/Meeting/5726/Committee/831/SelectedTab/Documents/Default.aspx>

In relation to KA.03.01, it was AGREED that details of the new campaigns for dog fouling and littering would be provided to the Committee.

The Panel CONSIDERED the report.

ANY URGENT BUSINESS

There was none.

The Meeting ended at 7.23pm

DRAFT

Harborough District Council

Report to the Performance Scrutiny Panel Meeting of 17th November 2022



Report Number:	1
Title:	Scrutiny Review
Status:	Public report
Key Decision:	No
Report Author:	Clare Pattinson, Director of Governance and Law.
Portfolio Holder:	Councillor King
Appendices:	A: Centre for Governance and Scrutiny Review letter B: Scrutiny Structure proposals

Executive Summary

The Council commissioned the Centre for Governance and Scrutiny to undertake a review of the overview and scrutiny function to ensure that it is effective. The review focused on accountability, policy and decision making, delivery of Council plans and overall improvement. The review was impacted by the Covid19 pandemic however members were interviewed by the review team between 5 – 7 October 2021. The review also included a review of rules and processes.

Once the review was complete, the Council hosted an all Member workshop on 30 March 2022 to explore the options open to the Council for the development of the scrutiny function.

The top 5 priorities identified by Members from the CfGS review were:

- Charing, member development and preparation;
- Democratic accountability;
- Making scrutiny an integral part of council business and governance;
- Recommendations and their impact;
- Public engagement.

A key part of the review was to strengthen the overview and scrutiny function. Following robust analysis, and further discussion with the Centre for Governance and Scrutiny, it is proposed that the Council retain two overview and scrutiny panels with an amended scope aligning with the Corporate Plan priorities, and that the Scrutiny Commission is removed.

Recommendations

- 1. To discuss the report and its recommendations for the future structure of Scrutiny as detailed in the report.**

Reasons for Recommendations
The Centre for Governance and Scrutiny has confirmed that the proposal to remove the Scrutiny Commission and focus two panels in alignment to the corporate priorities is efficient and proportionate to the size of the Council. It allows for a refresh of the overview and scrutiny function by the Council, underpinned by robust and transparent governance processes and procedures.

Purpose of Report

1. To present the strategies and mechanisms by which the function, purpose and quality of overview and scrutiny activities can be strengthened, and the impact of scrutiny outcomes increased.

Background

2. The Council commissioned the Centre for Governance and Scrutiny (CfGS) to review and evaluate its overview and scrutiny function to ensure it is effective at supporting policy and decision making, delivery of council plans and overall improvement. The review commenced in the Autumn of 2021.
3. The Council has not undertaken a comprehensive review of its overview and scrutiny arrangement for some time, and wanted to check and test that overview and scrutiny arrangements and effectiveness meet the council's high expectations of democratic accountability. Overview and scrutiny plays a key role in ensuring that the Council's activities and decision-making processes are transparent, effective and impactful.
4. 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.
5. The review assessed the following aspects :-
 - i. **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;
 - ii. **Member engagement:** Are members motivated and engaged. How do they participate, take responsibility, and self-manage their role?
 - iii. **Member skills and application:** Are skills up-to-date and can Members participate fully or are there development gaps?
 - iv. **Information:** How information is prepared, shared, accessed and used in the service of the scrutiny function;
 - v. **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;
 - vi. **Focus:** How prioritisation, timeliness and relevance of the work programme and agendas lead to value-adding and productivity;
 - vii. **Structure:** Formats used by scrutiny to carry out its work and their effectiveness.

