



James Ellis

Head of Legal and Democratic Services

MEETING : OVERVIEW AND SCRUTINY COMMITTEE
VENUE : ONLINE MEETING - LIVESTREAMED
DATE : TUESDAY 23 MARCH 2021
TIME : 7.00 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE COMMITTEE

Councillor John Wyllie (Chairman)

Councillors S Bell, M Brady, R Buckmaster, A Curtis, I Devonshire,
H Drake, J Frecknall, M Goldspink (Vice-Chairman), D Hollebon, J Kaye,
D Snowdon, M Stevenson and N Symonds

Substitutes

Conservative Group: Councillors D Andrews, I Kemp and A Ward-Booth
Green: Councillor B Crystall
Labour Group: Councillor C Redfern

(Note: Substitution arrangements must be notified by the absent Member to Democratic Services 24 hours before the meeting)

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DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.
4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

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AGENDA

1. Apologies

To receive apologies for absence.

2. Minutes - 2 February 2021 (Pages 7 - 26)

To approve as a correct record the Minutes of the meeting held on 2 February 2021.

3. Chairman's Announcements

4. Declarations of Interest

To receive any Members' Declarations of Interest.

5. Portfolio Update from Executive Member for Environmental Sustainability

6. Adoption of the East Herts Council Access to Information Policy (Pages 27 - 54)

7. Annual Scrutiny Report 2019/20 (Pages 55 - 78)

8. Annual Scrutiny Report 2020/21 (Pages 79 - 94)

9. Review of Scrutiny - Report by the Centre for Governance and Scrutiny (Pages 95 - 116)

10. Overview and Scrutiny Committee – Draft Work Programme (Pages 117 - 136)

11. Urgent Items

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

MINUTES OF A MEETING OF THE
OVERVIEW AND SCRUTINY COMMITTEE
HELD IN THE ONLINE MEETING -
LIVESTREAMED ON TUESDAY 2 FEBRUARY
2021, AT 7.00 PM

PRESENT: Councillor J Wyllie (Chairman)
Councillors S Bell, M Brady, R Buckmaster,
A Curtis, H Drake, J Frecknall, M Goldspink,
D Hollebon, J Kaye, D Snowdon,
M Stevenson and N Symonds

ALSO PRESENT:

Councillors D Andrews, E Buckmaster and
P Ruffles

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Scrutiny Officer
James Ellis	- Head of Legal and Democratic Services and Monitoring Officer
Jonathan Geall	- Head of Housing and Health
Peter Mannings	- Democratic Services Officer
Katie Mogan	- Democratic Services Manager
Mekhola Ray	- Community Projects Team Manager
Sara Saunders	- Head of Planning

	and Building Control
David Snell	- Service Manager (Development Management)
William Troop	- Democratic Services Officer

327 APOLOGIES

There were no apologies.

328 MINUTES - 8 DECEMBER 2020

It was moved by Councillor Goldspink and seconded by Councillor Bell that the minutes of the meeting held on 8 December 2020 be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the minutes of the meeting held on 8 December 2020 be confirmed as a correct record and signed by the Chairman.

329 CHAIRMAN'S ANNOUNCEMENTS

The Chairman introduced and welcomed Katie Mogan, newly appointed Democratic Services Manager, to her first meeting of the Committee.

The Chairman said that the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings)

(England and Wales) Regulations 2020 came into force on Saturday 4 April 2020 to enable councils to hold remote committee meetings during the Covid-19 pandemic period. This was to ensure local authorities could conduct business during this current public health emergency. This meeting of the Overview and Scrutiny Committee was being held remotely under these regulations, via the Zoom application and was being recorded and live streamed on YouTube.

The Chairman said that comments had been sent to Members regarding the Executive's comments on recommendations made by Overview and Scrutiny Committee in relation to two Task and Finish Groups' comments on Parking and on Affordable Housing including enhancing the council's relationship with registered social housing providers. He did not read out the full wording and asked that a summary appear in the minutes, as follows:

On 5 January 2021, the Executive received a report which included consideration of the Overview and Scrutiny Committee's recommendations on enhancing working arrangements between the council and registered providers, following the investigative work of a task and finish group.

The Executive approved the Overview and Scrutiny Committee's recommendations, which were:

- that Housing and Planning Officers review how the housing service's in-depth knowledge of affordable housing need can be most effectively shared with developers at the pre-application stage to maximise

- the delivery of the size, type and tenure of affordable homes that are most needed locally
- that dialogue between the council and registered providers is maximised to promote high standards of management and development, including:
 - that East Herts Council reinstates regular Housing Forum meetings to cover both housing management and housing development matters and
 - that East Herts Council works with registered providers on maximising the environmental sustainability of registered providers' existing and new homes
 - that Council Officers and registered providers make it easier for elected members to understand key registered provider policies and raise issues directly with the registered providers, including:
 - that each registered provider be asked to provide a dedicated e-mail address for elected Members to use to directly raise issues
 - that East Herts Council Officers work with their registered provider counterparts to draw up a short briefing note for Members on the options available to registered providers to tackle anti-social behaviour perpetrated by their tenants or tenants' household members or visitors.

On 24 November 2020, the Executive considered the outcome of the work of the Task and Finish Group, which made a number of recommendations in relation to Town Centre Parking, an update in relation to a Resident Parking Zone and consideration of Climate Change / Sustainability implications of parking policy. The Executive also considered the matter on 11 February 2020 when it was agreed that authority be delegated to the Head of

Operations in consultation with the Chairman of Overview and Scrutiny Committee and Chairman of the Parking Task and Finish Group and the Executive Member, to assess the full viability of the recommendations and bring a further report to the Executive setting out the cost implications.

Work had been carried out to consider the cost implications in the context of the corporate plan, but that the Council had been impacted by Covid-19 both economically and in terms of parking behavior particularly, in relation to long stay parking.

A number of recommendations had been built into the service plan and that this would be monitored through portfolio holder meetings. The update to the Residential Parking Zone was recommended to Council for adoption on 16 December 2020.

330 DECLARATIONS OF INTEREST

Councillor Bell declared a non-pecuniary interest in the matter referred to in minute 331, Cultural Strategy, on the grounds that she sat on the Board of Trustees for Hertford Museum, as a representative of East Hertfordshire District Council.

331 CULTURAL STRATEGY

The Head of Housing and Health and the Community and Wellbeing Programme Manager presented a report that invited Members of Overview and Scrutiny Committee to review the draft Cultural Strategy ahead of its submission to the Executive and before its determination by Council, on 2 March 2021.

The Head of Housing and Health said that the report was an opportunity for Members to bring to the attention of the Executive, the comments of the Committee before the Executive made a recommendation to Council that the strategy be adopted.

Members were advised that 2020 had been intended to be the Hertfordshire Year of Culture 2020 (HYOC2020). Despite the pandemic lots of arts and cultural organisations had been able to deliver virtual sessions in a creative and innovative way and this had benefitted residents in the District. The Head of the Housing and Health said that the importance and benefits of a Cultural Strategy remained and were, if anything, even stronger in 2021, in respect of re-engagement and recovery from the pandemic.

The Community Wellbeing Programme Officer explained that the Cultural Strategy presented a very broad overview of the role culture played in people's lives. Members were reminded that the strategy contained visions and ambitions that required partnership organisations to work with the Council. The Officer also said that a broad range of organisations had signed up to deliver the strategy in partnership with East Hertfordshire District Council.

Members were advised that experience and learning gained from HYOC2020 activities delivered via digital platforms had been incorporated into the strategy document along with input from the Leadership Team, Members and from Officers. The Committee was also

advised that in November and December, the strategy was circulated for public consultation. Officers had taken on board comments and suggestions in amending the strategy document which were generally positive.

The Community Wellbeing Programme Officer said that she was very pleased that the Council had attracted some Arts Council funding via the Royal Opera House Bridge project even before the Cultural Strategy had been completed. Members were advised that the renamed Hertfordshire Lifestyle Network wished to learn from East Hertfordshire District Council's experience in developing a cultural strategy for Hertfordshire.

The Executive Member for Wellbeing made a number of comments in support of the Cultural Strategy document. He said that some more work would be required in terms of an engagement plan and delivery. He emphasised that his vision of the strategy was to "plug into" things that the Council was already doing such as the healthy hub and social prescribing. He said that he hoped the strategy would enable the Council to reach residents who did not have access to arts and culture.

Councillor Goldspink said that this was an excellent strategy and was particularly pleased to see the inclusivity of the Cultural Strategy and the emphasis that had been placed on the fact that the strategy was for everybody in the community. She referred to the very clear and honest comments that had been made by various respondents and in particular, those made

in respect of difficulties that were posed by the lack of funds for running cultural events.

Councillor Goldspink made a suggestion that the image on the very last page of the document would be more in keeping with the ethos of the strategy if this could be changed to reflect a more inclusive picture of a group of people representing East Herts community.

Councillor Curtis said that the Council needed to have targets and actions in terms of measuring how effectively the strategy had been implemented and asked how progress towards meeting those targets would be monitored. He said that there was no mention in the document of the Old River Lane development in Bishop's Stortford and how this would fit into the Cultural Strategy. He concluded that it needed to be made clearer how the Council would refer back to the Cultural Strategy in terms of the Corporate Plan.

The Executive Member for Wellbeing said that a stakeholder session might need to be arranged with some Members and key stakeholders, and that he had been having discussions with Officers about the viability of carrying out some measureable work on the impact of the cultural strategy.

Councillor Snowdon said that the document was a good start. He said that he would like to see some more action points in the strategy document and he felt that the focus of the strategy was very much on the arts as opposed to culture. He also pointed out that heritage did not really feature in the strategy.

The Community Wellbeing Programme Officer said that the £5,000 Arts Council funding, through the Royal Opera Bridge House Project, was for consultation with young people of what they would like to see happening for them in East Herts. She said that this consultation activity would be led by Hertford Theatre.

The Executive Member for Wellbeing said that there had been no intention to limit the Cultural Strategy to exclude things like heritage. He stated that there was always the opportunity to work with organisations that were interested in heritage and its impact on society.

Councillor Bell commented on the importance of not excluding residents with a range of different disabilities. She said that people with disabilities often found accessing culture very difficult and she asked whether a section on this could be added to the Cultural Strategy document. The Executive Member for Wellbeing referred to the future work of the overarching steering and delivery groups. He also commented on the idea of themed cultural weeks and seasons as well as the idea of tapping into the work of volunteers in East Herts.

Councillor Drake referred to the statement on page 8 of the document in terms of relative deprivation which could hamper access to arts and culture. She said that the document needed to go a bit further in terms of tackling deprivation with a particular focus on children who lived in such areas and the inability of families who lived in deprived areas of being able to pay to access cultural activities. The Executive Member

commented on the availability of community grants, locality budgets and the East Herts lottery and targeted funding and fundraising towards particular needs.

Councillor Frecknall commented on the importance of smart targets and the use of active and passive language and he said that everything that the Council was doing should be as active as it could be. He commented on the things the Council could do in terms of working with providers in respect of climate change. He said that it was important that it be set out what the impact of the Cultural Strategy document could be so that this could be actively measured.

The Community Wellbeing Programme Officer commented on the development of smart targets and said that before the Cultural Strategy action plan was developed, this would be subjected to an equality impact assessment. Officers would take on board comments and suggestions in respect of topics such as access for people with disabilities and enabling deprived people to access and participate in arts and cultural activities.

Councillor Symonds made a number of points about access for residents who lived in deprived wards in East Herts and how the Council could reach the residents of those wards.

Councillor Kaye asked about the feelings and sentiments of the various organisations that had responded to the consultation in terms of whether there was cautious optimism regarding the Cultural Strategy or more of a sense of enthusiasm.

The Community Wellbeing and Programme Manager highlighted the various ways that organisations in East Herts had reacted positively to the situation brought about by the COVID-19 pandemic.

Councillor Stevenson said that the strategy document was a very good start and it would be a good idea to identify more organisations such as Courtyard Arts who could take ideas out into the community. She emphasised the importance of involving people who had creative ideas and who could use that creativity.

Councillor Wyllie made an observation that the only town and organisation that was mentioned in the document was the Hertford Night Community Voice. Councillor Buckmaster said that there were no limits to the imagination in terms of who the Council could connect with in terms of reaching out to the people who really needed to be reached.

It was proposed by Councillor Curtis and seconded by Councillor Drake, that in respect of the proposed draft Cultural Strategy, Members' comments be forwarded to the Executive for consideration and prior to Council for determination. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that in respect of the proposed draft Cultural Strategy, the comments of Overview and Scrutiny Committee be forwarded to the Executive for consideration and prior to Council for determination.

332 PLANNING ENFORCEMENT PLAN – REVIEW AND UPDATE

The Executive Member for Planning and Growth submitted a report that set out the approach to the updated Planning Enforcement Plan 2021. The Head of Planning and Building Control said that the current plan was last updated in 2016. The updated plan was attached as an Appendix. Members were advised that the approach and priorities to handling enforcement cases needed to be updated.

The Committee was advised that the level of enforcement complaints were high and the Head of Planning and Building Control explained that a majority of enforcement investigations did not result in any further action being taken. She explained the reasons for this and said that all enforcement reports were investigated.

The Head of Planning and Building Control stated that the new plan proposed a triage approach be undertaken before a file was opened for further investigation. She said that this would help Officers identify cases that did not constitute a breach of planning control or were really minor cases. This triage approach would enable Officers to better manage the number of cases and respond quickly based on priorities depending on the level of breach.

The Head of Planning and Building Control said that Officers had recognised that the current system needed to improve and a new approach was needed to improve the overall effectiveness of the planning enforcement service.

Councillor Curtis asked how long the planning enforcement service had been reliant on a high proportion of agency staff. He asked a number of questions relating to the numbers of agency staff and the hours they worked and also how much more expensive they were than non-agency staff.

The Head of Planning and Building Control said that within the last 2 years, Officers had looked at extra resources to assist the enforcement team due to the high number of cases. She said that this had supported recruitment that had taken place and had ensured a wider breadth of experience within the planning enforcement service.

The Service Manager (Development Management) said that the planning enforcement service had been working with a number of extra staff throughout 2020. He said that it was very difficult to quantify cost because although agency workers were more expensive, there were no overheads. Members were advised that some agency staff were more expensive than others and the situation was purely one of workload.

The Head of Planning and Building Control said that the planning service had undergone restructuring in previous years on the operational side but that it was necessary to review it from a planning enforcement viewpoint including resources and the current difficulties in the planning sector in terms of experience at a certain level.

The Head of Planning and Building Control said that she was looking to fill a number of vacant posts and as part of that process, she wanted to make sure that Development Management was a flexible service. She said that she wanted to have experienced “rounded” planners and enforcement Officers that could turn their hand to dealing with a number of issues depending on service priorities.

Councillor Goldspink thanked the Planning Officers for producing this plan at a time when they were under such pressure. She said that the plan was eminently sensible and the way that priorities had been organised made much more sense than had previously been the case. She expressed concern about the pressure being placed on Officers and she understood that they were understaffed and had a huge caseload of 100 cases per Officer. She asked whether there was anything that could be done in addition to this excellent plan to ease the burden.

The Head of Planning and Building said that she understood the point raised by Councillor Goldspink and this was very much in her mind in terms of introducing a new system to reduce the number of enforcement cases.

The Service Manager (Development Management) said that the situation was not just a matter of the availability of Officers time. He said that the current system was cluttered with cases that should be a priority grouped with trivial matters or with cases that were not breaches of planning control. He confirmed that the aim of this new system was to de-clutter the

system so that Officers could focus on priority cases instead of spending time looking at cases where the Council did not need to take action.

Councillor Hollebon asked whether a report could be submitted back to Overview and Scrutiny after 6 months in order to hear how successful the new system had been. She commented on the sensitive nature of stressful situations for residents when building works appeared in back gardens above the height of boundary fences. She said that if a matter was judged to be a trivial issue and not an enforcement matter, then an email should be sent to the resident (and Ward Member) by an Administrative Officer to explain this.

The Head of Planning and Building Control said that a review after a year, or at both 6 months and a year, would be a very sensible thing to do. She commented on reporting back to Councillors and also to Town and Parish Councils regarding operational improvements that she would like to make as part of a wider service review.

The Service Manager (Development Management) responded to a question from Councillor Kaye about how challenging it had been to carry out enforcement work over the past year. He referred in particular to the difficulties of not being able carry out site visits except in urgent cases.

Councillor Snowdon asked about the use of the website to address the numbers of queries. The Service Manager (Development Management) said that

the website was used but one problem with a question and answer online resource was the very broad nature of the planning service.

