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"This Council believes that scrutiny is an essential element of the Council's decision-making process, providing openness and transparency and leading to better outcomes; and that the views expressed by backbench members should be seriously considered by the Executive before decisions are made."

Minutes of East Herts Council meeting 12 September 2007

INTRODUCTION



Councillor Jim Ranger

Chairman Policy Development
Scrutiny Committee

Chairman Corporate Business Scrutiny



Councillor Diane Hollebon

Chairman Performance Scrutiny
Committee

Chairman Community Scrutiny



Councillor William Quince

Chairman Environment Scrutiny

2007/08 has been another busy year for overview and scrutiny, not least because we have restructured the committees. The new arrangements have enabled us to take a more forward-looking view on policy development, and focus our activities on the Council's priorities, as well as issues that matter to local people.

A record 39 Members have served on the scrutiny committees or task and finish groups this year, giving generously of their time, enthusiasm and expertise. This report sets out their many achievements; and our hopes and plans for the coming year.

What is Scrutiny?

The Local Government Act 2000 says that councils must have at least one committee that has the power to review or scrutinise decisions or actions which affect the authority's area or its residents.

The aim of scrutiny is to provide an open and transparent forum in which to ensure that policies and services are meeting the Council's priorities and the needs of local people.

Scrutiny Members act as a critical friend to the Executive and other local service providers, helping them to monitor performance and develop sound policies. They also have the power to hold the Council's Executive to account by calling in decisions before or after they have been taken.

Scrutiny committees cannot make decisions or policies themselves, but they have the power of influence. They make recommendations informed by stakeholder and public opinions, performance information, examples of best practice and expert advice.

The Police and Justice Act 2007 outlined further powers for scrutiny committees, around crime and disorder; we're expecting these new powers during 2008/09.

July 2007 saw the publication of "The Governance of Britain" Green Paper which included new arrangements for local petitions and developed the idea for a 'call for action'. The consultation period started in December 2007 and closed on 20 March 2008. 2008/09 should see further details on these published and the role of the public and councillors made clearer.

Scrutiny at East Herts

At East Herts Council there were two scrutiny committees at the start of 2007/08; Performance Scrutiny and Policy Development Scrutiny. These had been in place for over four years and it was time to review their effectiveness.

The Scrutiny Chairmen and Leader agreed that they would like the scrutiny role to strengthen and widen its policy development role, making more use of Members' experience and expertise. They therefore proposed, and Council agreed, to merge the two existing committees and create two new ones that could concentrate on policy development.

There are now three committees: Corporate Business Scrutiny, Community Scrutiny and Environment Scrutiny.

Corporate Business Scrutiny deals with the following:

- regular performance monitoring
- pre-decision scrutiny (selecting from the Forward Plan)
- budget scrutiny
- scrutiny and policy development of some aspects within the portfolios of the Leader and the Executive Member for Resources and Internal Support.

Two committees deal with policy review and development and performance issues in the remaining five portfolios as follows:

Community Scrutiny: Community Safety and Protection
Community Development, Leisure and Culture
Housing and Health

Environment Scrutiny: Planning Policy and Transport
Environment and Conservation

All three committees have responsibility for internal scrutiny, external scrutiny and call-in and will pick up new powers as they are devolved from central government.

East Herts Council sits on the county-wide Hertfordshire Health Scrutiny Panel. Our representative is the councillor who is Chairman of our own Health Engagement Panel which operates under the Community Scrutiny Committee.

How do the Committees decide what to scrutinise?

Councillors select issues which are:

- Of local public concern
- Linked to the council's vision and priorities
- Capable of being influenced
- Not being scrutinised by another body

How to get involved

Scrutiny is strengthened by involving partners, residents, service users and so on. They bring expertise, local knowledge, fresh ideas and external challenge.

If you would like to know more, ring the Scrutiny Officer on 01992 531612 or e-mail scrutiny@eastherts.gov.uk

You can access full details on any item or outcome mentioned in the following pages of this report via our website. Agendas, reports and minutes of every council committee are posted and regularly updated – and meetings are open to the public:

<http://www.eastherts.gov.uk/committees>

If you ever take part in one of our scrutiny reviews and every time you attend as an observer, we would value your feedback to help us improve the process. An on-line feedback form is available at

<http://www.eastherts.gov.uk/scrutiny>

or you can ask for a paper-based version from the Scrutiny Officer.