Details

6. 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.
7. The CfGS found that conditions for successful scrutiny are present at the Council and that 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. The findings were detailed in a letter to the Council dated March 2022, attached as Appendix A.
8. The suggested areas for improvement identified were grouped into seven themes:

CfGS Theme	CfGS suggestions
Clarity on scrutiny's role and responsibilities	<ol style="list-style-type: none"> 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	<ol style="list-style-type: none"> 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	<p>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.</p> <p>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.</p>
Scrutiny committee structure and scheduling	<p>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.</p> <p>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.</p>
Scrutiny's output and impact	<p>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.</p> <p>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.</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	<ul style="list-style-type: none"> • 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. The CfGS invited members to identify their priorities for development of the overview and scrutiny function. The full ranked list of suggestions for improvement based on Member feedback is detailed in Appendix B however the top 5 priorities identified 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

Current Structure

10. The Council's current overview and scrutiny arrangements consist of the following :-

- 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

Options for strengthening the overview and scrutiny function

11. The CfGS suggested that the options open to the Council were:

- i. Leave the arrangements as currently operating;
- ii. Enhance the existing arrangements with a third panel and the recruitment of a part time scrutiny officer;
- iii. 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;

12. Given the findings of the CfGS, making no changes to the current arrangements would not enable the improvements required in the delivery of the overview and scrutiny function for the Council.
13. The Council cannot justify the additional cost which would be incurred in the event that Option 2 was adopted, given the current economic climate and substantial budgetary challenges.
14. While Option 3a would secure some of the improvements required for the overview and scrutiny function, it requires the Council to continue to administer three panels and would not sit comfortably with the Council's themes and priorities.
15. Option 3b is the preferred option of the Council as this would enhance the existing two overview and scrutiny panels and align them with the Corporate Plan priorities as follows:
 - Communities Scrutiny Panel – 'Place and Community'
 - 'Healthy Lives'
 - Performance Scrutiny Panel – 'Environment and Sustainability'
 - 'Economy'.
16. However, it is 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 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
17. It is 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.
18. 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.
19. 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

20. The proposed overview and scrutiny provision would consist of the following :-
 - i. 10 scheduled meetings in the municipal year comprising:
 - Quarterly Place overview and scrutiny panel meetings;
 - Quarterly People overview and scrutiny panel meetings;
 - 2 Joint Budget Scrutiny meetings;

- ii. Each panel may have one task and finish group working at a time, meeting as much or little as determined by the group;
- iii. the panels join together to have a joint task and finish group for cross cutting issues.

21. The benefits of the proposed structure include :-

- Better alignment of meetings to feed into the Cabinet cycle;
- Aligning the Overview and Scrutiny Workplan to complement the combined work plan;
- Scrutiny resources which reflect the four Corporate Plan priorities;
- Clear delineation between:-
 - 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
 - Pro-active scrutiny (i.e. pre-decision scrutiny) of policies, strategies, changes of approach, challenges to service provision, changing legislation etc.
- Two annual joint scrutiny meetings scheduled to facilitate budget scrutiny – one in autumn with a focus on reviewing past performance, and one in winter to consider the proposed budget;
- 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;

22. A strengthened overview and scrutiny function would assist in improving the governance of the Council in a number of ways, including :-

- A clear, transparent role and function of overview and scrutiny with all stakeholders;
- Promoting an organisational culture focused on democratic accountability and responsibility – by both Officers and Members;
- A clear, consistent and robust criteria for task and finish groups, with tangible outcomes;
- 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;
- Better alignment of meetings with the Council and Cabinet scheduled meetings and performance reporting timeframes, allowing more timely consideration of emerging issues and trends;
- Quantifiable and tangible evidence of the impact of Scrutiny on the Council and its performance.

23. The proposed measures would be robustly reflected in a revised and fit-for-purpose Constitution which accurately reflects the role and purpose of the overview and scrutiny function.

Implications of Decisions

Corporate Priorities

24. The purpose of scrutiny is ultimately to improve the lives of local people through improved public services. To justify the resources allocated to scrutiny it is important to be able to demonstrate that scrutiny work adds value and makes a difference to local people. Effective scrutiny can be demonstrated if it fulfils one or more of the following conditions:

- it meets the objectives set out by the Scrutiny Commission / Panels;
- feedback from the public shows that they think there has been the service improvement they desired;
- the work has helped to achieve corporate or partnership priorities;
- there is a return on investment, demonstrating scrutiny's impact and outcomes in financial terms.