Councillor Symonds said that she thought that powers had been delegated to Town and Parish Councils to take down advertisements so long as they were not discarded. The Service Manager (Development Management) said that this had never been the case. He said that Officers had done a lot of work regarding signage and advertisements in the green belt. He said that Officers had been going out once a month before lockdown and advised that the estate agents in Hertford had consistently been breaching signage rules.

Councillor Curtis referred to the very broad definition of "harm" in planning terms. He asked how harm would be defined in the priority levels and whether this would be kept under review by Officers with some Member involvement. He said that harm was a very subjective judgement in the context of planning and enforcement.

The Service Manager (Development Management) said that the degrees of harm could be very obvious at times and he referred to unauthorised gypsy and traveller sites and these breaches caused a lot of concern and correspondence. He said that there was no definition of harm in planning legislation and it was up to the professional judgement of planning officers, which was backed up in terms of the level of complaint received.

Councillor Hollebon proposed and Councillor Goldspink seconded, that the new Planning Enforcement Plan 2021 be received and a further review report be submitted to Overview and Scrutiny Committee in 12 months. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the new Planning Enforcement Plan 2021 be received and a further review report be submitted to Overview and Scrutiny Committee in 12 months.

333 OVERVIEW AND SCRUTINY COMMITTEE - DRAFT WORK PROGRAMME

The Scrutiny Officer said that this was the usual work programme Members received at each meeting of Overview and Scrutiny Committee. She drew Members' attention to several scrutiny reports that would be submitted to the meeting due to be held on 23 March 2021.

The Scrutiny Officer referred in particular to the draft Annual Scrutiny Report for 2019/20. She said that this report would be submitted to Council for approval, along with the Annual Scrutiny Report for 2020/21. Members were reminded that a report would be submitted to the Committee in March following the review of scrutiny carried out by the Centre for Governance and Scrutiny.

The Scrutiny Officer said the work programme would be amended to include the Cultural Strategy (a review in 6

months), and the inclusion of a review of Planning Enforcement (12 monthly review).

Councillor Curtis said that it was good that those items had been added to the work programme. He said that looking at the work programme; he could not help but think that it was rather sparse still and Members should think over the coming months of policy areas to review as a Committee. He made the point that there were no new task and finish groups and Members needed to be thinking about that.

The Scrutiny Officer thanked Councillor Curtis for his points and she said that the Centre for Governance and Scrutiny (CfGS) had picked up on similar points in the scrutiny review. She advised that the CfGS had said in their report that Members should really be getting involved very early on the decision making process. The Scrutiny Officer said that Members were actively encouraged to review the Council's Forward Plan, so that they had the opportunity to be aware of forthcoming decisions with a view to mounting challenges or requesting task and finish groups.

The Scrutiny Officer reminded Members that decisions made by Council could not be called in for challenge. She said that decisions made by the Executive could be called in before implementation.

Councillor Wyllie encouraged the Committee to email him or the Vice-Chairman, Councillor Goldspink, or the Scrutiny Officer with suggestions for topics for scrutiny. He pointed that Members could only really explore two items per meeting. The Scrutiny Officer said that she

had shared the link to the Forward Plan in her report to the Committee.

It was moved by Councillor Curtis and seconded by Councillor Bell that the draft consolidated Work Programme be approved. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the draft consolidated work programme be approved.

334 URGENT BUSINESS

There was no urgent business.

The meeting closed at 8.25 pm

Chairman
Date

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East Herts Council Report

Overview and Scrutiny Committee

Date of Meeting: 23 March 2021

Report by: Tyron Suddes – Information Governance
and
Data Protection Manager

Report title: Adoption of the East Herts Council Access
to
Information Policy

Ward(s) affected: All wards

Summary

- The report presents the newly drafted Access to Information Policy which aims to underpin the council's guidance and procedures in the areas of access to information. This committee is asked to consider the draft policy, propose any amendments to include prior to consideration by Executive and recommend the policy, with any amendments, to Executive for adoption.

RECOMMENDATIONS FOR OVERVIEW AND SCRUTINY COMMITTEE:

- A. The draft Access to Information Policy be recommended to Executive for adoption; and**
- B. The Information Governance and Data Protection Manager incorporate any amendments to the policy suggested by Overview and Scrutiny Committee, acting in consultation with the Head of Legal and Democratic Services and the Executive Member for Corporate Services, prior to presentation to Executive for adoption.**

1.0 Proposal(s)

- 1.1. It is proposed that this committee reviews the draft Access to Information policy and recommend it to Executive for adoption having first proposed any amendments they see fit.

2.0 Background

- 2.1 Following an audit of the council's information management arrangements, it was identified that an Access to Information Policy would be required to further enhance the council's commitment to promoting and actively developing a culture of openness, transparency and accountability embodied in the relevant access to information legislation, including the UK GDPR, Data Protection Act, Freedom of Information Act, Environmental Information Regulations and the Re-use of Public Sector Information Regulations
- 2.2 The council has detailed guidance and procedures already in place to assist both staff and the public in the areas of access to information and it is the aim of this policy to underpin this guidance and act as an overarching governing document.

3.0 Reason(s)

- 3.1 Following an audit of the council's information management and data protection arrangements, a recommendation was made that a review of these arrangements would be carried out to ensure that all policies are updated and finalised. During this review, it was identified that the council has the relevant access to information guidance and procedures in place but that there is no overarching policy document to underpin these arrangements.

- 3.2 If adopted, the policy will act as an overarching document to ensure that the council conforms to the relevant procedures in access to information legislation and associated codes of practice. In particular, it aims to ensure compliance with the following key requirements:
- 3.2.1 The lawful and correct treatment of personal information in terms of the UK GDPR and Data Protection Act.
 - 3.2.2 That information which is routinely published will be available in accordance with the council's publication scheme and the Local Government Transparency Code.
 - 3.2.3 That information which is not readily available to the public, can be made available on request, within the statutory time limit, unless a valid exemption applies.
 - 3.2.4 That, if an exemption is applied, it is done consistently and appropriately, and in accordance with the relevant legislation.
 - 3.2.5 That a fair and efficient internal appeal system is administered.
- 3.3 Under article 24(1) and the general accountability principle of the UK GDPR, the council as a controller of data, must implement technical and organisational measures to ensure and demonstrate compliance with the UK GDPR.

While the UK GDPR does not specify an exhaustive list of things the council needs to do to be accountable, it does set out that putting in place relevant policies is a fundamental part of the approach to data protection compliance. The UK GDPR explicitly says that, where proportionate, implementing policies is one of the measures the council can take to ensure, and demonstrate compliance.

4.0 Options

- 4.1 Not to adopt this policy and maintain the existing access to information procedures and guidance without an overarching document. NOT RECOMMENDED as this would work against the council's aim to ensure sufficient compliance with the relevant access to information legislation.
- 4.2 To consider and recommend this policy to Executive for adoption. RECOMMENDED as a means of ensuring that the council has an up-to-date overarching policy document in place to ensure that access to information best practice is adopted and applied.

5.0 Risks

- 5.1 It is possible that the risks of non-compliance with recommendations made in the audit report and with the relevant access to information legislation could occur if this policy is not adopted.
- 5.2 The impact of these risks would be moderate in that the council may face a fine if it is found to be insufficiently compliant with article 24(1) of the UK GDPR. Although the council does currently comply with article 24(1), this policy will further enhance compliance.
- 5.3 There may be additional reputational implications if the Information Commissioner's Office were to investigate the council in order to determine level of compliance regardless of the final decision.

6.0 Implications/Consultations

Community Safety

No

Data Protection

Yes – The adoption of this policy would further enhance the council's data protection and related access to information procedures and guidance.

Equalities

Yes – The policy aims to ensure that equality best practice is applied to the council's access to information procedures and guidance.

Environmental Sustainability

No

Financial

Yes – The policy, at 5.4 and 5.8.2 notes the statutory limit it may charge requestors for access to information under specific conditions. These charges are available through the council's access to information procedures and fee structure.

Health and Safety

No

Human Resources

No

Human Rights

No – although not specifically human rights, this policy does ensure that relevant access to information and data protection rights are communicated.

Legal

Yes – The Council is under an obligation to ensure it complies with UK data protection law, and the adoption of this policy strengthens the council’s compliance with the relevant access to information legislation.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 **Appendix A** – DRAFT – East Herts Council – Access to Information Policy

7.2 **Appendix B** – EHC 1920 – Information Management – Final Report

Contact Member: Councillor George Cutting, Executive Member for Corporate Services.
george.cutting@eastherts.gov.uk

Contact Officer: James Ellis, Head of Legal and Democratic Services, Tel: 01279 502170
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Report Author: Tyron Suddes, Information Governance and Data Protection Manager, Tel: 01279 502148
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East Herts District Council

Access to Information Policy

Document Control

Organisation	East Hertfordshire District Council
Title	Access to Information Policy
Author – name and title	Tyron Suddes, Information Governance and Data Protection Manager
Owner – name and title	Tyron Suddes, Information Governance and Data Protection Manager
Date	March 2021
Approvals	
Version	1.0
Next Review Date	March 2022

East Herts Council

Access to Information Policy

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1. Policy Statement

East Herts Council ('the council') is committed to promoting and actively developing, a culture of openness, transparency and accountability embodied in the Access to Information legislation. This refers to the general right of access that the public have to the information held by the council. This right of access comes from:

- The Data Protection Act 2018 (DPA)
- The Environmental Information Regulations 2004 (EIR)
- The Freedom of Information Act 2000 (FOIA)
- The Re-use of Public Sector Information Regulations 2015 (RPSI).

This policy establishes a framework, which underlines this commitment and underpins the council's detailed guidance and procedures in the areas of Access to Information.

2. Purpose

This policy and the procedures which implement it will ensure that the council conforms to the Access to Information legislation and associated codes of practice, the key requirements of which are that:

- The lawful and correct treatment of personal information recognising the need to maintain confidence between the council and those with whom it deals.
- Information which is routinely published by the council will be made available in accordance with its publication scheme, and the Local Government Transparency Code 2014.
- Information which is not covered by the publication scheme is made available to applicants on request, within the statutory time limit, unless a valid exemption/exception applies.
- Exemptions/exceptions under the FOIA, DPA and EIR are applied consistently and appropriately, and in accordance with the legislation.
- A fair and efficient internal appeal system is administered.

3. Responsibilities

- 3.1.** The council has a corporate responsibility to ensure that it conforms to and implements the Access to Information legislation. The council is

accountable to the Information Commissioner for its compliance with this legislation.

- 3.2.** The Information Governance and Data Protection Manager has a responsibility to ensure this policy is implemented, monitored and updated accordingly.
- 3.3.** The Information Governance and Data Protection Manager and Freedom of Information Officer are responsible for the effective day-to-day management of compliance with the legislation, including the:
 - development of policies, procedures, guidance and standards of good practice and their dissemination to staff;
 - maintenance and periodic review of the publication scheme;
 - management of the information request processes within statutory timescales;
 - disclosure of requested information and the application of exemptions/exceptions that prevent disclosure;
 - provision of advice and assistance on access to information issues;
 - promotion of good records management practices
- 3.4** An appointed member of staff within each service will act as a point of contact for access to information requests depending on the type of information requested. The point of contact will be responsible for the coordination, gathering and the forwarding of information to the Freedom of Information Officer for appraisal.
- 3.5** All staff must handle information and requests for information in a way that complies with this policy and the council's related procedures, guidance and standards of good practice. Staff should note that the deliberate concealment, amendment or destruction of information which has been the subject of a request, in order to prevent its disclosure, is a criminal offence under the legislation for which individual staff as well as the council can be held liable.

4. Overview

4.1 Transparency

The council believes that transparency is a key condition and driver for the delivery of our services. As a publicly funded organisation, we have a duty to

be transparent in our business operations and outcomes in order to deliver value for money.

The council will publish information on its website, in accordance with the Local Government Transparency Code 2014. In addition, the council affirms its commitment to the routine publication of as much non-sensitive information about our policies, procedures and activities as possible.

4.2 The Freedom of Information Disclosure Log

The Freedom of Information Act 2000 requires public bodies to be proactive in the release of official information. As a result, the council has produced an internet based Freedom of Information Disclosure Log, which allows users to search a database, using keywords or categories, of previous Freedom of Information requests to ascertain whether their request may be similar.

4.3 Requests for information

Information which is not covered by the council's Freedom of Information Disclosure Log or which is not made routinely available can be requested by any individual, including corporate or public bodies under the FOIA and EIR. The legislation provides the public with the right to be informed whether the information is held by East Herts Council, and if so, to have the information communicated to them unless an exemption/exception or limit applies. There is a maximum of 20 working days under the legislation to provide the response or notify of a refusal. The deadline can be extended, but only in certain circumstances.

A subject's personal information can be requested under the DPA and the Council has a maximum of 1 month in which to process a request unless an exemption applies. The deadline for response can be extended to a maximum of 2 further months for large or complex requests.

The council is committed to processing requests for information in accordance with the requirements of the applicable legislation. The council will ensure that requests are processed in accordance with the Code of Practice issued by the Secretary of State at the Ministry of Justice under section 45 of the Freedom of Information Act. Similarly, requests under the Environmental Information Regulations will be handled according to the Code of Practice issued by the Department for Environment, Food and Rural Affairs.

Procedures and systems for dealing with information requests have been developed to promote conformity to these codes and the legislation, and will be coupled with appropriate training for staff handling requests. Subject access requests will be processed under the DPA according to the Data Protection Principles.

4.4 Charges

Whilst the council does not normally charge for information requests, it still needs to be able to calculate how much a request would 'cost' even though the council may not be making a charge. The FOIA imposes a statutory limit on the amount that can be spent on locating and extracting the information required to answer a request. This limit is currently set at £450.00, which equates to 2.5 days of staff time.

When estimating the cost of complying with a request for information, the council can take into account the staff time reasonably incurred, when involved in the following activities:

- determining whether the council holds the information;
- locating the information or a document which may contain the information;
- retrieving the information, or a document that may contain the information;
- extracting the information from a document containing it

The following actions will be taken once the estimated cost has been determined:

- If the request is estimated to amount to less than £450.00 of work (less than 2.5 days), the council will respond to the request at no cost.
- If the request is estimated to amount to in excess of £450.00 of work (more than 2.5 days); dealing with the request will be at the council's discretion and may incur a fee in line with the council's access to Information fees.

Prior to charging for an information request, the council will provide the applicant with reasonable advice and assistance in an attempt to refine or narrow down the request so that it may be processed free of charge.

4.5 Exemptions/exceptions

Although the council upholds the principle that information should be accessible wherever possible; there are times when it has to withhold

information to protect its legitimate interests and those of other organisations and individuals. The council will only refuse to disclose information in response to a request if a valid exemption/exception applies under the FOIA, DPA or the EIR.

Where information is withheld, applicants will be informed of the relevant exemption/exception and why the council believes it applies, including if necessary our consideration of the public interest test. Applicants will be provided with details of the relevant complaint and appeal procedures.

The Freedom of Information Officer or Information Governance and Data Protection Manager must be consulted in all cases where staff believe that the release of the requested information is felt to be inappropriate.

The Freedom of Information Officer or Information Governance and Data Protection Manager will appraise the information against the available exemption/exceptions in order to decide whether or not an exemption/exception to disclosure applies.

4.6 Appeal procedures

4.6.1. Freedom of Information and Environmental Information Regulations

The Council has a statutory duty to provide an internal review process against our initial responses to requests for information. The review will be conducted in accordance with section 45 of the Freedom of Information Act.

This procedure will be followed if an applicant expresses dissatisfaction, whether justified or not about the way their request was handled and about the information supplied or not supplied.

4.6.2. Data Protection Act and UK GDPR

Following ICO good practice guidance, the council will conduct an internal review where requested by the applicant in relation to a request about their personal data.

4.6.3. Re-use of Public Sector Information Regulations

The council will use its internal review process against any complaints received about how it handled a request for re-use. The complaint should be

submitted to the council in writing and the council will aim to respond to the complaint within a reasonable time, explaining the reasons for its decision.

Applicants can appeal to the Information Commissioner if they remain dissatisfied after going through our internal review procedure. If the Information Commissioner decides to investigate, they can request all the relevant information in order to review the case. The Information Commissioner can overturn our refusal of a request.

4.7 Third Parties

The above mentioned legislation covers all information held by the council, including information provided to us by third parties such as contractors, tenderers, suppliers, other public or regulatory bodies. The council does not have to consult with third parties on every occasion, however, there may be occasions when the council feels it is necessary, for example due to the type of information requested, the relationship the council has with the third party or any previous notification that information may be confidential.