OVERVIEW AND SCRUTINY ACHIEVEMENTS **May 2007 - November 2007**

1. Performance Scrutiny Committee

Chairman: Councillor Diane Hollebon

Vice-Chairman: Councillor Graham McAndrew

Councillors:

| | |
|------------|------------|
| R Beeching | G Lawrence |
| N Clark | J Mayes |
| A Dearman | M Pope |
| A Dodd | J Ranger |
| J Hedley | M Wood |

Substitutes:

Cllrs D Clark, R Radford, P Ruffles, R Taylor and C Woodward

- 1.1 This committee maintained an overview role from May to November 2007, monitoring the Council's performance in all service areas.

Reviews

- 1.2 A task and finish group, chaired by Councillor Andy Graham, conducted a short piece of work on the specifications of a new grounds maintenance contract. Executive received their final report in May 2007 and the recommendations accepted in full.
- 1.3 A task and finish group was set up to inform the Council's use of performance indicators (Stage 1) and this group transferred to the Corporate Business Scrutiny Committee when the new scrutiny arrangements were put in place.

The new Corporate Business Scrutiny Committee and Executive received the Stage 1 interim report in December 2007 and referred it on to Corporate Management Team for analysis. Further work was undertaken in early 2008 (Stage 2) and a summary appears in this report under section 3.6.

Monitoring

- 1.4 The committee continued to monitor the Council's leisure contract during what was a difficult time; Stevenage Leisure Ltd maintained the service following the previous contractor going into liquidation.

The committee received quarterly performance reports and was satisfied that every effort was being made to keep a good service and plan for the future.

- 1.5 Two housing associations attended the Committee, five years after the Council's transfer of the housing stock to them. The Committee examined the associations' performance against the pledges they made at the time of transfer and were satisfied with their performance. They also recommended inviting Housing Associations to present their Annual Report to Council each year, to which the Executive agreed.
- 1.6 The committee also monitored management information and action plans:
 - Annual Efficiency Statement
 - Annual Ombudsman Letter
 - Children & Young People's Plan Monitoring
 - Community Safety Action Plan
 - Community Strategy Progress Monitoring
 - Corporate Healthcheck
 - Housing Review Action Plan Monitoring
 - Housing Strategy Action Plan Monitoring

Corporate Governance

- 1.7 The Committee supported a Youth Strategy for 2007-2009 produced by East Herts Youth Council. East Herts Council funds the Youth Council and the committee was satisfied the framework will lead to a strategy that will support the Council's objectives.

However the committee also recommended that

- greater efforts to recruit Youth Councillors from all parts of the District;
- a summary of the Strategy be produced in a format attractive to young people;
- consideration arranging a joint event to bring together different Youth Councils in the District; and
- East Herts Council Members visit meetings of the Youth Council as observers.

The Executive approved all these recommendations.

2. Policy Development Scrutiny Committee

Chairman: Councillor Jim Ranger

Vice-Chairman: Councillor Andy Graham

Councillors

| | |
|--------------|------------|
| P Ballam | A Dearman |
| R Cheswright | P Grethe |
| D Clark | J Mayes |
| R Copping | W Quince |
| K Darby | C Woodward |

Substitutes:

Cllrs N Clark, A Dodd, M Goldspink, G Lawrence and M Pope

- 2.1 The committee completed a busy workload which included pre-decision call-in of:
- Car Park Pay on Foot and Pay on Exit Feasibility Study
 - Choice Based Lettings
 - Council Priorities And Straplines
 - Cultural Strategy 2007-2012
 - Data Quality Strategy
 - Parks And Open Spaces Strategy 2007

The Executive accepted or approved all recommendations except those on the Cultural Strategy. The committee recommended the document be viewed as a framework for 2007/08, but the Executive approved it as a strategy for 2007-2012.

- 2.2 The committee also looked at the Council's options for scrutinising health services and influencing the local health agenda. They interviewed the County Council's scrutiny manager in order to understand their joint role, and explored the scope for complementing their work.

The committee recommended setting up a Health Engagement Panel for scrutinising local health issues.