Financial

25. Scrutiny is currently resourced through existing officer arrangements, there is no formally designated 'Scrutiny Officer' as current regulations do not require a District Council to designate an officer to discharge the Council's scrutiny functions in an area in which there is a County Council (Local Government Act 2000). Government guidance does state that, 'Authorities not required by law to appoint such an officer should consider whether doing so would be appropriate for their specific local needs' (Overview and scrutiny: statutory guidance for councils and combined authorities, 2019).

26. The cost of the preparation of overview and scrutiny reports is dependent on the subject matter, however utilising more flexible task and finish groups allows meetings to be responsive and fit around availability of officers and members, which should improve the efficiency for all involved in the process. Focusing each panel on distinct priorities ensures there is no duplication of reporting.

27. Reducing the cost of the overview and scrutiny function was not a primary function of the review being undertaken. However, removing the Scrutiny Commission, and Commissioner, removes the obligation to pay a special responsibility allowance, as well as expenses for member attendance at a regular meetings, (for 2021/22 this equated to £6,867) which can then be utilised to support the expenses of the task and finish groups or as a contribution to the current budget pressures.

Legal

28. In accordance with the Local Government Act 2000 and Localism Act 2011, authorities are required to have a mechanism by which the Cabinet can be held to account via a transparent and robust scrutiny function.

29. The review of the Council's overview and scrutiny function is important to ensure that it is effective and adds value to the outcomes delivered for residents of the Harborough District.

Policy

30. Effective and targeted use of the overview and scrutiny function will strengthen the Council's development and delivery of the policies which are important to residents of the district.

Environmental Implications including contributions to achieving a net zero carbon Council by 2030

31.No specific implications are identified as relevant to this objective within this report.

Risk Management

32.No specific implications are identified as relevant to this objective within this report.

Equalities Impact

33.No specific implications are identified as relevant to this objective within this report.

Consultation

34.All Members were given the opportunity to comment on the review findings and proposed suggestions from the CfGS. The ideas relating to the review of the Scrutiny Structure were developed by the Scrutiny Commissioner following the CfGS review of the Scrutiny function which took place in October 2021.

Background papers

35.None

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

Appendix B

Ranked list of suggestions for improvement based on Member feedback

Prioritised suggestions for improvement	Timescale	Current progress	Recommendation / Action to be undertaken
1. Chair/Vice Chair training / compulsory development & training for all Scrutiny members	Short-term	Training and development for Members relating to scrutiny, and skills development support for the key roles of Chair and Vice Chair forms part of the Member Development training plan.	
2. Clearer focus on democratic accountability			<p>Recommendations</p> <p><i>i. That the relevant Cabinet members be given a standing invite to Scrutiny Panels to answer questions on items falling within their portfolio responsibilities.</i></p> <p><i>ii. That the Leader be invited to attend scrutiny on a quarterly basis to present an integrated finance and performance report.</i></p>
3. Vital part of Council business and governance	Short-term	The Director of Governance and Law is currently undertaking a governance review.	

<p>4. Review process for developing work plans for Scrutiny Panels</p> <p>5. Review how recommendations are made & impact is measured.</p> <p>6. Improve information sent to scrutiny Members.</p>	<p>Short-term</p>		<p>Engaging Members, Officers, partners and the public to prioritise the topics for review. This process to be led by Members of the Panels and should include a selection criteria to identify appropriate topics for the work plan.</p> <p>Recommendations</p> <p><i>iii. That all topics/work programme items proposed for scrutiny have a clear purpose, based on a selection criteria, and not to just seek information or receive an update. Items to be based on community concern, known issues or improvement required.</i></p> <p><i>iv. That an annual review and evaluation of recommendations proposed within the scrutiny function be undertaken.</i></p> <p><i>v. The workplan for each Panel to be considered at the start of each meeting.</i></p> <p>At the conclusion of a scrutiny topic, recommendations should be submitted to the Cabinet in a reasonable time period and; at the time recommendations are submitted to the Cabinet, a date when the Committee wishes to receive a response by should also be included.</p> <p>The annual review and evaluation of the scrutiny recommendations, with a requirement to be linked to Corporate</p>
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			priorities, will be recorded via Pentana, and will enable the impact of the interventions to be measured.
7. Public engagement	Long-term	<p>An engagement strategy for the Council is currently being developed. This will consist of a toolkit for service areas and a 'promise' to residents which will set out how residents can engage with the Council, the process to do this and details of activities/projects the Council undertakes which requires input from residents. A draft of this strategy is due in September.</p> <p>NB: As there is no budget assigned to this work or extra resource, this will be delivered by focussing resources and improving what the Council does in order to manage expectations.</p>	<p>Recommendations</p> <p><i>vi. That the engagement strategy proactively encourages public participation and that a variety of communication channels be regularly updated with an overview of the work being undertaken by the Council's scrutiny function.</i></p>