4.8 Re-Use of Information

Requests may be made to the council for the re-use of information under the Re-use of Public Sector Information Regulations 2015 (RPSI). These regulations apply to information that the council produces as part of its public task. Information held that is not part of the council's public task is not covered by RPSI.

RPSI should not be confused with other information access legislation, i.e. the DPA, FOIA or EIR apart from the fact that RPSI does not apply to information that would be exempt from disclosure under this legislation.

Re-Use, in this context, means using public sector information for a purpose other than the initial public task it was produced for. Typically, this would mean the requestor taking the information produced and republishing it or using it to produce a new product or resource, often by combining it with other information, sometimes on a commercial basis. RPSI aims to permit and encourage the re-use of information and how it is made available as opposed to accessing information, which is dealt with under the information access legislation above.

4.8.1. Requests for re-use

A request for re-use must be made in writing, with the requestor's name and address for correspondence, and must specify the information they want to re-use and the purpose they intend to use it for.

When a request is received, the council will respond within 20 working days, unless there is a need to extend this time where the information is extensive or the request raises complex issues. The council will inform the requestor of any delay within the 20 day period. If the requested information has not previously been disclosed then the council will, additionally, deal with the request as an access request under the appropriate legislation in order to decide whether the information is exempt.

The council will ensure that the information for re-use is made available in the format and language in which it is held and, where required, will make the information available in an open and machine readable format where it is not held in such a way.

The council may impose conditions on re-use but the conditions must be as open and non-restrictive as possible.

4.8.2. Charges for re-use

The council may charge for the marginal costs of reproducing, providing and disseminating information where this is excessive or where the council is required to generate revenue to cover:

- A substantial part of the costs relating to the public task;
- Documents for which the council is required to generate revenue to cover a substantial part of the costs;

In most cases, the above costs will be negligible and no charge will be made. Additionally, if the information is published on the council's website, then it is unlikely that a charge will be made.

If a charge is made, then the council will use regulation 15 of RPSI to determine how the charge should be calculated.

5. Help and Assistance

Please contact either the Information Governance and Data Protection Manager or Freedom of Information Officer if you need help or assistance.

Alternatively, you may find that the following resources available on the council's intranet may help:

- [GDPR and Data Protection](#)

DRAFT



Final Internal Audit Report

East Herts Council - Information Management 2019/20

July 2020

Issued to:	James Ellis – Head of Legal and Democratic Services and Monitoring Officer Dumi Williams – Information and Records Governance Manager Simon Russell – ICT Strategic Partnership Manager Helen Standen – Deputy Chief Executive Bob Palmer – Interim Head of Strategic Finance and Property
Copied to (Final Only):	As above Audit and Governance Committee Members Executive Member for Financial Sustainability
Report Status:	Final
Reference:	E29/19/001
Overall Assurance:	Limited

INDEX

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1. EXECUTIVE SUMMARY

Introduction

- 1.1 Internal Audit provides East Herts Council with an independent and objective opinion on the organisation's governance arrangements, encompassing internal control and risk management, by completing an annual risk-based internal audit plan. This audit formed part of the Council's approved 2019/20 Internal Audit Plan.
- 1.2 The management and use of information have become more important as both the expectations of information governance and the service expected by customers become more demanding. Getting the use and management of information right has a significant part to play in the delivery of the Council's expectations and strategic objectives.
- 1.3 Following the implementation of the General Data Protection Regulation (the GDPR) in May 2018, the Councils could incur financial and reputational damage when information is found to have been poorly managed. The GDPR mandates considerably tougher penalties than the Data Protection Act 1998 (DPA) and organisations can expect fines of up to 4% of annual global turnover or €20 million, whichever is the greater. The UK left the EU on the 31 January 2020 but companies inside the UK will still need to comply with the EU directive until the end of the transition period (end of 2020). Following 2020, UK companies will still need to comply with the principles set out in GDPR as they have been incorporated into the revised Data Protection Act 2018.
- 1.4 The purpose of this audit was to assess the design and effectiveness of the Council's information management controls and the processes for the storage, retention and destruction of paper documents to support compliance with the Council's retention schedule and current legislation.

Overall Audit Opinion

- 1.5 Based on the work performed during this audit, we can provide overall **Limited assurance** that there are effective controls in operation for those elements of the risk management processes covered by this review. These are detailed in the Assurance by Risk Area Table in Section 2 below.

Audit Commentary

- 1.6 Since 2013, the Shared IT Service has been responsible for the provision of IT services to East Herts Council and Stevenage Borough Council. As part of the Council's IT Shared Service Agreement audit in 2019/20, Internal Audit identified an opportunity for both Councils to utilise the shared IT platform to improve services provided to the public by integrating further, specifically in relation to the Shared IT Service and information governance.
- 1.7 Overall responsibility for information management at East Herts Council has been assigned to the Council's Head of Legal and Democratic Services and Monitoring Officer. There is also a Data Protection Officer shared with Stevenage Borough

Council (from November 2019). However, the Council does not have a corporate information governance group or steering committee.

- 1.8 The Council does not appear to have an information asset register in place and has not identified information asset owners for each of its information assets, nor has it defined the responsibilities of the information asset owners. Furthermore, the Council's Information Management Policy is out of date and its Data Breach Policy has not been finalised, approved and communicated to members of staff.
- 1.9 The Council has arrangements in place for ensuring that the principle of least privilege is exercised, and digital information is only accessible and available to those that have a valid business need. It was also observed that there are secure storage facilities for the retention of both electronic and paper documents. However, we found that the Council has not documented the security measures and storage controls for each information asset.
- 1.10 Whilst the Council has a document retention guide in place, it was observed that it is not consistently enforced and applied in practice and we found that the retention schedule is incomplete and out of date. Furthermore, the Council does not have a record of what information has been archived and where it is stored.
- 1.11 The Council has appropriate on-site facilities for confidential waste and for the storage of confidential information. However, it has not defined its procedures for the disposal and destruction of information, including identification and authorisation procedures, nor does it have appropriate confidentiality clauses and contractual agreements with third parties responsible for the disposal and destruction of corporate records.

Summary of Recommendations

- 1.12 We have made one 'High' and three 'Medium' priority recommendations to improve the Council's information management arrangements.
- 1.13 The 'High' priority recommendation relates to the absence of a defined information asset register to capture the Council's information assets and data flows as per the requirements of the GDPR.
- 1.14 The 'Medium' priority recommendations relate to:
 - a) The Council's Information Management Policy is out of date and the Council's Data Breach Policy has not been finalised, approved and communicated to members of staff.
 - b) The Council's document retention schedule is incomplete and out of date and there is no record of the information that has been archived by the Council.
 - c) There are no defined policies or procedures in place for the disposal of information nor are there appropriate confidentiality clauses with third parties.
- 1.15 Please see the Management Action Plan in Appendix A for further details of these recommendations.

Annual Governance Statement

1.16 The findings from this report provide Limited assurance in relation to the Annual Governance Statement and impacts on the Council's ability to ensure compliance with relevant laws and regulations, internal policies and procedures.

2. ASSURANCE BY RISK AREA

2.1 Our specific objectives in undertaking this work, as per the Terms of Reference, were to provide the Councils with assurance on the adequacy and effectiveness of internal controls, processes and records in place to mitigate risks in the following areas:

Risk Area	None	Limited	Satisfactory	Good
Information Governance Whether the Council has a full understanding of what information it holds, why it holds it, what it is used for and its value.				
Storage of Information Whether the Council's information is stored securely and access to information is effectively controlled.				
Retention of Information Whether information and document retention is compliant with the requirements of the General Data Protection Regulation (GDPR).				
Disposal of Information Whether information is securely disposed of and/or destroyed when it is no longer required.				
Overall				

	Finding / Associated Risk	Priority	Recommendation	Management Response	Target Date
1.	<p>Absence of a defined Information Asset Register</p> <p>It was identified during our fieldwork that the Council does not have a defined Information Asset Register in place.</p> <p>We established that the Council has not identified and documented its information assets and data flows, nor has it documented the security measures and storage controls implemented to protect each of its information assets.</p> <p>Furthermore, we established that the Council has not identified appropriate information asset owners, nor has it defined their responsibilities.</p> <p><u>Associated Risk:</u> The absence of a defined information asset register may constitute a breach of the GDPR and exposes the Council to the risk of financial and reputational harm through failure to comply with its regulatory obligations.</p>	High	<p>Management should put arrangements in place for a data audit to be performed, the scope of which should include, but not be limited to, the identification and assessment of the information assets held by the Council.</p> <p>Using the results of the data audit, management should produce an Information Asset Register, which should record the security measures and storage controls implemented to protect each information asset as well as the name of an appropriate information asset owner.</p> <p>Furthermore, management should define the responsibilities of the information asset owners and communicate them to all members of staff.</p>	<p>Responsible Officer: Head of Legal and Democratic Services and Monitoring Officer</p> <p>Management Response: The Head of Legal and Democratic Services and Monitoring Officer had joined the Council days before the audit commenced and it was difficult for him to know precisely where the required information had been saved.</p> <p>While initial searches associated with the audit did not locate an Information Asset Register, one has since been located, as has a list of appropriate information asset owners.</p> <p>The Council is currently reviewing its Information Governance arrangements, following which a review of the Information Asset</p>	September 2020





	Finding / Associated Risk	Priority	Recommendation	Management Response	Target Date
				Register has been prioritised to ensure it is fit for purpose and up to date. This is similarly true for the list of information asset owners as well.	

	Finding / Associated Risk	Priority	Recommendation	Management Response	Target Date
2.	<p>Information Management Policies and Procedures Out of Date</p> <p>It was identified during our fieldwork that the Council's Information Management Policy is out of date. We found that the policy has not been reviewed since it was created in December 2017 and has a scheduled date for review of December 2018.</p> <p>Furthermore, whilst the Council has documented its procedures with regards to data breaches, we found that the Council's Data Breach Policy is in draft and has not been finalised, approved and communicated to members of staff.</p> <p><u>Associated Risk:</u> Where information management policies are incomplete or out of date there is an increased risk that the Council's information will not be managed in line with its strategic objectives and good practice.</p>	Medium	<p>Management should review and where necessary update the Council's Information Management Policy to ensure that it remains relevant to the Council's needs.</p> <p>Furthermore, management should finalise the Council's Data Breach Policy, which should be approved and communicated to all members of staff.</p> <p>The Council should put arrangements in place for reviewing the policies on a routine basis or following a significant change to the Council's operations.</p>	<p>Responsible Officer: Head of Legal and Democratic Services and Monitoring Officer</p> <p>Management Response: Following completion of the aforementioned review of The Council's Information Governance arrangements, it is expected that all policies will be reviewed, updated and finalised shortly.</p> <p>The Head of Legal and Democratic Services and Monitoring Officer is implementing an interactive calendar of policies and procedures which will be viewable on the Council's intranet page to highlight and remind officers when policies are approaching their review date so as to ensure that policies do not become out dated or obsolete.</p>	September 2020

	Finding / Associated Risk	Priority	Recommendation	Management Response	Target Date
3.	<p>Absence of a Defined and Enforced Retention Schedule</p> <p>It was identified during our fieldwork that the Council does not have a defined and enforced retention schedule.</p> <p>Whilst the Council has a document retention guide in place, we established that it is incomplete and out of date and that it is not consistently enforced and applied in practice.</p> <p>Furthermore, it was identified that there is no requirement in place for identifying and recording the information that is being archived by the Council, nor is there a complete record of the information that has been archived to date.</p> <p><u>Associated Risk:</u> The absence of a defined and enforced retention schedule and a record of the information archived by the Council may increase the risk that information will not be managed in line with the requirements of the GDPR.</p>	Medium	<p>Management should review and update the Council's document retention guide so that the corporate retention schedule is in line with the requirements of the GDPR and good practice.</p> <p>Furthermore, management should establish a requirement for identifying and recording any information archived by the Council, including where it is stored, and should put arrangements in place for an archiving log to be developed, maintained and updated on an ongoing basis.</p>	<p>Responsible Officer: Head of Legal and Democratic Services and Monitoring Officer</p> <p>Management Response: Since the completion of the draft audit report, detailed retention schedules and policies have been located for each of the Council's service areas.</p> <p>These are currently being reviewed and will be finalised upon completion of the Council's review of its Information Governance arrangements.</p>	September 2020

	Finding / Associated Risk	Priority	Recommendation	Management Response	Target Date
2 4.	<p>Absence of Defined Disposal and Destruction Procedures</p> <p>It was identified during our fieldwork that the Council does not have defined policies or procedures in place for the disposal and destruction of information.</p> <p>We established that the Council has not documented its identification and authorisation procedures for the disposal of information, nor has it defined the roles and responsibilities of members of staff and third parties.</p> <p>Furthermore, it was observed that there are no appropriate confidentiality and data protection clauses and contractual arrangements in place with third parties for the disposal and destruction of corporate records.</p> <p><u>Associated Risk:</u> The absence of defined procedures and responsibilities may increase the risk of a data breach occurring as part of the disposal or destruction process, which could result in significant financial and reputational harm.</p>	Medium	<p>Management should define the Council's procedures for the disposal and destruction of information, which should include, but not be limited to, identification and authorisation procedures and the roles and responsibilities of members of staff and third parties.</p> <p>Furthermore, contracts with third parties responsible for the disposal and destruction of corporate records should be reviewed and updated so that they include appropriate confidentiality and data protection clauses.</p>	<p>Responsible Officer: Head of Legal and Democratic Services and Monitoring Officer</p> <p>Management Response:</p> <p>Several contractual documents have also been located since the draft audit report was compiled. These will likewise need to be reviewed in detail, and it is envisaged that this will be undertaken shortly, ideally once the new Information Governance arrangements have been finalised.</p> <p>Until this is finalised, the Head of Legal and Democratic Services and Monitoring Officer is to begin the process.</p>	June 2020

Assurance Level	Definition
Good	The design and operation of the internal control framework is effective, thereby ensuring that the key risks in scope are being well managed and core objectives will likely be achieved. There are minor reportable audit findings.
Satisfactory	The internal control framework is largely working well in managing the key risks in scope, with some audit findings related to the current arrangements.
Limited	The system of internal control is only partially effective, with important audit findings in key areas. Improvement in the design and/or operation of the control environment is necessary to gain assurance risks are being managed to an acceptable level, and core objectives will be achieved.
No	The system of internal control has serious gaps, and controls are not effective in managing the key risks in scope. It is highly unlikely that core objectives will be met without urgent management intervention.

Priority Level			Definition
Corporate	Critical		Audit findings which, in the present state, represent a serious risk to the organisation as a whole, i.e. reputation, financial resources and / or compliance with regulations. Management action to implement the appropriate controls is required immediately.
Service	High		Audit findings indicate a serious weakness or breakdown in control environment, which, if untreated by management intervention, is highly likely to put achievement of core service objectives at risk. Remedial action is required urgently.
	Medium		Audit findings which, if not treated by appropriate management action, are likely to put achievement of some of the core service objectives at risk. Remedial action is required in a timely manner.
	Low / Advisory		Audit findings indicate opportunities to implement good or best practice, which, if adopted, will enhance the control environment. The appropriate solution should be implemented as soon as is practically possible.

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East Herts Council Report

Overview and Scrutiny Committee

Date of meeting: 23 March 2021

Report by: The Scrutiny Officer

Report title: Annual Scrutiny Report 2019/20

Ward(s) affected: All Wards

Summary

- This report introduces the Overview and Scrutiny Annual report 2019-20 on behalf of the Chairman of Overview and Scrutiny Committee for that year and provides an overview of what Overview and Scrutiny scrutinised during this period. Members are asked to comment on the Annual Report prior to its consideration and approval by Council. Although Covid-19 has been an ever present danger since March 2020, legislation introduced by Parliament has allowed scheduled meetings to be held remotely for the first time, allowing the Council's decision-making processes to continue. These meetings have been accessible to the public live via the East Herts District YouTube channel.
- Members are asked to note that many of the actions were concluded in 2020 (or may still be ongoing e.g. Environmental Climate Change) so that there may be a consequent overlap of some actions and reports.

RECOMMENDATION FOR OVERVIEW AND SCRUTINY COMMITTEE

- a) **The Annual Report on the work of the East Herts Scrutiny Committee during 2019/20 be received and recommended to Council for publication.**

1.0 Proposal(s)

- 1.1 An Overview and Scrutiny Annual Report is prepared each year and presented to Council. Reports from previous years are on the council's website.
- 1.2 The Annual Report for 2019/20 is attached as an appendix to this report and summarises the work of during the past year. Members are reminded that there may be some overlap between work commenced in an earlier year and concluded (or still ongoing) in 2020-21.