This Panel met for the first time in February 2008 under the remit of the newly formed Community Scrutiny Committee and is referred to later in this report under section 4.7.

- 2.3 There was one post-decision call-in, about leisure operational matters, on which the committee took evidence from the Leader of the Council and the contractor, Stevenage Leisure Ltd.

The committee recommended delaying implementation of the following decisions for two months to enable further, more detailed, information on pool usage, costs and income and to allow consultation with relevant Town Councils:

- for Leventhorpe and Ward Freman pools, casual public swimming be no longer offered at weekends from 1 July 2007;
- for Leventhorpe and Ward Freman pools, streamlining staffing numbers through multi-tasking;
- for Leventhorpe pool, casual public swimming be no longer offered on Thursdays from 5.30 pm;
- closing all five pools on bank holidays.

Following consultation and with additional information, a weekend programme at Leventhorpe and Ward Freman pools was agreed.

The follow up review of these decisions has been picked up by the new Community Scrutiny Committee and is reported later under section 4.5.

Reviews

- 2.4 The committee had set up a task and finish group in 2006/07, chaired by Cllr John Hedley, to review the process for settling the Council's 2006/07 contribution towards concessionary bus fares. The group reconvened in 2007/08 to stay abreast of the bus-related work going on at the Department of Transport and the parliamentary Transport Committee. The group originally influenced the negotiation between the council, its partners and the bus companies but since the introduction of a national scheme in April 2008, it is unlikely that this group will need to reconvene.
- 2.5 A task and finish group set up in 2005/06 to examine options for improving the Council's recycling performance reconvened under the chairmanship of Cllr Dorothy Hone. Its aim was to consider any options for further improvement and to consider whether the Council should extend or retender its waste and recycling contract from August 2009.

The work of this group transferred to the new Environment Scrutiny Committee, reported later under section 5.2.

OVERVIEW AND SCRUTINY ACHIEVEMENTS

November 2007 - April 2008

3. Corporate Business Scrutiny Committee

Chairman: Councillor Jim Ranger

Vice-Chairman: Councillor Andy Graham

Councillors

R Beeching

J Mayes

R N Copping

M Pope

K Darby

S Rutland-Barsby

R Gilbert

J Warren

Substitutes:

Cllrs R Cheswright, N Wilson and R Taylor

- 3.1 This committee met for the first time in December 2007 and agreed an ambitious work programme for the rest of the civic year, including items inherited from the previous two committees.

Pre-decision scrutiny

- 3.2 The committee scrutinised two issues with high public interest and involvement. Over 30 residents made representation by letter or spoke in person at the January 2008 meeting where relaxing the restrictive covenant on Unit 4, Thorley Neighbourhood Centre in Bishops Stortford was considered. The covenant would have prevented use of the Unit as a betting shop – one of the few options seen by the tenants as economically viable for this long-empty property. The Committee recommended relaxation.
- 3.3 Several hundred signatures were received on two separate petitions about the sale of district-owned land in Bayford. Although the highest price could be gained by selling the land for development, two separate community projects wanted to be considered as potential buyers. The committee recommended the site not be used for housing and preferred its use as a wild life reserve provided the petitioners could gain a wild life site designation following an independent species survey. The school were advised to draw up a detailed travel plan with the County Council and to explore the possibility of an adjacent land owner providing a site for a car park. This item is still to be resolved.

- 3.4 The Committee's priorities centred on the essential spring activities of dealing with revenue estimates, the capital programme, service estimates/options/plans, fees & charges and the consolidated budget report. They also considered in detail a new Data Sharing protocol, the new three year Corporate Strategic Plan 2008-2011, the revised Risk Management Strategy and amendments to Council Financial Regulations and Procedures.

Performance monitoring

- 3.5 In their monitoring role, the Committee:
- received detailed quarterly healthchecks
 - had an update on the progress in setting up a corporate customer feedback procedure (to be implemented 2008/9)
 - looked at what had been achieved on the action plan designed to improve the effectiveness and efficiency of Information Technology within the council.