8. Additional briefings or expert involvement as required	Short-term	Pre-meetings for the Chair and Vice-Chairs prior to the agenda being dispatched already take place. Experts are involvement in meetings as required.	
9. Develop a scrutiny protocol	Long-term		
10. Review frequency & timing of Scrutiny Panel meetings	Short-term	The rota of meetings for 2022-2023 and 2023-2024 has enabled more provision for Scrutiny panel meetings.	
11. Review current approach to financial scrutiny / MTFS/budget scrutiny etc	Short-term		
12. Develop regular communication & info sharing with Cabinet	Short-term		Triangulation meetings between Scrutiny Chairs, Cabinet Members and relevant Directors can occur to consider future issues and the part which scrutiny could play in testing and shaping these forward plans.
13. Revise scrutiny structure	Short-term	As detailed in the main report.	
14. All-party pre-meetings	Long-term	Pre-meetings have already commenced with Chairs and Vice-Chairs, however the suggestion of all-party	

		pre-meetings is a longer term aspiration.	
15. Improve cross-party working	Long-term		Consideration be given as to ways in which this suggestion can be implemented post the 2023 elections.

Harborough District Council

Report to the Performance Scrutiny Panel 17th November 2022



Title:	Regulation of Investigatory Powers Act (2000) RIPA
Status:	Public report
Key Decision:	No
Report Author:	Clare Pattinson, Director of Governance and Law & Interim Monitoring Officer
Portfolio Holder:	Councillor Paul Dann
Appendices:	Not applicable

Executive Summary

This report provides details of the use of covert surveillance under the Regulation of Investigatory Powers Act 2000 (“RIPA”) by Harborough District Council.

Recommendations

To note that the Council has not utilised the powers afforded to it under Regulation of Investigatory Powers Act 2000 in the second quarter of this municipal year.

Reasons for Recommendations

Council decided on 4th April 2011 that a scrutiny committee should exercise oversight of the RIPA policy and its usage. This report fulfils this notification requirement. oversight of the RIPA Policy be referred to Scrutiny.

1. Purpose of Report

- 1.1 To inform members whether the Council has utilised its powers under the Regulation of Investigatory Powers Act 2000 in the preceding quarter.

2. Background

- 2.1 The Council has the ability to use investigatory techniques to prevent and detect crimes. Its use of such powers is particularised in a policy that reflects statutory guidance, which

was last updated in 2021. Oversight of the operation of this policy is provided by the Scrutiny panel.

- 2.2 The Council's use of these powers is monitored by the Investigatory Powers Commissioners Office ("IPCO"), which last conducted an inspection, remotely, in July 2020.

3. Details

- 3.1 The Panel is asked to note that the Council has not used its RIPA powers in the municipal year to date.

4. Implications of Decisions

4.1. Corporate Priorities

The use of investigatory techniques supports the Council's promotion of its Corporate Priorities.

4.2. Financial

There are no direct financial implications arising from this report.

4.3. Legal

The Council is able to utilise its RIPA powers for the purpose of preventing and detecting crime in the district, provided that it complies with the statutory provisions, statutory guidance and its own policies.

4.4. Policy

This report fulfils the Council's RIPA policy requirements and gives effect to the resolution of Council on 4 April 2011 that Scrutiny monitor the application of these techniques. applicable

5. Summary of Consultation and Outcome

Not applicable

6. Alternative Options Considered

Not applicable

7. Background papers

Regulation of Investigatory Powers Act 2000 Policy
Statutory RIPA guidance