2.0 Background

- 2.1 Once agreed by Council, the report will be published on the Council's website and notification of its 'e-location' will be made available.
- 2.2 It is acknowledged that Covid-19 has impacted on both businesses and individuals. It should be recognised that all decision making meetings of the Council have been publically available and live-streamed.
- 2.3 The Annual Report for 2019/20 (attached as **Appendix A**) summarises the work of the Committees during the past year.

3.0 Reason(s)

- 3.1 The Council's Constitution Chapter 7 2g paragraph 7.4. states that Scrutiny Committee "*must report annually to the Council on*

their workings and make recommendations for future work programmes and amended working methods if appropriate”
action.

3.2 To comply with the requirements of the Council’s Constitution

4.0 Options

4.1 No alternatives have been considered

5.0 Risks

5.1 Publication of an Annual Scrutiny report provides a summary of what issues have been reviewed which can be measured against the council’s priorities. An Annual Scrutiny report may also help to provide a measure of assurance that democratic processes continue to be adhered to despite the impact of Covid-19 and that they are transparent and the decision-making process is “business as usual”.

6.0 Implications/Consultations

6.1 N/A in so far as the production of the Annual Scrutiny summary but individual report authors will have consulted prior to their reports to Committee.

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

Yes – references are made throughout the report e.g. where Scrutiny has established Task and Finish Groups e.g. in relation to Climate Change, Parking Policies.

Financial

There may be financial implications if the report is published but previous approaches have been to publish the report online. From an equality viewpoint this might necessitate make further adjustments to ensure that this document is made widely available to all groups.

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

Yes - Overview and Scrutiny committees are enshrined in law by virtue of the Local Government Act 2000 and the Localism Act 2011.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

Constitution – Updated December 2020

Appendix A – Annual Scrutiny Report

Appendix B - Centre for Governance and Scrutiny (CfGS) – Final Report published December 2020

Overview and Scrutiny Committee 18 December 2018 (Climate Change)

Council – 24 July 2019 (Climate Change motion)

Overview and Scrutiny Committee – 11 June 2019 (Parking Policies : Task and Finish group)

Overview and Scrutiny Committee – 10 December 2019 (Parking Policies: Task and Finish Group)

Overview and Scrutiny Committee – 5 November 2019 (Waste Management)

Overview and Scrutiny Committee – 5 November 2019 (Council Tax empty properties)

Overview and Scrutiny Committee – 3 December 2019 (Council Tax empty properties)

Executive Agenda – 12 February 2019 – Climate Change

Overview and Scrutiny Committee – 4 February 2020 (Cycling Provision in Bishop’s Stortford – Work Programme)

Overview and Security Committee – 4 February 2020 (Website satisfaction- Gov.Metric Performance)

Executive Agenda – 11 February 2020 (Parking Policies – Findings of T&FG)

Development Management Committee – 25 June 2020 (Bircherley Green)

Overview and Scrutiny Committee - 15 September 2020 (Social housing event review of relationship between the Council and Social Housing providers)

Development Management Committee – 24 September 2020 (Bircherley Green)

Overview and Scrutiny Committee – 5 November 2019 (Social Housing Event: Review of relationship between the Council and Social Housing Providers; T&FG) Minutes of T&FG 19 December 2019, 10 March 2019, 16 March 2020 , 25 June (adjourned) and 30 June 2020)

Executive – (Social housing event review of relationship between the Council and Social Housing providers) – recommendations to be considered in the context of a report to the Executive on 5 January 2021

Executive Agenda – 24 November 2020 (Parking Policies – Recommendations)

Contact Member: Councillor John Wyllie, Chairman of Overview and Scrutiny Committee.
john.wyllie@eastherts.gov.uk

Contact Officer: James Ellis, Head of Legal and Democratic Services, Tel: 01279 502170
james.ellis@eastherts.gov.uk

Report Author: Lorraine Blackburn, Scrutiny Officer, Tel: 01279 502172. lorraine.blackburn@eastherts.gov.uk

Draft Annual Scrutiny Report 2019 – 20

Photo of the Leader

Introduction from the Leader of the Council - Councillor Linda Haysey

Following the District Elections in May 2019, East Herts welcomed a number of new Councillors on board. To assist Members in their new roles, an intensive induction and ongoing training programme aimed at supporting Members was provided to ensure that all Members had the skills and knowledge to prepare them for their roles and to enable them to work in a supported and all-encompassing environment for the collective good of the District and its residents.

The Executive is East Herts' principal decision making body for those decisions not reserved for Council and a primary role of Overview and Scrutiny Committee is to ensure that it holds the Executive to account for the decisions it makes by the process of scrutiny. Our scrutiny process allows councillors to look closely at the council's services and issues which affect the lives of local people, reviewing the effectiveness of existing policies by examining, questioning and evaluating what we currently have in place, the aim being to achieve improvement and best value in the provision of services regardless of political allegiances.

Like all authorities, Covid-19 has impacted tremendously on the council's income streams and Medium Term Financial Plan and in line with many other authorities the council has had to ensure that

its commitment to its capital projects can be achieved during these difficult times.

Going forward, the council continually endeavours to improve the provision of its services and the way it works and with this in mind we asked the Centre for Public Scrutiny (CfPS), (now called the Centre for Governance and Scrutiny – CfGS) to review our current approach to scrutiny and how we can better serve the needs of our residents when considering on the decisions we, as a council need to make. Having regard to the national health emergency, the review took place in May 2020, with the CfGS virtually interviewing selected Members, from political all groups, and key officers. Their final report was published in December 2020 and a Scrutiny Workshop organised by the CfGS took place on 3 December 2020.

The Workshop provided Members of both Overview and Scrutiny and Audit and Governance Committees with an opportunity to consider the CfGS's final report and ask questions. One particular thread running through the report, and which formed part of the recommendations, was the need to hold the Executive to account for the decisions it makes, focusing on strategic issues rather than having items for discussion. The CfGS said that early intervention and being more closely aligned to what the Executive was doing played an important role in ensuring a strategic approach to Scrutiny, including the need to be the “voice of the public”. The CfGS emphasised the importance of the Forward Plan, containing key decisions to be taken by the Executive and stressed that early intervention and challenge was the key to good scrutiny. This as well as understanding the “journey” of the decision which should be started early and a robust Forward Plan which is regularly reviewed by Overview and Scrutiny Committee would place Scrutiny Members in a better position to question and challenge; the aim being to improve the provision of services and make savings. The Officer from

the CfGS said that Executive Members should be invited to attend meetings of O&S to answer questions about policies and strategies, not just about performance, guided by both past and future decisions.

The Scrutiny Officer will be liaising with key officers to see how best the council can move forward with the CfGS's recommendations.

It is with this expectation that we continue to move forward to be the best that we can be both as a provider of services, a supportive partner and as a local employer, in the knowledge that our residents will always come first.

Linda Haysey

Introduction from the Chairman of Overview and Scrutiny Committee (Photo Councillor J Wyllie)

I have had the pleasure of being the Chairman of Overview and Scrutiny Committee for 3 years. During that time, I can say without a shadow of a doubt, that the council has continued to strive to provide the best for its residents with vision and ambition, taking on a number of major projects such as the redevelopment of the Old River Lane project in Bishop's Stortford and Hertford Theatre improvements, enhanced leisure facilities throughout the district ensuring East Herts remains a great place to live and work. The Council and the Executive continue to have a positive, open and supportive approach to scrutiny which in my view as Chairman of Overview and Scrutiny Committee, is lead from the top without political bias; the common goal at all times is to provide the best for the district and its residents.

Scrutiny as a process requires time and commitment and I am always heartened by the willingness of both Members and Officers to challenge, review and evaluate. Without their professionalism, enthusiasm and inquiring viewpoint, scrutiny would not be possible. I would therefore like to thank my fellow Members and Officers for their continued support, commitment and positivity in making East Herts a council to be proud of.

John Wyllie

What is Scrutiny?

Scrutiny is about reviewing, challenging and making sure that the policies and services in place are the best that they can be.

Issues for a scrutiny review need to be evidenced based and must affect more than one individual. Reviews are not restricted to council services – they can look at anything that has an impact on the quality of life of people in the district, including those working with the council in partnership such as with North Hertfordshire council in relation to refuse provision and Stevenage Borough Council in relation to revenues and benefits with housing associations. If there is evidence that something is wrong or can be improved, then the process of gathering information can begin, sometimes by a task and finish group for a more “in-depth dive” or by officers gathering relevant information, inviting partners’ and interested / relevant individuals to attend meetings, The aim is to ultimately identify, recognise what and if any , improvements can be made and recommend these to the Executive based on what has been established.

Performance and how well the council’s services are doing is another aspect which can be reviewed to establish whether targets are being met. An assessment of performance can be made in any number of ways; qualitatively, quantitatively or anecdotally. While performance

monitoring was previously split between both Overview and Scrutiny Committee and the former Performance Audit and Governance Oversight Committee, (now Audit and Governance committee) this now sits solely within the remit of O&S Committee. This approach was adopted by Council in May 2020 so as to ensure that there is clarity and to avoid duplication of function.

At the heart of all the work is consideration of what impact the Executive's plans will have on the local community.

In summary, the purpose of Overview and Scrutiny Committee is

- hold the Executive to account for the decisions it makes;
- develop new policies and review the effectiveness of existing policies by examining, questioning and evaluating what we currently have in place in order to achieve improvement and best value in the provision of services;
- use research and questioning techniques to make recommendations based on evidence;
- encourage public participation in policy development and review, so that issues of public concern can be examined on any matter which affects the district or its residents and over which the council has a measure of influence or control.

The Overview and Scrutiny function is not meant to be confrontational or seen as deliberately set up to form an opposition to the Executive, rather both Committees should be regarded as 'different sides of the same coin'. The two should and do complement each other and work in tandem to contribute to the development of the work of the council, ensuring that there is cross party representation of Members on all Panels and Task and Finish Groups.

Overview and Scrutiny Committee

The Overview and Scrutiny Committee consists of 14 Members. The Chairman is a Member of the majority group (Conservative) and the

Vice Chairman is a Member of an opposition Group (Liberal Democrat). Its terms of reference are set out in Part 2g Chapter 7 of the [Council's Constitution – December 2020](#)

Summary:

Effective overview and scrutiny is essential to enhance the accountability and transparency of the decision-making process. The Council has appointed an Overview and Scrutiny Committee to discharge the functions conferred by section 9F of the Local Government Act 2000 and any regulations. This scrutiny committee will discuss issues in public and take a cross-cutting approach to their work. In accordance with section 9FA of the above Act it may appoint one or more sub-committees to carry out any of their functions. They will seek to improve the delivery of policies and services by:

- (i) holding the Executive to account for its actions;*
- (ii) advising on the development and implementation of new policy and corporate projects;*
- (iii) testing whether existing policies and practices are effective and efficient and suggesting how they might be improved; and*
- (iv) ensuring the rigour and objectivity of performance management and service reviews.*

How and what Overview and Scrutiny Committee decided to scrutinise in the 2019/20 (including part of 20/21) civic year

The remit of a scrutiny committee is to be responsive and flexible to change whether this is in the external or internal environment in order to ensure that the topics examined are relevant and meaningful.

Members of Overview and Scrutiny Committee (and the public) are encouraged to submit proposals for scrutiny at any point throughout the year and the development of a work plan starts around January each year. Any decision to review must be driven by clear evidence,

and a flow chart has been developed to help guide the process of scrutiny. The topics selected are issues which Overview and Scrutiny Committee believe to be:

- be of local public interest or concern;
- be linked to the council's corporate priorities and over which the council has some measure of influence or control;
- have the potential to impact on the lives of residents; and
- not be subject to scrutiny by another body

At East Herts, Members feel that it is important to spend time scrutinising issues that:-

- reduce risk for residents and the council;
- might incur significant costs, such as large projects; or
- could create substantial savings to the Council

To aid the process, Overview and Scrutiny Committee uses the council's corporate priorities to focus its work. As the economic environment and local issues change, these are reviewed regularly to keep them relevant. During the 2019/20 civic year, the Council updated its priorities and summarised them in the acronym "SEED":

- Sustainability at the heart of everything we do
- Enabling our communities
- Encouraging Economic Growth
- Digital by Design

In summary, the council has reinforced its commitment to sustainability and being greener; a place where people will want to live and work supplemented by much needed housing supported by proper infrastructure and investment.

What we reviewed in the last civic year – a summary

The following is a summary of some key issues which were submitted for scrutiny during the civic year. Some issues were investigated by officers reporting back to Overview and Scrutiny Committee, some led to the establishment of Task and Finish Groups for a “deep dive” into information and some matters were researched with no further action being taken as there was insufficient evidence to support the need for further action or the use of resources.

East Herts Environmental and Climate Change

(Photos Electric Cars, zoned lighting voltage regulators, pool covers at swimming pools Greener East Herts LOGO?)

Climate Change has long been supported within East Herts’ vision of sustainability. East Herts first adopted a Climate Change Strategy and Action Plan in December 2009 which concentrated on internal activities within the council’s own estate. This Action Plan was reviewed by Overview and Scrutiny Committee on an annual basis to track progress and the vast majority of the actions have been implemented. These include the introduction of zoned lighting and installation of a voltage regulator at Wallfields and the use of pool covers/new air handling plant at swimming pools.

A subsequent Task and Finish Group, (initially established on 13 September 2016 by Environment Scrutiny Committee was superseded by O&S Committee. On 12 February, 2019 the Chairman of the Climate Change Task and Finish Group presented to the Executive a range of actions as well as several key principles relating to potential measures to reduce carbon emissions both within the direct control of the Council and across those areas over which it has influence. This approach was supported by the Executive on 12 February [Executive Agenda - 12 February 2019](#). This reinforced an earlier report to Overview and Scrutiny Committee (on 18 December 2018) to consider ideas and proposals both internally

and externally to tackle climate change. [Overview and Scrutiny committee - Agenda 18 December 2018 \(Climate Change\)](#)

More recently the Council took a decision on 24 July 2019 to agree a Climate Change Motion [Link to Motion and Minutes](#)

(which acknowledged the Council's new corporate priorities – "SEED"). Officers have been working on progressing actions / decisions based around three strands namely:

- *Making changes to the council's own premises, people and services (for example further improving the sustainability of the council's own buildings and investigating a switch to electric corporate vehicles);*
- *Utilising the council's regulatory powers to promote action by others (e.g. through the effective use of local planning powers / policies);*
- *Influencing and encouraging others to take action (for example promotion of higher standards for new build and increased engagement with local businesses and the community on carbon reduction activity).*

On 23 October 2019 Environment and Climate Change Forum was established to drive forward and oversee action on Climate Change locally. The first meeting of this Forum took place on 15 January 2020 at Fletcher's Lea, Ware.

Over 120 people attended the event including local residents, businesses, political representatives, local community and environmental groups together with third sector organisations. The workshops sessions looked at 5 broad themes:

- waste and recycling,

- transport,
- energy,
- planning and development and
- bio-diversity and resources.

Ideas generated from the event are being included in the council's Environmental Sustainability Action Plan, which is one of the strands of "SEED".

The Forum meets on a quarterly basis, with each meeting considering an individual theme in more depth.

The Sustainability Action Plan has been published with updates on the council's website every month. The plan sets out how the council will seek to deliver its ambitious carbon emission reduction targets which were agreed as part of the Council's Climate Motion. It includes a wide range of activities, which will be continually developed with input from the third sector organisations and the local community to develop and build upon the delivery of the 2030 carbon neutrality aspirations. This is a working document which will be being monitored by the Executive Member for Environmental Sustainability and officers on a monthly basis.

Parking Policy Review – Task and Finish Group (Photos parking in town centres, etc)

On 11 June 2019 the council's Overview and Scrutiny Committee agreed to examine elements of East Herts' current parking policies and a Task and Finish group was established to move this forward. Its terms of reference were to review:

- *Town centre parking policies, focussing on Bishop's Stortford and Hertford, but looking also at the needs of other towns and villages*
- *Resident Permit Zone (RPZ) policy*
- *Parking standards within planning policies*

- *Climate change/sustainability implications of parking policy*

This was a substantial piece of work with the Parking Task and Finish Group meeting seven times to consider issues within their terms of reference. The final report of the Parking Task and Finish Group was reported to Overview and Scrutiny Committee on 10 December 2019, which supported a number of recommendations affecting car parks generally, Town Centre Parking Policies in Hertford, improved bicycle parking at all stations, improved public transport, a redesign of RPZ's, Charging Bays /Facilities and car clubs to name some recommendations. A detailed summary of the report can be found contained within the Overview and Scrutiny Committee [Agenda - 10 December 2019](#).