Reviews

- 3.6 The task and finish group on Performance Indicators reconvened for Stage 2 under the chairmanship of Cllr Graham and it met four times during February 2008. The Audit Commission was introducing a new set of national indicators for public bodies which would come into force from April 2008 (replacing all previous sets) so we had to make some changes.
- 3.7 The Stage 2 report went to the Corporate Business Scrutiny Committee in March 2008. Their recommendations for a more focused set of indicators for regular reporting and the set of Key Indicators for the council during 2008/09 were accepted. The Executive will consider this at the first meeting in the new civic year.

4. Community Scrutiny

Chairman: Councillor Diane Hollebon

Vice-Chairman: Councillor Colin Woodward

Councillors

| | |
|--------------|----------|
| S A Bull | J Taylor |
| R Cheswright | A Warman |
| P Grethe | M Wood |
| D Hone | N Clark |

Substitutes:

Cllrs P Ballam, J Demonti, R Taylor and D Clark

- 4.1 This committee met for the first time in January 2008 to agree a work programme for the rest of the civic year, based on its remit for scrutiny and policy development within the following portfolios:
- Community Safety and Protection
 - Community Development, Leisure and Culture
 - Housing and Health
- 4.2 The committee looked in detail at the overriding principles to be applied to the tender of the leisure contracts covering Hartham and Grange Paddocks (with associated children's activities), the three joint-use pools and Castle Hall. The committee will continue to monitor the tendering and contracting process through to its conclusion later in 2008 (which includes a short extension to the original tender timescale to ensure thorough consideration).
- 4.3 The Committee monitored the progress of the Community Strategy Action Plan for 2007/08 and noted the large amount of work undertaken by the voluntary section in the achievements made so far.
- 4.4 At the end of the year, the Committee had a presentation from the East Hertfordshire branch of Citizens Advice Service. EHCAS receive 75% of their funding from the council and Members were keen to hear details of the services provided for residents. Individual case outlines given by the acting district manager served to illustrate the multiple issues which face many of the vulnerable clients who seek their help.

- 4.5 Whilst monitoring the existing swimming and leisure provision, the Committee agreed to extend the weekend arrangements at the three joint-use swimming pools to the end of 2008 to match the short delay in awarding the new leisure contract. They were also pleased to note the significant increase in direct debit membership at all the leisure facilities.
- 4.6 East Herts Council does not act in isolation, and the complexity of the new partnership approach to key issues was underlined by two detailed discussions at the April 2008 meeting.
- East Herts Homeless Strategy 2008–2013
 - Community Safety 3 year plan 2008-2011

The role of scrutiny in projects involving multi-agency working and shared responsibilities will be a focus of development in the coming year.

4.7 Health Engagement Panel

Chairman: Councillor Kim Darby

Councillors

| | |
|--------|------------|
| S Bull | M Wood |
| D Hone | B Wrangles |

At their first meeting in February 2008, the Panel agreed and recommended an East Herts Council Public Health Strategy 2008 to 2013 and Action Plan for 2008/09. Executive approved this in April.

A special, 'open' meeting was held in March 2008 to hear from a representative from Princess Alexandra Hospital NHS Trust in Harlow on their application for Foundation status and how this could impact on the residents of East Herts. In their plans, East Herts Council will have a nominated seat on their Council of Governors.

During April 2008:

- the Chairman attended a Hertfordshire PCT site option appraisal event (for the proposed hospital/health campus in Welwyn Hatfield) and
- the Panel members began developing their response to the consultation run by East & North Hertfordshire NHS Trust (on their Foundation status application)
- the Panel members began developing their response to the consultation run by West Hertfordshire PCT and East & North Hertfordshire PCT (on local procurement of GP-led health centres).

5. Environment Scrutiny

Chairman: Councillor Will Quince

Vice-Chairman: Councillor Duncan Peek

Councillors

| | |
|------------|-------------|
| W Ashley | M McMullen |
| A Dearman | N Poulton |
| A Dodd | M Goldspink |
| G McAndrew | D Clark |

Substitutes:

