

# 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

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### 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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