The Executive on 11 February 2020 received the findings of the Parking Task and Finish Group and agreed that the Head of Operations, in consultation with the Chairman of the Overview and Scrutiny Committee, the Chairman of the Parking Task and Finish Group, and the Executive Member for Environmental Sustainability were tasked with assessing the full viability of the recommendations by the Executive and to report back to the Executive setting out cost implications. This matter was included in the context of the council's Medium Term Financial plan in terms of increasing parking income but due to Covid-19 the Council ceased parking charges and lost a significant level of income (approx. £900k). Additionally, as a result of Covid-19 parking behaviour has changed in the short term and there are fewer commuters in the council's Car Parks.

Since the report was published and considered by the Executive in February 2020, the landscape of parking has changed substantially and the council now needs to explore how best to respond to that change. The Executive received a further report on 24 November 2020 and supported a number of recommendations and deferred

some recommendations so that the Head of Operations might keep the matter under review.

Urbaser and the Waste Management Service (Photos refuse vehicles, refuse collections, recycling ...)

Since the implementation of the new contract to Urbaser in May 2018 some areas of concern were highlighted from the viewpoint of performance and complaints, For example (missed bin collections per 100,000 – 30 or less per month had not been achieved since the start of the contract) and recycling levels which at times, were below average for the county. A report was presented to Overview and Scrutiny Committee on 5 November 2019 (Waste Management Report) when the Contractor was invited to attend. The Head of Operations advised Members that Officers were satisfied with the performance of Urbaser in East Herts and in particular, that the rate of missed bins per 100,000 collections was very good. In terms of the recycling rate of 50%, the Head of Operations said that a future option might be to reduce the bin-size from 240 Litres to encourage an increase in the recycling rate across the District. Members noted the update and agreed that no further action should be taken.

Council Tax – Long Term Empty Properties

At its meeting on 5 November 2019 Members received a report from Officers on a proposed change to Council Tax on properties which had been empty for more than 2 years and proposed the introduction of a maximum premium of 100% (recommendation Option B) as a means of encouraging a change in the usage of empty properties. Members of Overview and Scrutiny Committee recommended Option B to the Executive which was approved on 3 December 2019.

Hertford Town Centre - Economic Viability (*Photos of the Town Centre etc*)

Following concerns expressed by one Member about the economic viability of Hertford Town Centre, the issue was scoped as an initial step in the process. Two detailed independent surveys were reviewed by the Scrutiny Officer which concluded that Hertford Town Centre was economically viable and popular (for example there is full occupancy of shops) but that there were strong concerns following site clearance work around Bircherley Green and how this impacted negatively on the local environment. The issue was essentially about residents' perceptions of a lack of progress during ongoing plans to redevelop the site.

The Chairman and Vice Chairman were briefed on the research available and both felt that having reviewed the information available, there was insufficient evidence to support scrutiny of the issue. The Chairman did feel that the new owner of the Bircherley Green site should be allowed time to submit a Planning Application. The initial planning application submitted in December 2019 was refused, a subsequent planning application for a shopping centre at Bircherley Green with mixed use of commercial and residential consisting of 3419 square metres of commercial floor space, 86 bed roomed hotel, 98 residential accommodation units, enhanced car park, and Bus Station, was approved by the Development Management Committee on 25 June 2020.

Cycling Provision in Bishop's Stortford (photos cycle provision in around BS including the rail station...)

A Member highlighted residents' concerns about insufficient levels of cycling provision / storage in and around Bishop's Stortford (and the railway station); a review of evidence was initiated as an initial step in the process. Officers from a number of organisations including Hertfordshire County Council, Greater Anglia (Rail Liaison Team) and Bishop's Stortford Town Council were contacted. Additionally,

independent research and commissioned studies confirmed that there was ample cycle storage provision at the railway station and locally and of the progressive on-going work by the council's partners, key organisations and the Town Council to provide cycle facilities and routes beyond the town centre. Studies supported the view that cycle storage was not a problem and referred to the comprehensive improvements for cyclists within the town and its environs. Members agreed on 4 February 2020 to take no further action to review the issue.

Social Housing- Review of relationship between the council and social housing providers (*Photos of accommodation / logs of the social housing providers??*)

Members, at their meeting on 5 November 2019, requested that a Task and Finish Group (T&FG) be set up to evaluate the relationship between the Council and the main social housing providers and how it interacted with the two major providers (i.e. Network Homes and Clarion Housing) within the District and whether there were opportunities for improvement.

The T&FG, comprising four cross-party Members met on 19 December 2019 and agreed an approach going forward which was to convene three meetings: one with tenants' representatives from both Housing Associations (which met on 10 March 2020) and two separate meetings; one with Senior Officers from Network Homes (which met on 16 March 2020) and one with Senior Officers from Clarion Housing (arranged for 25 March 2020) – the latter meeting was subsequently cancelled due to the virus pandemic but was re-scheduled to meet on 25 June, 2020 (adjourned) and then on 30 June 2020. The Minutes of all meetings and any recommendations were reported to O&S Committee on 15 September with a number of recommendations to the Executive on 5 January 2021 in relation to the report on "Affordable Housing Research and Overview and Scrutiny Review."

Review of Website Satisfaction – Performance (photos ...)

Members asked for a review of the performance of the Council’s website at their meeting on 11 June 2019 . This followed on from Members’ identifying trends in regular performance reports that website satisfaction scores had been struggling to consistently meet target. This was reported to Overview and Scrutiny Committee on 4 February 2020 when the Head of Communications Strategy and Policy addressed a number of points raised by Members, concluding that he was confident that the newly structured website format (which had been redesigned to address the new 2019 European Union Regulations to achieve the AA accessibility rate) would address past issues of concern. Members agreed that the matter should be kept under review as part of the regular performance reports to Overview and Scrutiny Committee.

Review of Complaints to the Council

Members asked for an update on the council’s approach to dealing with complaints about the council after identifying a trend in performance data indicating services were struggling to consistently meet their targets. A report was taken to Overview and Scrutiny Committee on 3 November 2020 with a detailed breakdown of what customers complain about and a number of measures put in place to strengthen the process of responding. A new policy for dealing with persistent and unreasonable behaviour was also considered by Members and recommended to Executive and Full Council for approval.

How can local people get involved?

Scrutiny gives our residents the opportunity to right things which you feel aren’t working in your community and there are various ways in which you can get involved.

You can suggest a topic for scrutiny in several ways:

- Firstly there’s a form at the back of this report that you can complete and return. Alternatively, forms are available at

Council reception areas or you can complete one online here [Scrutiny Referral Form](#)

- You can attend a scrutiny meeting, details of which are on the Council's website. During the current pandemic measures were introduced by the Government to allow for virtual meetings and you can observe the live streams of Overview and Scrutiny Committee meetings via the Council's YouTube Channel.
- Panels quite often seek feedback from local people and partner organisations in connection with specific topics.
- If you're a member of a group, you may be invited to contribute your views on issues related to your areas of interest.
- To keep up to date with what the Council is doing follow us on Facebook and Twitter

<https://twitter.com/EastHerts>

<https://www.facebook.com/eastherts.council>

East Hertfordshire – Best Place to Live! We think so too!!

Scrutiny is important, it can shape and improve all our lives and save money in the process. In the Annual Halifax Quality of Life Survey, East Hertfordshire was ranked No.1 as the best place to live in 2020 - [50 Best Places to live in Britain](#)

What makes East Hertfordshire such a good place to live, according to the survey?

- *Residents feel fit and well with 97 per cent reporting good or fairly good health.*
- *East Hertfordshire has the 12th highest weekly earnings of any local authority across England, Scotland and Wales.*
- *The latest ONS figures indicate adults living in East Hertfordshire are among the most happy and content in Britain, with high life expectancies.*

- *Schools in the area also achieve excellent exam result,*

We think East Hertfordshire is a great place to live; we want to keep it that way. Be interested and get involved.

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East Herts Council Report

Overview and Scrutiny Committee

Date of meeting: 23 March 2021

Report by: The Scrutiny Officer

Report title: Annual Scrutiny Report 2020/21

Ward(s) affected: All Wards

Summary

- To introduce the Overview and Scrutiny Annual report for 2020/21 and provide an overview of what Overview and Scrutiny scrutinised during this period. Members are asked to comment on the Annual Report prior to its consideration and approval by Council. Although Covid-19 has been an ever present danger since March 2020, legislation introduced by Parliament has allowed scheduled meetings to be held remotely for the first time, allowing the Council's decision-making processes to continue. These meetings have been accessible to the public live via the East Herts District YouTube channel.
- Members are asked to note that many of the actions commenced in 2019 were concluded in 2020 (or may still be ongoing e.g. Environmental Climate Change) so that there may be a consequent overlap of some actions and reports.

RECOMMENDATION FOR OVERVIEW AND SCRUTINY COMMITTEE

- a) **The Annual Scrutiny Report on the work of the East Herts Scrutiny Committee during 2020/21 be received and**

recommended to Council for approval and publication.

1.0 Proposal(s)

- 1.1 An Overview and Scrutiny Annual Report is prepared each year and presented to Council. Reports from previous years are on the council's website.
- 1.2 The Annual Report for 2020/21 is attached as an appendix to this report and summarises the work of during the past year. No task and finish groups were set up in the 2020/21 civic year. Members are reminded that there may be some overlap between work commenced in an earlier year and concluded (or still ongoing) in 2020-21.

2.0 Background

- 2.1 Once agreed by Council, the report will be published on the Council's website and notification of its 'e-location' will be made available.
- 2.2 It is acknowledged that Covid-19 has impacted on both businesses and individuals. It should be recognised that all decision making meetings of the Council have been publically available and live-streamed.

3.0 Reason(s)

- 3.1 The Council's constitution states in Part 2, Chapter 7 at paragraph 7.4 that *"the Overview and Scrutiny Committee must report annually to the Council on its workings and make recommendations for future work programmes and amended working methods if appropriate."*
- 3.2 To comply with the requirements of the Council's Constitution

4.0 Options

4.1 No alternative have been considered.

5.0 Risks

5.1 Publication of an Annual Scrutiny report provides a summary of what issues have been reviewed which can be measured against the council's priorities. An Annual Scrutiny report may also help to provide a measure of assurance that democratic processes continue to be adhered to despite the impact of Covid-19 and that they are transparent and the decision-making process is "business as usual".

6.0 Implications/Consultations

6.1 N/A in so far as the production of the Annual Scrutiny summary but individual report authors will have consulted prior to their reports to Committee.

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

Yes – detailed in the report

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

No

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 This report is based on the reports and minutes of Overview and Scrutiny meetings held during 2020/21 – up to February 2021. These are all available via the council's website.

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Draft Annual Scrutiny Report 2020 – 21

Photo of the Leader

Introduction from the Leader of the Council – Councillor Linda Haysey

The Covid-19 pandemic has had an unprecedented impact world-wide, including on the council and local business, not only economically but socially, as the Council continues to work with all its partners in trying to support those in greatest need. I am pleased to report that during these unusual times the Council has worked with partners such as Hertfordshire County Council and numerous support and volunteer groups, to reassure residents that no one will be forgotten. I am also happy to say that East Herts employees have embraced new methods of working mandated by the Government for the protection of all, with professionalism with no diminution in the provision of Council services – they all have my thanks together with those of the Chief Executive.

New legislation has allowed Local Authorities to hold remote meetings so that the democratic process can continue and that decision making remains transparent and publically accountable. Although main meetings of the Council have been live-streamed and available via YouTube, it is difficult to judge whether this has deterred public participation – it is my sincere hope that it has not and for those who feel that their voices have not been heard, I would urge them to maintain close contacts with your elected representatives.

The report author has explained to Members that many of the actions commenced in 2019 were concluded or may be ongoing in 2020. As a result there may be a consequent overlap of some actions and reports. It may therefore be helpful if this report is read

in conjunction with the 2019-20 Annual Scrutiny report, which was itself delayed due to the pandemic.

What follows is a summary of what the Overview and Scrutiny Committee has reviewed during the 2020-21, period commencing with its first meeting on 16 June 2020. All reports and minutes are available from the link below

[Overview and Scrutiny Committee - Browse Meetings](#)

16 June 2020

Revised Regulation of Investigatory Powers Act (RIPA) Policy and Use of Social Media in Investigations Policy

The Head of Legal and Democratic Services submitted a report proposing that the Council's Regulation of Investigatory Powers Act (RIPA) Policy, which had not been reviewed since 2010, be revised and updated taking into account significant legislative changes which had occurred in the intervening decade; and that a new Use of Social Media in Investigations Policy be adopted in order to deal specifically with investigations carried out by these means. The proposals followed an inspection of the Council in November 2019 by the Investigatory Powers Commissioner's Office (IPCO), whose resulting report gave a recommendation of 'critical', outlining several areas where the Council was not meeting legal requirement; and actions that were required by June 2020 to address these.

The Overview and Scrutiny Committee agreed that the revised Regulation of Investigatory Powers Act (RIPA) Policy and the new Use of Social Media in Investigations Policy be reviewed and the Executive Member for Corporate Services and the Head of Legal and Democratic Services be requested to give consideration to the matters raised by the Committee prior to the final proposed versions and accompanying report being sent for adoption by the Executive.

This issue has been included on the work programme for Overview and Scrutiny Committee and will be reviewed annually and reported back each June.

Street Cleansing and Verge Maintenance Update

A report was submitted which provided an overview of the street cleansing service (shared with North Herts District Council) and the verge maintenance service (delivered by East Herts Council on behalf of Hertfordshire County Council).

Members sought clarification on a number of issues, including contractor performance, the ecological importance of wild flowers in relation of verge cutting, frequency of street cleansing, ways of improving the service in relation to weed spraying and leaf clearance in rural areas and emptying bins in rural areas.

The Overview and Scrutiny Committee received the update.

Development Management – Pre-Application Advice services

A report provided information on the Council's Development Management Pre-Application Advice Service and of a number of issues with the current operation of the service including fees and performance targets. These were being reviewed with the aim of improving the overall operation of the service and encouraging more customers to use it. The intention was to implement changes from autumn 2020. Members sought clarification on a number of issues including fees for minor and household applications and the nature of pre-application discussions.

The Overview and Scrutiny Committee agreed a number of actions including providing more information on the website to guide applicants, how and whether to involve Members in the pre-application process, to seek survey feedback from applicants on the

pre-application advice service and for officers to consider the legal weight of pre-application advice should a planning application be received.

Street Trading Consent Policy

Members considered a report proposing a revision of the Council's existing Street Trading Consent Policy taking into account relevant case law and best practice, and ways in which the policy could further the Council's latest priorities and objectives. Proposed key changes to the existing policy were outlined, the anticipated potential impacts of these changes, the proposed changes to fees and the consultation undertaken.

The Overview and Scrutiny Committee agreed a number of actions including asking the Executive Member for Wellbeing and Head of Housing and Health to consider comments raised by Members prior to drafting the final version of the proposed Street Trading Consent Policy (for agreement by Council) such as: an extension of the new policy to include: Chinese Lanterns, Helium Balloons and Fireworks, to discourage street trading within Air Quality Management Areas and to give existing traders affected by the new policy should be treated with the maximum consideration to avoid any adverse impact on existing businesses.

Hartham Leisure update by the Executive Member for Wellbeing

The Executive Member for Wellbeing provided a verbal presentation on the Development of Hartham Leisure Centre. The Executive Members stated that the planning application for Hartham Leisure Centre had been deferred by the Development Management Committee in January 2019 as Members were concerned at the potential impact of the proposed development on the sensitive setting of the site and regarding environmental sustainability.

The Overview and Scrutiny Committee noted the update and thanked the Executive Member for his presentation.

East Herts Health and Wellbeing Strategy 2019-2023 - Progress Report

Councillor E Buckmaster, Executive Member for Wellbeing, introduced the report which provided a review of progress to date of the Health and Wellbeing Strategy 2019-2023 and the Council's response to Covid-19. The strategy was designed to address nine identified health challenges detailed in the report and referred to a number of successful initiatives introduced by the Council including community grants, dementia-friendly initiatives and the launch of healthy hubs.

The Overview and Scrutiny Committee noted the update and thanked the Executive Member for his presentation. Members asked that the Council should continue to reach out to the volunteer network in response to Covid-19 and support the relaunch of the "Forever Active" Programme.

Housing and Health Strategy 2016-21 – Action Plan Progress Report

A report set out the progress made in 2019/20 in delivering the strategic objectives stemming from the Housing and Health Strategy Action Plan 2016-20 and the proposed new actions for 2020/21.