Cllrs P Ruffles, G Scrivener, M Wood and N Clark











- 5.1 This committee met for the first time in December 2007 to pick up on the outstanding work items based on its remit for scrutiny and policy development within the portfolios of: Planning Policy & Transport and Environment & Conservation.
- 5.2 At this first meeting, the committee received a report from the Refuse and Recycling task and finish group chaired by Cllr D Hone. After a detailed discussion of their comprehensive report, the Committee recommended introducing an alternate weekly collection waste and recycling scheme subject to a few specific conditions. The Executive and full Council supported and approved these. The scheme is due to be introduced no earlier than January 2009.
- 5.3 The February meeting dealt with a formal call-in initiated by four Councillors. The Executive's decision to allow an on-street Business Parking Scheme in South Street, Bishops Stortford was challenged by the group who felt that alternative options had not been fully explored.
- 5.4 A representative of local residents and community groups affected by the scheme gave evidence at the meeting alongside the call-in Members. The Committee did refer the matter back to Executive asking them to follow up on a couple of points not fully detailed in the original report. A final check of possible alternative ideas raised at the Scrutiny Committee showed none were viable or open to the Council to grant. The Executive finally ruled the scheme needed to go ahead as part of the wider development plans for that part of the district. Some concession on

enforcement times and introducing a 15-minute drop-off bay were made to support local and community activity. Resident Parking permits were extended to some additional homes in the immediate area to offer those households alternative parking arrangements.

- 5.5 At the same February meeting, the Committee set up a (short-term) task and finish group on Street Naming and Numbering and another (longer-term) group on Climate Change.
- 5.6 The former group met and completed its work during March 2007 under the chairmanship of Cllr P Ruffles.
- 5.7 The Climate Change task and finish group (Chairman: Cllr D Peek) is due to convene in May 2008. It will work on a set of recommendations to inform the development of a local, practical, proportional and pragmatic Climate Change strategy for East Herts. This group will report in stages during 2008/09.
- 5.8 The Committee also received papers detailing the proposed response by East Herts Council to three detailed sections of the Hertfordshire County Council's consultation on the local Waste Development Plan. Understanding this plan forms a central plank in future monitoring of our own waste management and recycling schemes.

EVALUATING OVERVIEW AND SCRUTINY

- 6.1 During last year's 2006/07 evaluation process, Members were please with several aspects of their work but identified some areas where they wanted to improve. Progress made in these areas during 2007/08 is as follows:

| | | |
|---|--|--|
| Address the need for reports to be clearer and more concise | Report on 'Use of Plain English' due to be tabled at Corporate Business Scrutiny Committee in October 2008. |  |
| More training, especially for new Members | Internal and external events made available to Members. More scrutiny-specific development planned for 08/09 |  |
| Fuller involvement of key stakeholders | Housing, Health, Police, CAB and the County Council participated in person during the year. Broad consultation with partners in the writing of reports for Committees |   |
| Consult more with the public when appropriate | Public involvement encouraged and positively enabled on specific items but consultation within the scrutiny function needs to be strengthened. |   |
| Question-planning; pre-meeting sessions | Briefing session available and offered before every Committee. Question-planning to be further developed in coming year. |   |
| Communicate our activities and achievements more | In press releases, the role of scrutiny on items such as alternate weekly collection, Unit 4, Thorley and South Street Parking made prominent. |  |
| Improve attendance | Attendance increased from 58% to 84% with good use of substitutes to ensure broad debate and meaningful votes. |  |
| Be more selective when agenda planning | Difficult to evaluate due to mid-year changes and new terms of reference. Continue to monitor during 08/09 and report at year-end. | On going |
| Involve the vice chairmen more fully | Difficult to evaluate due to restructuring of committees and changes in vice-chairmen. Continue to monitor during 08/09 and report at year-end. | On going |