The Overview and Scrutiny Committee noted the objectives achieved from the Housing and Health Strategy Action Plan 2016-21 and that any suggestions which contributed to the overall strategic objectives be passed to the Executive Member for Neighbourhoods and the Head of Housing and Health for their consideration.

15 September 2020

Enhancing the Council's working arrangements with Registered Providers - Report of the Social Housing Task and Finish Group

The Head of Housing and Health, on behalf of a Task and Finish Group, presented a report that made a series of recommendations on how East Herts Council could enhance the way it worked with local registered providers of affordable housing to maximise the quality of housing services for those wishing or needing to rent or buy an affordable home or who were already an affordable housing tenant in East Herts. A number of meetings were held with social housing providers and residents during 2020.

The Executive considered and supported a number of recommendations on this matter on 5 January 2021 – this is considered further in the Annual Scrutiny Report 2019/20 and in further detail here [Executive - 5 January and draft minutes](#)

Council Tax Reduction Scheme 2021/22

Members of the Overview and Scrutiny Committee were asked to consider the latest available information around the current local Council Tax Support (CTS) scheme at East Herts and whether any changes to the scheme should be considered for 2021/22. The scheme had operated since April 2013 and replaced Council Tax benefit under the provisions of the Local Government Finance Bill. The scheme was required to be confirmed by Council by the 11 March in the preceding financial year.

The Overview and Scrutiny Committee asked that the Executive be advised that Members supported the continuation of the current Council Tax Reduction Scheme for 2021/22 and that alternatives schemes be investigated beyond 2021/22.

Policy for Enforcing Standards for Private Sector Landlords

Members received a report from the Executive Member for Neighbourhoods which set out a policy for the enforcement of standards for private sector landlords in East Herts following new enforcement powers as a result of changes in the Housing and Planning Act 2016 for dealing with landlords and property agents.

The Overview and Scrutiny Committee requested that the Executive be advised that Members supported the proposed new policies relating to housing standards enforcement and the adoption of the powers introduced in the Housing and Planning Act 2016.

Environmental Climate Change Forum Update

Members were presented with a verbal update on the actions of the Environmental Climate Change Forum; the forum arose from a recommendation of the Task and Finish Group set up by the Overview and Scrutiny Committee to explore this topic.

Much of the work of the Task and Finish Group had been incorporated into both the climate change declaration that had been made at Full Council on 24 July 2019 and the commitments and action flowing from the declaration. For more detailed information this issue please refer to the Annual Scrutiny Report 2019-20 and the Minutes of the Council meeting : [link to Council Minutes 24 July 2019](#)

3 November 2020

Presentation by the Leader and Chief Executive - How the Council reacted to the Coronavirus Pandemic

The Leader and the Chief Executive gave a presentation that detailed the ways that East Herts Council had responded to the ongoing Covid-19 pandemic. The Leader referred to the pandemic milestones and said that the process of moving into phase three and

the exit and into recovery would be the subject of a very long discussion. The Leader congratulated Officers on the transition to homeworking in very difficult circumstances.

The Overview and Scrutiny Committee thanked the Leader and Chief Executive and received the presentation.

Revenues and Benefits Annual Report

Members received a report updating them on the Shared Service in terms of performance reporting, other challenges and the budget outturn. Officers had achieved very good average performance figures over the year in respect of processing housing benefit claims and change events. The Head of the Shared Service said that this performance was key to minimising waiting times for customers experiencing financial difficulty and also maximised the subsidy the authority received from the government.

The Overview and Scrutiny Committee received the report

Update on Sustainability Action Plan

Members received a report setting out the latest version of the East Herts Sustainability Action Plan. The action plan had been prepared in order to respond to the carbon neutrality commitment agreed in the Council's Climate Change Motion of 24 July 2019. [Link to Motion and Minutes](#)

Members' input was encouraged in respect of the proposed actions and whether these were sufficient to meet the broad objective of the Council's Climate Change Motion and that updates would be submitted twice a year with the website being continually updated.

The Overview and Scrutiny Committee confirmed that the current actions included in the initial iteration of the Sustainability Action Plan met the broad objectives of the Climate Change Motion; that

reports should be submitted twice a year and to update Members on a reduction in carbon against target annually both in relation to the Council's activities and across the District as a whole.

East Herts Council Complaints 2019-20

Members were presented with a summary of customer complaints which had been submitted to the Council and which included a new vexatious complaint policy "The Unreasonable and Persistent Behaviour Policy" for their consideration and approval by Council.

The Overview and Scrutiny Committee noted the progress made and recommended approval of the Unreasonable and Persistent Behaviour Policy for approval by Council.

Corporate Plan Update

Members received a report that provided an update on progress towards meeting the actions and targets set out in the Council's Corporate Plan entitled "East Herts: A Place to Grow".

The Overview and Scrutiny Committee noted the progress against the Corporate Plan.

8 December 2020

Presentation on Policing in East Herts

At the invitation of Members of the Overview and Scrutiny Committee, the Hertfordshire Police and Crime Commissioner set out a contextual picture for the presentation to be given by Deputy Chief Inspector Stuart Orton and Police Crime Commissioner.

Significant reductions in crime during lockdown had been recorded but had then increased following a relaxation of restrictions. The presentation covered a number of issues, including knife crime in the District and "cuckooing" (when homes, sometimes occupied by those

who are vulnerable, are taken over by individuals and used for criminal activities).

The Overview and Scrutiny Committee received the presentation.

2 February 2021

Cultural Strategy

Members received a report inviting them to comment on a draft Cultural Strategy ahead of its submission to the Executive and before its determination by Council on 2 March 2021. The Cultural Strategy presented a very broad overview of the role culture played in people's lives and highlighted visions and ambitions that required partnership organisations to work with the Council. The content of the Cultural Strategy was debated at length and a number of observations were made including report successes in funding, the need to work on inclusivity and to ensure that measurable targets and actions were monitored. The Overview and Scrutiny Committee made a number of observations for the Executive's consideration. Council on 2 March 2021 approved the new Cultural Strategy.

Planning Enforcement Plan - review and update

Members received a report setting out a new approach in relation to Planning Enforcement. The Head of Planning explained that the levels of enforcement complaints were high and that a majority of enforcement investigations did not result in any further action being taken and the pressure this placed on the service in terms of its resources. It was felt that that the current system needed to improve and a new "triage" approach was needed to improve the overall effectiveness of the planning enforcement service.

The Overview and Scrutiny Committee debated the issues at length expressing concern at the impact this had on the service and supported a recommendation that this new approach to planning enforcement have an opportunity to “bed-in” and for Members to be provided with an update report in 12 months.

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East Herts Council Report

Overview and Scrutiny Committee

Date of Meeting: 23 March 2021

Report by: Scrutiny Officer

Report title: Final Report: Review of Scrutiny by the Centre for Governance and Scrutiny (CfGS)

Ward(s) affected: All

Summary

- At the Leader's request, the Head of Legal and Democratic Services was asked to facilitate a review of the Scrutiny process at East Herts, in order to obtain both an independent opinion on the approach currently taken by the Council and to gain views on best practise elsewhere. The Centre for Governance and Scrutiny (CfGS) was asked to undertake the review

RECOMMENDATION FOR OVERVIEW AND SCRUTINY COMMITTEE

- (a) **To receive the final report by the Centre for Governance and Scrutiny (CfGS) and make any subsequent recommendations to the Executive.**

1.0 Proposal(s)

- 1.1 At the Leader's request, the Head of Legal and Democratic Services was asked to identify a suitable facilitator to undertake a review of the Scrutiny process at East Herts Council in order to obtain both an independent opinion on

East Herts' approach and to gain views on best practise elsewhere. The Centre for Governance and Scrutiny (CfGS) was ultimately instructed to undertake the review.

- 1.2 The CfGS is a national centre of expertise on governance and scrutiny which has, since its launch 15 years ago, supported hundreds of organisations and people through research and practical support. It has a long track record of helping local councils and working with a wide range of organisations in both the public and private sector.

2.0 Background

- 2.1 A review of how the Scrutiny process was working at East Herts was requested in order to ensure that the approach was consistent with best practise. Consultants for the CfGS were contacted and an approach agreed. Meetings with officers and Members were organised for March 2020, but as a result of the pandemic, and the resulting national lockdown, the CfGS re-scheduled these interviews for May, which were undertaken via a series of Zoom meetings.
- 2.2 The Council received the final report from the CfGS in late November 2020. Additionally, a Workshop was organised on 3 December 2020, providing Members of both Overview and Scrutiny Committee and Audit and Governance Committee with an opportunity to review the contents of the final report and to seek clarification on its content. The Leader and Chief Executive were also sent a copy of the final report for their consideration.

3.0 Review

- 3.1 The review sought to investigate the culture of the organisation and whether there was strong support for the principles of scrutiny, how information was prepared, shared,

accessed and used and the impact this had on scrutiny and whether it made a tangible difference.

3.2 Evidence to support the review process was gathered via desktop work, checking the Council's Constitution, procedure rules in relation to scrutiny, work plans, scrutiny scope. This was extended further with officers from the CfGS interviewing the Leader, Chairmen and Vice Chairmen of Scrutiny, Opposition Group Leaders, Executive Members, Leadership Team, the Scrutiny Officer and Democratic Services Officers. The reviewers also observed an Overview and Scrutiny Committee in the summer via Zoom.

4.0 Overall Findings:

4.1 The CfGS observed that :

- there was a strong and ongoing commitment to scrutiny, that it was properly resourced and valued by the Council, its political leaders and Executive Members. Furthermore that it was held in high esteem.
- there was a commitment and realisation that it could achieve more.
- senior members and political leaders supported the need for change to enable this to improve.
- that scrutiny lacked focus on strategic issues and needed to focus on important things rather than a "discussion role" - this could be achieved by early intervention at the pre-decision stage .
- that scrutiny tried to focus on strategic issues but it fell short and could be distracted by less important issues with the result that its reports informed with very little scrutiny occurring.
- a fear that its focus was more on performance (a function for Audit and Governance Committee) and that it should focus on policy and strategy.

- the need to think about how value can be added.
- of the need to challenge Executive Members about policies and decisions to be made early on in the pre-decision process and by reviewing the Forward Plan and the journey of the decision. (The CfGS stated that if Members got involved in the journey early on, it placed them in a better position to challenge).
- The CfGS stressed that Executive Members made decisions, not Officers, and that scrutiny should be asking questions of the Executive.

5.0 The Workshop – Summary:

5.1 The Workshop held on 3 December 2020, provided Members with an opportunity to seek clarification of the report. The Officer from the CfGS explained that no Council got the process of scrutiny “perfect” but that it was important to get the process right as much as possible as the public had a right to know how decisions were made. During the Workshop, the CfGS:

- Explained the powers enshrined in law reinforced by the Good Governance Code of Practice;
- Stressed the independence of Scrutiny and the need to be the voice of the public to improve services and save money; to decide what Members want to scrutinise based on clear priorities;
- the need for scrutiny to be owned by the whole Council and to note that only decisions taken by the Executive could be called in – not decisions taken by Council;
- The need to hold the Executive to account and not Officers, stressing that the Executive took the decisions, not officers;
- The right to have Officers and Executive Members attend meetings of Scrutiny but to challenge the Executive Members on policies and performance, not Officers;

- The right to respond to recommendations and the right to call in decisions to be made by the Executive;
- The need to be focussed on what the Council was trying to achieve in terms of a product by striving to improve on how things can be done better, such as delivering the Council's corporate plan;
- Scrutiny should see things improve because questions should be asked – this could be via working with stakeholders, residents' feedback;

The final report and detailed recommendations is attached to this report.

6.0 Reasons

- 6.1 To ensure the Council maintained good practice and adheres to current guidelines and
- 6.2 To ensure that scrutiny is asking the right question "What can we do to improve".

7.0 Options

- 7.1 To note the recommendations contained in the CfGS report and work towards implementing those aspects that are currently lacking, or in need of strengthening, at East Herts.

8.0 Risks

- 8.1 Scrutiny is about improvement which could be measured in a variety of ways but it should be noted that there are risks around any decisions, alternatives and options which would require thorough review.

9.0 Implications/Consultations

- 9.1 The implications and the consultations carried out are highlighted within the body of the report.

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

No

Specific Wards

No

10.0 Background papers, appendices and other relevant material

10.1 All previous information can be found here:

The report by the Centre for Governance and Scrutiny

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East Hertfordshire District Council
Scrutiny Improvement Review



Report

November 2020

Review of Scrutiny

Introduction

East Herts District Council (EHDC) believes that the essential role of scrutiny is to help to shape policy, actively support good decision-making and hold the executive to account. To do this effectively the Council recognises that its scrutiny function and Members need to develop a clear and shared understanding of the role, purpose and objectives of scrutiny, and to engage constructively in its work.

Members are clear that scrutiny needs to be strong on prioritisation, develop strategic work programming and engage in evidence-based, objective enquiry. It must have a measurable impact on policy, service delivery and executive decision making.

The Council endeavours to be open, inclusive and supportive of cross-party working wherever possible. Scrutiny has been consistently supported and resourced by the authority but has not been evaluated externally for some time. There is nothing to suggest significant problems or serious flaws in current ways of working. Like many authorities, EHDC has taken a conscious decision to reflect and review its scrutiny process in order to build, where possible, on existing good practice.

East Herts Council has set itself some bold and exciting objectives. Its Corporate Plans are led by a strong environmental sustainability strategy that aims to be a carbon neutral Council within the next decade and to encourage a district-wide endeavour to reduce overall waste and address climate change issues. There is also an intention to support its residents' quality of living through an investment plan in several high-profile projects which will improve their wellbeing. Capitalising on its proximity to London the Council also intends to support the growth and success of microbusinesses operating in the district, with a commitment to support and listen to the needs of businesses, provide more flexible working space and support the application of new technology.

The Council plan will present considerable challenges in its implementation and delivery. It will equally place a significant responsibility upon its scrutiny function to ensure that strategy, plans and targets, together with key-decisions are robustly and objectively scrutinised.

The Centre for Governance & Scrutiny (CfGS) was invited to undertake a Scrutiny Improvement Review and identified some principal areas of focus for evaluation. These have been considered using CfGS's Scrutiny Improvement Review (SIR) method.

The CfGS SIR method aligns with both latest statutory guidance and best practice experience accumulated by CfGS over many years. This review also takes into account the latest government (MHCLG) guidance on Overview and Scrutiny in Local Authorities (May 2019) and the latest Good Scrutiny Guide (published by the Centre for Governance & Scrutiny – July 2019).

The Centre for Governance & Scrutiny

CfGS is the leading national body promoting and supporting excellence in governance and scrutiny. Its work has a strong track record of influencing policy and practice nationally and locally. CfGS is respected and trusted across the public sector to provide independent and impartial advice.

CfGS is an independent national charity founded by the Local Government Association (LGA), Local Government Information Unit (LGIU) and Chartered Institute of Public Finance Accountants (CIPFA). Its governance board is chaired by Lord Bob Kerslake.

Note on Covid-19

This review was planned and delivered during the Coronavirus pandemic and the subsequent restrictions on meetings and movement. Therefore, all meetings and observations were conducted via video conferencing and online access. Whilst this format places some limitations, in our view and experience this review was comprehensive and as extensive as a conventional physical format.

Review outline

To conduct a review of the Council's scrutiny arrangements.

The Council wishes to explore what it can do to further strengthen the quality of its scrutiny arrangements and develop them in light of challenges and opportunities ahead.

Scope

- **Culture.** The mindset and mentality underpinning the operation of the overview and scrutiny process. This will involve a focus on the Council's corporate approach to scrutiny.
- **Information.** How information is prepared, shared, accessed and used in the service of the scrutiny function.
- **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.

Further to discussion with Officers, the following broad areas of focus were identified, which are explored by way of the Scrutiny Improvement Review method:

- Prioritisation, timeliness and focus of the work programme (informed by a clear, well-articulated role for scrutiny overall).
- The current scrutiny committee structure. Considered on the basis of scrutiny focus, Members' needs and expectations, and whether other structures and formats might be more appropriate for carrying out scrutiny work.

Evidence sourcing

The following elements are used as a framework for further discussion on those issues and areas most important to the Council.

1. Organisational commitment and clarity of purpose
2. Members leading and fostering good relationships
3. Prioritising work and using evidence well
4. Having an impact

These four elements were used to ensure that all key aspects of EHDC's scrutiny activity are evaluated and mapped against the EHDC-specific areas of focus identified above.

Evidence gathering consisted of:

- **Desktop work.** A general check of the Council's constitution and rules of procedure insofar as they relate to scrutiny, recent work plans, scrutiny scopes and review reports. This will provide an evidence base for the rest of the work;
- **Interviews.** Including the Leader of the Council, leading Members in scrutiny (Chairs, Vice Chair, Opposition Group Leader, Executive Members, other scrutiny Members, Senior Corporate Officers, Statutory Scrutiny Officer, and democratic services Officers.
- **Observation.** The Scrutiny and Overview Committee.

Summary of findings

1. Overall assessment:

- 1.1 Overall the Council has a strong ongoing commitment to scrutiny in terms of the level of activity undertaken, and time and resource dedicated across the organisation. Scrutiny is respected and valued by the Council. Its political leaders and Executive Members are also very supportive. Scrutiny therefore has a relatively high level of esteem.
- 1.2 There is a clear realisation and commitment from Members and Officers that scrutiny could be more effective and productive. Everyone interviewed welcomed the opportunity to make changes and improvements. Senior Members, Political Leaders, Heads of Service and the Chief Executive also support the need for change - to enable scrutiny to improve.
- 1.3 From its current base, in terms of Member engagement, resources, Council support and ambition, there is a strong platform upon which scrutiny could successfully develop.
- 1.4 Members expressed an interest in scrutiny but felt that its focus and work was having less impact than they would like and at times lacked sufficient focus on strategic issues. Scrutiny Members overall have an appetite to achieve more.
- 1.5 There are some barriers and practices that may need to be addressed and Member development gaps supported if progress, which is clearly desired by the Council, is to be realised.
- 1.6 Scrutiny does make an effort to be strategic and focus on the areas of importance, although in practice it tends to fall short of this ambition. It can be distracted less important or localised topics than the really important policy and key-decision issues that matter most to residents. Scrutiny can very often become a 'conversation' or an information exchange or become too operational and detailed Council performance focused.
- 1.7 There are missed opportunities for scrutiny to add value and to be an integral part of the Council's corporate plans and overall improvement. This is not for the want of trying, but for scrutiny to be more strategic there needs to be change from both scrutiny Members and the Executive to draw closer together to create a purposeful role and agenda. If the Council wants scrutiny to place more emphasis on shaping, challenging and holding to account, then scrutiny will need the support and early access to information and operate as an integral part of the policy and decision-making activities of the Executive.
- 1.8 Executive Members rarely attend Scrutiny meetings and are therefore not sufficiently held to account and constructively challenged. Executive Members and the Leader expressed support for a more challenging style of accountable scrutiny. This could be readily achieved with a simple change in meeting arrangements, planning and engagement. Meetings would place Executive Members clearly at the centre of the scrutiny exercise. Executive Members would therefore attend to present relevant reports or policy and be prepared to be the main focus of questions, which officer support if technical or detailed information is required to supplement Executive Member responses.

1.9 There is good support from the Scrutiny and Governance Officers in assisting Members in developing work programmes, managing agendas and liaising with Council departments and external partners to generate reports, evidence and information. This is recognised and widely appreciated by Scrutiny Members and senior Officers.

1.10 At the time of this review the Council's Constitution was under revision. We would like to suggest that some attention is given to the respective roles and purpose of the O&S Committee and Audit and Governance Committee as the activities of both suggests some overlap and uncertainty. This is also recognised by some Members.

2. Members, meetings and agendas:

- 2.1 Members engage in scrutiny and understand that it plays an important role. However, there is inconsistency when Members describe its role and purpose, and Members can lose sight of key objectives in holding decision-makers to account and shaping policy.
- 2.2 The Council has a significant (Conservative) political majority which through proportionality requirements is also reflected in scrutiny committee places. Many Members of the Opposition group are relatively new and are understandably growing their learning and developing their scrutiny skills.
- 2.3 Having a large political majority can present a greater challenge to scrutiny in maintaining and exercising objective, searching and challenging scrutiny, and not lack effective public challenge and testing.
- 2.4 Overall, there is good cross-party working and little evidence of political management activity. Generally, Scrutiny Committee Members generally get along and co-operate with each other. Member behaviour is cordial and respectful. The independence of scrutiny and of political groups is maintained and respected
- 2.5 Some Members often work hard to ask useful and enquiring questions, but scrutiny meetings usually tend to favour detail over strategy and may overlook the bigger picture. Some Members prefer to ask information-gathering questions, rather than exploring and challenging ones. Greater emphasis could be given to scrutiny improving and shaping policies and decisions through enquiry and constructive challenge.
- 2.6 The Council operates a single Scrutiny and Overview Committee. This was observed on 16th June 2020. Other agendas and minutes from previous meetings have also been reviewed.
- 2.7 All Councils are getting used to the new online meeting format and there is plenty of shared understanding on emerging good practice.
- 2.8 This meeting was the first Scrutiny Committee held as an online virtual meeting committee. It was skilfully chaired, and Members engaged well in this new format. Perhaps understandably, given that it was the first, there was a long agenda with several important topics. We note that previous meetings had shorter agendas. The meeting lasted almost three hours which might be considered too long for an online meeting.
- 2.9 The Chair draws conclusions and consensus together well and there are some examples of where scrutiny has successfully used its influence. The committee could be even more productive by more consistently finding strong recommendations or outcomes from their enquiries to present to Executive as improvement or challenge proposals.
- 2.10 Members may want to consider agenda management; particularly as additional space may need to be included for Covid-19 related items, which Members may wish to afford higher priority. Having shorter, more focus agendas would give greater scope for more in-depth scrutiny. Inevitably this would also entail further prioritising of items considered by scrutiny and perhaps leaving those 'for report' or similar administrative type items which provide little scope for scrutiny to add any real value

- 2.11 Scrutiny needs to agree what it is trying to achieve, or there is a risk that its time is not productively spent. Our observations suggest that scrutiny could be clearer as it set out its objectives on specific agenda items, agreeing what it wants to discover, test, check, reveal or build on. This would assist the committee to construct key lines of enquiry and questioning strategies and develop outcomes that may add more value. It would also ensure that it requests appropriate information and officer advice.
- 2.12 O&S holds a pre-agenda meeting with support Officers but does not hold a separate pre-meeting to plan and organise the session with all Members. This could provide a useful opportunity to set and share the approach, questions and overall 'game-plan' for the meeting. The use of video conferencing (Teams/Zoom) etc may make pre-meetings more convenient to arrange in the future. This may not be necessary for every meeting but it could help when large complex matters are on the agenda and the committee needs to prepare its approach.
- 2.13 The Council's finance and Corporate Plan are considered by the Audit and Governance Committee. In the past there has been a joint meeting held in November to allow Members of both O&S and A&G committees to input into the budget-building process.
- 2.14 Detailed consideration by Members of the Council's Corporate Plan, Budget and MTFP as the key suite of plans which drive the Council is a vital task Scrutiny task. Because of its critical nature, we would suggest that the effectiveness of scrutiny in this area be regularly reviewed.
- 2.15 Meetings can often be driven by Officer reports and presentations. This can become repetitive and over structured, which may leave Members with less scope to contribute or to add any value. It may also lead to lower Member enthusiasm for scrutiny if they feel unable to tackle meaningful issues.
- 2.16 Referral requests from the public are put to the Chair of the Overview and Scrutiny Committee for their consideration. Although currently this is not well used, we would like to commend it as good practice and would encourage it to be promoted as good public engagement.

3. Structure and work programming:

- 3.1 As a single Overview and Scrutiny Committee there is potentially a substantial volume of issues that scrutiny could focus on. However, there is a feeling among some that O&S does not have sufficient work to do, which is of real importance and value to the Council.

Agendas and work planning can be report driven and involve information exchanges with Officers.

- 3.2 A consolidated work programme has been developed so that both O&S and A&G can have sight of issues are being reviewed at any one time. A Co-ordinated Work Programme meeting with the Leader, Deputy, C and VC of both O&S and A&G has been convened which meets quarterly to review the forward plan and how decision to be taken in the next three months by the Executive can provide a foundation for O&S to review those actions. We consider this to be good practice and should lead to productive work scheduling for the scrutiny. However, we also observed that currently the O&S work plan looks concentrated operationally and focused on monitoring rather than looking forward and contributing to future strategy, plans and decision. There is a need to find more weighty subjects for scrutiny to get involved in.
- 3.3 We could not ascertain if a structured process or methodology is currently used to select, analyse and prioritise items for the work programme, which could really help to identify how scrutiny aims and focuses on impact and value. There are several tools available to assist this. *CfGS has publish a new publication for councils on this subject.*
<https://www.cfgs.org.uk/?publication=planning-work-delivering-impact>
- 3.4 The Scrutiny Committee may still be developing and it may well intend to become more focused on strategic matters, but these will need to be identified and brought before it. This is a key task for Members, with Officer advice. To support this O&S will need to have a good overview of and early access to the Executive forward plan. This early visibility would mean that Scrutiny is provided with a reasonable timeframe for effective pre-decision scrutiny and value adding activity.
- 3.5 The committee uses a lot of its energy examining operational performance and detail. The big, high impact areas embedded in the Council's corporate plan and the Executive's forward plan are therefore less integrated with the work programme.
- 3.6 As the scrutiny of the Council budget and medium-term financial plan are considered by the Audit and Governance Committee. We are uncertain how much actual scrutiny is focused upon the budget and MTFP process and whether scrutiny intervention to test and challenge budget assumptions, options, focus and viability is provided early and regularly within the process.
- 3.7 Task and finish (T&F) groups do not currently feature strongly in scrutiny. There appears to be support from Members to use this option to focus on helping to shape policy or exploring issues of community concern where the Council or its partners may need to respond, but appropriate topics will need to emerge. Options for this type of single-subject project scrutiny could include; enquiry days, community action scrutiny, single agenda item scrutiny meeting, or time-limited sub-groups.
- 3.8 These T&F assignments or similar focused 'project scrutiny' can if used well, build more versatility and agility for scrutiny. It is essential however, that these are limited in number and have a detailed scope and timeframe (max 8 weeks) and have a clear objective which delivers a useful product. To ensure appropriate Officer support, it is suggested that only one T&F operates at a time. It is also advisable that the relevant Executive Member is consulted, as collaboration may assist the project to have greater significance

and contribution.

- 3.9 Greater consideration and planning may be necessary to make information and evidence gathering for scrutiny clear and relevant and allow Officers to appreciate the value and impact of scrutiny's role.

4. Support and resources:

- 4.1 There is a small team of Officers who support scrutiny. They are proactively engaged in advising Chairs and Members on their roles and in developing scrutiny activity. Members told us that they do feel in control of their own work programmes and agendas.
- 4.2 It is possible that Members could play a greater role in how scrutiny operates and is resourced. Members could be more central in the preparing of programmes, projects and agendas, or researching issues and helping each other to be well-prepared and informed. It might be worth exploring how simple currently available technology such as closed social media groups, conference and video calling, and the use of shared file systems could give Members more capacity to share, discuss and plan their scrutiny activities.
- 4.3 The Council's website has useful content on scrutiny, which is relatively easy to access and has helpful guidance. The site is up-to-date and offers a good public oversight of scrutiny activity.

5. Relationships, behaviours and culture:

- 5.1 The role of scrutiny in 'holding the Executive to account' is not used consistently, although there are some signs that this is recognised, and efforts have been made to improve. However, our observation and interview evidence would suggest that political accountability could be made stronger and a more constant feature in the committee meeting. Often there seems to be a preference to challenge and hold Officers to account. The principle of scrutiny's duty to hold the Leader and Executive Members to account, could be refreshed and strengthened. The Council may also choose to adopt Executive accountability sessions to allow scrutiny to examine the work programme and progress of individual Executive Members.
- 5.2 We note that historically Executive Members are seldom invited to scrutiny to participate, lead reports and be accountable. Scrutiny Members are themselves uncertain why this is and it may be something that has simply become an accepted norm. However, there is a need and expectation that political decision-makers are visible and publicly accountable through scrutiny.
- 5.3 The Leader and Executive are very supportive of scrutiny and recognise its value. They also support Executive having a more central role in being held to account, supported by their Officers for technical advice. The experience from elsewhere is that when Executive Members attend and are the focus of the questioning, a more strategic exchange takes place and better recommendations, or advice is achieved.
- 5.4 Relationships between political groups are generally co-operative in the context of scrutiny. Clearly there are differences in policy and approach, but all Members appear to work towards a similar goal in committee.

6. Development, skills gaps:

- 6.1 EHDC is fortunate to have a strong pool of talent and experience among its Members. Many Councillors have relevant backgrounds and experience who bring a very useful set of skills to all areas of the Council.
- 6.2 Training and development were raised by some Members, who were clearly aware of the gaps in their knowledge and understanding. There is also a fairly high number of new Councillors with limited experience of local government scrutiny who would benefit from further training and development.
- 6.3 We were advised that in the past the Council had a regular training and development programme for Members, including Scrutiny, and this would be welcomed in the future as skills and experience essentially need to grow.

7. Contribution, performance and value-adding:

- 7.1 Scrutiny impact is a key issue. The volume of scrutiny activity undertaken does not necessarily deliver quality outcomes.
- 7.2 While scrutiny has made progress, and there are examples of good practice and positive results, it could have even greater impact and its 'product' make a significant difference. This ambition and desire should be shared as a Council-wide issue and be addressed by ensuring that scrutiny has the support, parity, access to timely information and early engagement to allow it to operate in a more strategic way.
- 7.3 Scrutiny and Executive could collaborate further. Scrutiny needs to provide a regular source of quality recommendations to Executive, and Executive needs to provide clear feedback so that scrutiny's effectiveness and contribution can be tracked.
- 7.4 Scrutiny at EHDC can overburden itself with too much activity and full agendas focused on reports. Doing less, but doing it really well, is worth considering. Asking the question; 'what value can scrutiny add to this' before agreeing to spend time on it is also a useful test. Scrutiny's output must aim to shape and improve policy and decision-making as well as transparently testing the suitability of decisions being considered by Executive in the future.
- 7.5 Further consideration of pre-scrutiny activity would be useful as this has a crucial role in shaping, improving and influencing future Council plans. Pre-scrutiny of executive decisions, through selective scrutiny of Executive forward programmes and the Council plan through its selected work programme could add significant impact. This would require a change in practice by enabling earlier access to information.
- 7.6 From our observations and evidence gathering the committee may benefit from ensuring greater clarity about what it is trying to achieve or what impact they are aiming to make. Similarly, the process for deciding what is important to scrutinise and what is not, is sometimes unclear. The committee cannot scrutinise everything, nor is it necessary to do so, therefore establishing realistic priorities based on clear objectives is essential. It is therefore necessary to 'let go' of too much operational scrutiny and focus most the committee's resource on strategy and policy.

8. Recommendations:

These recommendations are for discussion. They are presented for consideration as potential areas of improvement, with further assistance and planning.

- 8.1 **Work programme prioritisation and focus.** Developing a clear methodology focused on EHDC's key corporate or community priorities should itself be a priority. Items on the work programme should have a clear rationale to justify their inclusion and a clear system for selection. The latest CfGS publication referenced in 3.3 above will offer advice on how this could be achieved.
- 8.2 **Scrutiny and Executive needs to work more collaboratively.** This will achieve stronger pre-decision scrutiny, allow greater influence and contribution to policy shaping and supply more high-quality recommendations. A triangulation meeting held bi-monthly could include Scrutiny Chair and Vice Chair, Executive Member or Leader taken in relevant rotation and Scrutiny Officers plus relevant service area Officers. The purpose of this would be to jointly scope future areas for scrutiny to develop, but without compromising scrutiny's independence and authority.
- 8.3 **Bring Executive public accountability and transparency into more focus at scrutiny committees.** Executive Members or the Leader (if appropriate) should be the main focus of scrutiny questioning and accountability sessions rather than council officers, who should attend to provide additional detail if required by the committee. This would take on a more parliamentary select committee style and approach. This also often leads to more strategic dialogue and constructive challenge between Scrutiny and Executive. Exec
- 8.4 **Explore the respective roles of O&S and Audit and Governance Committee.** There are some aspects of finance which would suggest that there is a scrutiny requirement and some aspects of compliance that fit with A&G. It may help to clarify the role and function of both.
- 8.5 **Reduce the reliance on Officer presentations and Executive reports.** Instead, scrutiny should set its objective for each subject to be considered and material presented or verbally reported by Executive Members, with Officer assistance.
- 8.6 **When public health circumstances allow consider expanding public participation and community involvement.** This will strengthen scrutiny and its external focus. Possibly hold some committee meetings in other parts of the East Herts District.
- 8.7 **Consider the use of task and finish and other 'set piece' scrutiny techniques as outlined above.** Focused events or enquiry days can highlight major areas of policy development or community concern.
- 8.8 **Adopt a Member and Officer scrutiny development and skills programme.** This will support greater understanding of the role of scrutiny and improve its effectiveness.