- 6.2 Scrutiny committee members were invited to a joint workshop to evaluate their performance in 2007/08. A written response form was also made available to those members who could not attend the interactive session.
- 6.3 The Chief Executive, directors and the Executive were all canvassed for written feedback giving examples of how the scrutiny process in 2007/08 had supported the work of the council and asking for specific areas to strengthen during 2008/09.
- 6.4 The scrutiny committees have a sound working relationship with the Executive, whose Members regularly attend meetings to present reports and answer questions about Council policy and performance. It may be a testament to the increasingly challenging approach of the committees that a reduced (but still high) proportion of their recommendations were accepted by the Executive this year.
- 6.5 Effective use has been made of task and finish groups to complete four significant scrutiny reviews. Members are pleased with the success of these groups in getting to the heart of issues.
- 6.6 Other examples of good practice by the scrutiny committees include:
- Having a non-confrontational, positive approach
 - Offering a useful forum for partner agencies
 - Being responsive to 'live' issues of public concern
 - Being well-supported by officers
 - Giving officers direction to shape policy and meet priorities (with the Cultural Strategy and the work of the Refuse and Recycling group being particularly mentioned)
 - Ensuring contracts meet Member's expectations
 - Attendance by Executive and non-committee members
- 6.7 The scrutiny committees were pleased to note several improvements made during 2007/08:
- Partner agency participation
 - Increasing public involvement
 - Communication of our activities and achievements

6.8 Members also identified some areas in which they would like to further strengthen scrutiny in 2008/09:

- More pre-decision consultation with residents and local interest groups
- More evidence from outside sources (invite expert witnesses in, make visits where appropriate)
- Use post-project reviews (retrospective scrutiny) to learn lessons and apply them - but then move on to 'exceptional reporting' so fresh topics have time to be considered
- Manage agendas to allow fuller debate on forward-looking, policy-shaping items
- Have more timely involvement in the annual service planning and budget setting process
- Involve the vice-chairmen more fully (carried over from 2007/08).

WHAT ARE OUR PLANS FOR 2008/09?

7 Work programmes

- 7.1 2007/08 saw the introduction of a new committee structure for scrutiny and so 2008/09 will be a time for ironing out any concerns and developing a confident and efficient style of working.
- 7.2 The committees will set their work programmes by selecting from a list of potential topics drawn from a number of sources:
- National and local performance data
 - New legislation and central government policy changes
 - Main concerns voiced by residents when surveyed
 - Suggestions through Link magazine, Community Voice and local press
 - Executive and non-Executive Members
 - Corporate Management Team
 - Topics which the scrutiny committees did not have time to review in 2007/08: which could include
 - the performance of the district's three markets
 - CCTV
 - community safety and the fear of crime
 - night-time economy
 - cleanliness on outskirts of towns
 - sustainable transport
- 7.3 Also, there are several ongoing pieces of work with the Climate Change review being the most substantial. This will have the challenging job of considering how the council can meet forthcoming legislative targets and act as a responsible estate manager, service provider and role model within the community.
- 7.4 Finally, there are several task and finish topic groups that might expect to continue or reconvene during 2008/09:
- Performance Indicators
 - contracts
 - waste management and recycling
 - energy efficiency (although this will be subsumed into the new Climate Change task and finish group which has a wider remit).

The evolving role of the committees

- 7.5 The Local Government & Public Involvement in Health Bill and the Police & Justice Act will bring added rights and responsibilities for the scrutiny committees.
- 7.6 These will include the right to scrutinise a wide variety of providers of local public services, who will now have a duty to cooperate and take notice of recommendations.
- 7.7 There will also need to be a mechanism for dealing with the new Councillor Call for Action.

Training

- 7.8 A continuing training programme will be needed to keep Members briefed on their developing role as described above and offer them the chance to develop their scrutiny skills including questioning techniques and the complex task of financial scrutiny.
- 7.9 The Leader and Council are committed to working within the “14 steps to scrutiny success” as set out by **IDeA**^(a). Step 13 says: provide a training and development programme for scrutiny councillors, officers directly supporting scrutiny and co-optees and scrutiny awareness training for all other councillors and officers down to middle managers.

^(a) **IDeA = Improvement and Development Agency.**
<http://www.idea.gov.uk/idk/core/page.do?pagelId=76151>

The IDeA works for local government improvement so councils can serve people and places better. It is owned by the Local Government Association and belongs to local government.

There will be a limited print run of this document.

Greater use will be made of signposting interested parties, partners and residents to the Council's website to access the Annual Report. This will minimize use of material resources, distribution costs and gain potential CO₂ efficiencies from on-line provision.

<http://www.eastherts.gov.uk/scrutinyannualreport>

If you do require a paper copy, there will be a limited number available at the reception desk in both Wallfields and The Causeway – or contact the Scrutiny Officer on 01992 531612 : e-mail scrutiny@eastherts.gov.uk