We recommend that a Member workshop is held to consider the findings of this review and to engage in ideas for change and improvement.

Acknowledgments and thank you

The Centre for Governance & Scrutiny (CfGS) was commissioned by East Herts District Council (EHDC) to advise and support an internal review on the effectiveness and impact of their current approach to overview and scrutiny.

We would like to thank the Chair and Vice-Chair of Scrutiny for their time and support and those Scrutiny Committee Members, Executive Members, and Officers who took part in interviews, survey and observations, for their time, insights and open views.

We are also particularly grateful to Lorraine Blackburn for the help and support in constructing this review.

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East Herts Council Report

Overview and Scrutiny Committee

Date of Meeting: 23 March 2021

Report by: Scrutiny Officer

Report title: Overview and Scrutiny Committee – Draft Work Programme

Ward(s) affected: All

Summary

- This report reviews actions included in the committee's existing Draft Work Programme and proposes amendments to the ongoing Draft Work Programme.

RECOMMENDATION FOR OVERVIEW AND SCRUTINY COMMITTEE, that:

- (A) The main agenda items for the next meeting be agreed;**
- (B) The proposed Consolidated Work Programme, included at Appendix A, be approved.**

1.0 Proposal(s)

- 1.1 This report sets out items, identified or suggested for inclusion in the Overview and Scrutiny (OS) Work Programme in **Appendix A**. The Appendix is now presented as a consolidated report to include those issues for consideration by both committees. It was felt that consolidating the work of both Committees in one report would give Members of both committees a better perspective from the viewpoint of scrutiny.

1.2 Scrutiny committees have the power of influence and are entitled to review and scrutinise the functions of the Council and the decisions of the Executive. The Committee serves as a 'critical friend' and is not a decision-making body but can make recommendations to the Executive and who must respond formally to recommendations within a given timeframe.

2.0 Background

2.1 The draft agenda items for 2021 meetings of Overview and Scrutiny Committee is shown in **Appendix A**. The timing of some items shown may have to change depending on availability of essential data (e.g. from central government) external sources and officers.

2.2 In an effort to better plan the work of both Overview and Scrutiny Committee and Audit and Governance Committee, a quarterly meeting of the Co-ordination of Work Programme meeting was held on 3 March 2021. The meeting was attended by the Leader, the Chairmen and Vice Chairmen of Overview and Scrutiny Committee and the Vice Chairman of Audit and Governance Committee to consider the work programmes of both Committees and the items included in the Forward Plan. Members should note that going the Forward Plan will contain items for decision over the next year.

2.3 Members are reminded that for a topic to be valid for Scrutiny it needs to be relevant to the work of the council and impact on a number of residents / or the wider area. In addition, there needs to be evidence, whether readily quantifiable or anecdotal, that this is an issue requiring investigation.

2.1 Members are welcome to submit a scrutiny proposal at any time by completing a Scrutiny Proposal Form (Available from the Scrutiny Officer) which will provide officers with sufficient information to assess it is appropriate for Scrutiny and to

ensure their specific questions are addressed. The Scrutiny Officer will then liaise with officers and the Scrutiny Chairman to consider the best way to address the subject and complete a scoping document.

- 2.2 Members are also asked whether there is any training relevant to scrutiny or to the function and remit of the OS Committee that they wish to suggest.

5.0 Reason(s)

- 5.1 This report provides an update on the current situation in relation to issues raised by Members.

6.0 Options

- 6.1 The Work Programme will be kept under review by the committee throughout the coming year. It is worth noting that this is a draft work programme which is continually reviewed and will evolve as the work programme develops triggered by external and internal influences

7.0 Risks

- 7.1 The establishment of an Overview and Scrutiny Committee is enshrined in the Local Government Act 2000 (section 9). The 2000 Act obliges local authorities to adopt political management systems with a separate Executive. Various sub sections (of the 2000 Act), set out the powers and duties for Overview and Scrutiny Committees including the right to investigate and make recommendations on anything which is the responsibility of the Executive. Legislative provisions can also be found in the Localism Act 2011 (Schedule 2) with options to retain or re-adopt a "committee system" (section 9B).
- 7.2 Potential risks arise for the council if policies and strategies are developed and/or enacted without sufficient scrutiny. Approval

of an updated Work Programme contributes to the mitigation of this risk by ensuring key activities of the council are scrutinised.

8.0 Implications/Consultations

8.1 Scrutiny is an important part of the local democratic process and represents the interests of residents. It holds the Executive to account on behalf of residents and helps review and improve services and functions run by the Council and its local partners.

8.2 The proposed Work Programme has implications for Members' time and the resources of the council devoted to scrutinizing the issues included.

Community Safety

No

Data Protection

No

Equalities

Yes – scrutiny of the services provided eg by registered providers of social housing will investigate how some of the most vulnerable people in the district, including those with protected characteristics, receive housing services.

Environmental Sustainability

Yes – although not subject to a further Task and Finish Group, the proposed Work Programme envisages the Overview and Scrutiny Committee receiving reports on the progress of the council's Environmental and Climate Forum.

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

Yes - scrutiny is enshrined in Statute (the Local Government Act 2000) as amended by the Localism Act 2011.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 Appendix A – Draft Work Programme

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Report Author: Lorraine Blackburn, Scrutiny Officer, Tel: 01279 502172. lorraine.blackburn@eastherts.gov.uk

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Overview and Scrutiny Committee and Audit and Governance Committee - Consolidated Work Programmes 2020/21

(this is a working document and is subject to regular amendment) – last updated 8 March 2021

Meeting Date Overview and scrutiny	Topic and Notes	Lead Member and Officer	Meeting Date Audit and Governance	Topic and Notes	Lead Member and Officer
15 September 2020	<p>Update on the progress in relation to the Climate Change Action Plan and progress in relation to the 2030 Carbon neutrality aspirations.</p> <p><i>With the agreement of Members at the last (June 2020) meeting, updates would be presented prior to each meeting.</i></p>	Executive Member for Environmental sustainability and David Thorogood	22 September 2020	External Audit Update	Suresh Patel, Ernst Young

Overview and Scrutiny Committee and Audit and Governance Committee - Consolidated Work Programmes 2020/21

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Meeting Date Overview and scrutiny	Topic and Notes	Lead Member and Officer	Meeting Date Audit and Governance	Topic and Notes	Lead Member and Officer
	Social Housing – Report of the Task and Finish Group (see note below).	Head of Housing and Health		SIAS Update	Simon Martin SIAS Audit Manager
	Large Scale Projects – Project Management in terms of Expenditure Vs Budget, delivery timescales <i>Members' briefing provided on 16 July on Hertford Theatre. Request by Councillor</i>	Respective Project Managers .		SAFs Update	Nick Jennings Head of Service (SAFs)

Overview and Scrutiny Committee and Audit and Governance Committee - Consolidated Work Programmes 2020/21

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Meeting Date Overview and scrutiny	Topic and Notes	Lead Member and Officer	Meeting Date Audit and Governance	Topic and Notes	Lead Member and Officer
	<i>Goldspink for an update on Hartham Leisure</i>				
	Policy for Enforcing Standards for Private Sector Landlords	Head of Housing and Health		Strategic Risk Register Quarterly Update	Graham Mulley Risk Assurance Manager
	Council Tax Reduction Scheme 2021/22	Head of Revenues and Benefits Shared Services		Annual Governance Statement	Head of Strategic Finance and property
				Statement of Accounts 2019/20	Head of Strategic Finance and Property
	Work Programme	Lorraine Blackburn, Scrutiny Officer		Financial Monitoring Quarter 1	Head of Strategic Finance and Property

Overview and Scrutiny Committee and Audit and Governance Committee - Consolidated Work Programmes 2020/21

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Meeting Date Overview and scrutiny	Topic and Notes	Lead Member and Officer	Meeting Date Audit and Governance	Topic and Notes	Lead Member and Officer
3 Nov 2020	How the Council reacted to the Corona Virus	Invitation to the Leader and CE to present an interim report	17 November 2020	Section 106 Agreements: a) review of policy and also of the receipt and b) the utilisation of funds received	Helen Standen Dep CE and Jackie Bruce Infrastructure and Contributions Spend Manager
	Work Programme	Lorraine Blackburn, Scrutiny Officer		Corporate Budget Monitoring Quarter 2	Ben Wood, Head of Communications Strategy and Policy and Steven Linett Head of Strategic Finance
				Treasury Management Outturn 2019/20 and Treasury	Head of Strategic Finance

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Meeting Date Overview and scrutiny	Topic and Notes	Lead Member and Officer	Meeting Date Audit and Governance	Topic and Notes	Lead Member and Officer
				Management Mid-Year Review 2020/21	
	Annual Complaints Report	Head of Communications, Strategy and Policy		Budget 2021/22 and MTFP Plan 2021-2024 Proposals	Head of Strategic Finance and Property
	Performance Report Quarters 1 and 2	Head of Communications Strategy and Policy		Standards Update	James Ellis Head of Legal and Democratic Services
	Revenues and Benefits Annual Report	Head of Revenues and Benefits Shared Services		Strategic Risk Monitoring 2020/21 Quarter 2	Graham Mully, Insurance and Risk Business Advisor
	Environmental Climate Change	Head of Housing and Health			

Overview and Scrutiny Committee and Audit and Governance Committee - Consolidated Work Programmes 2020/21

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Meeting Date Overview and scrutiny	Topic and Notes	Lead Member and Officer	Meeting Date Audit and Governance	Topic and Notes	Lead Member and Officer
8 Dec 2020				Work Programme	Lorraine Blackburn, Scrutiny Officer
	Presentation by the PCC Mr David Lloyd and CI Orton			GDPR and Data Retention	James Ellis Head of Legal and Democratic Services
				Members' Constitution Review Group	James Ellis Head of Legal and Democratic Services
PLEASE NOTE THAT THERE WILL BE A JOINT MEETING OF OVERVIEW AND SCRUTINY AND AUDIT AND GOVERNANCE COMMITTEES ON 10 FEBRUARY 2021 FOLLOWED BY THE USUAL MEETING OF A&G					
2 February 2021	Cultural Strategy	Jonathan Geall Head of Housing and Health	10 February 2021	*Budget 2021/22 and Medium Term Financial Plan 2021-24-	Steven Linnett Head of Strategic Finance and property
	Planning Enforcement Plan`	Sara Saunders, Head of Planning		SIAS Internal Audit Plan Progress Report	Simon Martin

Overview and Scrutiny Committee and Audit and Governance Committee - Consolidated Work Programmes 2020/21

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Meeting Date Overview and scrutiny	Topic and Notes	Lead Member and Officer	Meeting Date Audit and Governance	Topic and Notes	Lead Member and Officer
23 March 2021	Executive Member for Sustainability – Update on Portfolio				
	Draft Annual Scrutiny Report 2019/20	James Ellis / Head of Legal and Democratic Services and Lorraine Blackburn, Scrutiny Officer		External Auditor's Annual Audit Letter	EY
	Draft Annual Scrutiny Report 2020/21	James Ellis / Head of Legal and Democratic Services and Lorraine Blackburn, Scrutiny Officer		Investment strategy 2021/22	Steven Linnett Head of Strategic Finance and property

Overview and Scrutiny Committee and Audit and Governance Committee - Consolidated Work Programmes 2020/21

(this is a working document and is subject to regular amendment) – last updated 8 March 2021

Meeting Date Overview and scrutiny	Topic and Notes	Lead Member and Officer	Meeting Date Audit and Governance	Topic and Notes	Lead Member and Officer
	Review of Scrutiny – Centre for Governance and Scrutiny (CfGS)	James Ellis / Head of Legal and Democratic Services and Lorraine Blackburn, Scrutiny Officer		Capital strategy and Minimum Revenue Provision Strategy	Steven Linnett Head of Strategic Finance and property
8 June 2021	Executive Member for Corporate Services – Update on Portfolio		16 March 2021	Proposed Anti-Fraud Plan 2021/2022	Nick Jennings, SAFS
	RIPA and Use of Social Media - report back (Head of Legal and Democratic Services)	Head of Legal and Democratic Services		SIAS Internal Audit Plan Progress Report	Simon Martin, SIAS

Overview and Scrutiny Committee and Audit and Governance Committee - Consolidated Work Programmes 2020/21

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Meeting Date Overview and scrutiny	Topic and Notes	Lead Member and Officer	Meeting Date Audit and Governance	Topic and Notes	Lead Member and Officer
	Environmental Sustainability Action Plan (Agreed to report twice a year)	Head of Housing and Health		SIAS Draft Internal Audit Plan	Simon Martin, SIAS
	Annual Plan and updated Corporate Plan Regular Updates to OS	Head of Communications Strategy and Policy		Annual Review of Risk Management Strategy	Steven Linnett Head of Strategic Finance and Property
				Strategic Risk Register – Monitoring 2020/21 Quarter 3 and Proposed Content for 2021/22	Steven Linnett Head of Strategic Finance and Property
				Quarterly Corporate Budget Monitor – Quarter	Steven Linnett Head of Strategic Finance and Property

Overview and Scrutiny Committee and Audit and Governance Committee - Consolidated Work Programmes 2020/21

(this is a working document and is subject to regular amendment) – last updated 8 March 2021

Meeting Date Overview and scrutiny	Topic and Notes	Lead Member and Officer	Meeting Date Audit and Governance	Topic and Notes	Lead Member and Officer
				3 December 2020	
				Local Government Association (LGA) Model Code of Conduct	James Ellis, Head of Legal and Democratic Services

Executive Reponses to recommendations made by O&S Committee:

Parking Recommendations – Report of the Task and Finish group
(Considered by Executive on 27 November 2020) – Members updated via Chairman’s Announcements February 2021

Affordable Housing Research - Report and O&S Recommendations – (Considered by Executive on 5 January 2021) Members updated via Chairman’s Announcements February 2021

Updates

Overview and Scrutiny Committee and Audit and Governance Committee - Consolidated Work Programmes 2020/21
(this is a working document and is subject to regular amendment) – last updated 8 March 2021

Overview and Scrutiny Committee	Audit and Governance
	<p>Complaints lodged with the Monitoring Officer (Head of Democratic and Legal Support Services). When there are updates.</p> <p>Changes to Constitution Review Update (Head of Democratic and Legal Support Services): When there are updates.</p>

Looking Forward – 2021 onwards

Overview and Scrutiny Committee	Due date	Audit and Governance	Due Date
RIPA and Use of Social Media - report back (Head of Legal and Democratic Services)	8 June 2021	Quarterly Corporate Budget Monitor – Quarter 3 December 2020	30 March 2021 (executive) Due to the timetable of meetings it is not possible to produce the report and send it to an Audit & Governance Committee meeting prior to

Overview and Scrutiny Committee and Audit and Governance Committee - Consolidated Work Programmes 2020/21
(this is a working document and is subject to regular amendment) – last updated 8 March 2021

Overview and Scrutiny Committee	Due date	Audit and Governance	Due Date
			consideration by Executive. The report will be circulated to Members of the Committee when ready and views sort and reported to Executive.
Environmental Sustainability Action Plan (Agreed to report twice a year)	8 June 2021 then 2 November 2021 June 2022 then November 2022	Standards Model Code and an update on Standards Issues generally	27 May 2021
Carbon Reduction report	2 November 2021	GDPR and data retention	27 May 2021
Annual Plan and updated Corporate Plan Regular Updates to OS	8 June 2021	Section 106 Contributions (report annually)	9 November 2021
Cultural Strategy - Update on Development of "Smart Targets", Measurements and Monitoring Mechanisms	7 September 2021		

Overview and Scrutiny Committee and Audit and Governance Committee - Consolidated Work Programmes 2020/21

(this is a working document and is subject to regular amendment) – last updated 8 March 2021

Overview and Scrutiny Committee	Due date	Audit and Governance	Due Date
Planning Enforcement Plan – Update on new working practices	February 2022		

Notes:

Members will note the new format of the Consolidated Work Programme. It was felt that by combining both work programmes might provide Members with a better insight into the issues to be considered by both committees and respective timeframes and so aid the process of scrutiny. Additionally, Members should note that the Chairman and Vice Chairman of both Committees are now meeting quarterly with the Leader and Deputy Leader to consider both work programmes in the context of the Council's Forward Plan to facilitate better scrutiny and review where necessary.

Members are actively encouraged to review the Council's Forward Plan which details the decisions the Executive (and Council) will be taking over the next three months. The Centre for Governance and scrutiny has recommended that early involvement with the decision making process (and before decisions are taken) is good practice. Only decisions which are taken by the executive can be called in.

[Latest Forward Plan](#)

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