



**Hertsmere  
Borough  
Council**

Hertsmere Borough Council  
Scrutiny Improvement Review



Report

August 2020

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## Review of Scrutiny

### Introduction

Hertsmere Borough Council 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.

Hertsmere Borough Council is an authority with a Conservative political majority. The council endeavours to be open, inclusive and supportive of cross-party working where 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, HBC has taken a conscious decision to reflect and review its scrutiny process in order to build, where possible, on existing good practice.

HBC has set itself some bold corporate objectives to secure a sturdy financial base for the council through an ambitious investment income generation strategy and careful management of its costs. It also intends to support its local economy and small local businesses and facilitate growth, plus investing in the area's strong media production sector. Alongside these ambitions the council plan also prioritises increasing the supply of affordable homes and protecting the environment as well as other commitments to support communities in improving wellbeing and community cohesion.

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 Public Scrutiny (CfPS) were invited to undertake a Scrutiny Improvement Review and identified some principal areas of focus for evaluation. These have been considered using CfPS's Scrutiny Improvement Review (SIR) method.

The CfPS SIR method aligns with both latest statutory guidance and best practice experience accumulated by CfPS 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 Public Scrutiny – July 2019).

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## The Centre for Public Scrutiny

CfPS 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. CfPS is respected and trusted across the public sector to provide independent and impartial advice.

CfPS 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.

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## 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 in 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 HBC's scrutiny activity are evaluated and mapped against the HBC-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.** These included; the Leader of the Council, leading Members in scrutiny (Chairs, Vice Chairs), Opposition Group Leaders, Executive Members, other scrutiny Members, Senior Corporate Officers, Statutory Scrutiny Officer, and Democratic Services Officers; In total there were 9 interviews with Council Officers, 5 with Executive Members, 3 with scrutiny chairs/vice-chairs, 2 with individual scrutiny committee Members and 1 group interview with 5 scrutiny committee Members. 24 interviews in total

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- **Observation.** The Policy Review Committee (PRC) and Operations Review Committee (ORC) were both observed

## 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 in the Council, political leaders and Executive Members are very supportive. Scrutiny therefore has a relatively high level of esteem.
- 1.2 There is a clear awareness and commitment from Members and Officers that scrutiny could be more effective and productive. Everyone interviewed welcomed the opportunity to seek improvements. Senior Members, Political Leaders, Corporate Directors 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 every effort to be strategic and focus on the areas of importance, although in practice its application generally falls short of this ambition. Scrutiny can very often become a 'conversation' or an information exchange or become too focused on detailed aspects of operational and council performance.
- 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 and the Executive, to draw closer together to create a purposeful role and agenda. If the council wants more emphasis on shaping, challenging and holding to account, then it will need the support and early access core policy and decision-making activities of the Executive.
- 1.8 The Leader and Executive Members attend Scrutiny meetings as contributors but are often not 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 more planning and engagement.
- 1.9 There is good and proactive support from the Scrutiny Team and Governance Services 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.



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## 2. Members, meetings and agendas:

- 2.1 Members engage in scrutiny and understand that it plays an important role. However, there is some 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 Some Members can often favour detail over strategy and may overlook the bigger picture. Members can tend to prefer ask information-gathering questions, rather than exploring and challenging questions, or to make statements and short speeches. Too little emphasis is made of improving, shaping through enquiry and constructive challenge.
- 2.3 The council operates two Scrutiny Committees; Policy Review Committee (PRC) and Operations Review Committee (ORC). The focus and remit of both committees provides a balance of outward and forward policy-focused scrutiny through PRC and an internal performance emphasis through ORC. Committees were observed and agendas and minutes from previous meetings reviewed.
- 2.4 The workload and overall productivity of the two committees may have developed a disparity over time as their respective workloads and overall impact currently seem disproportionate.
- 2.5 The Policy Review Committee has a large remit to scrutinise policy and future council direction. The council publishes a comprehensive forward plan of key and non-key decisions which is considered by the PRC as a primary source of scrutiny topics. However, it is not always clear how the committee's work programme and agendas select and prioritise its work. It could benefit from an agreed methodology to filter, prioritise and select topics for work schedule which would provide an observable rationale for agenda selection.
- 2.6 Similarly, it would also benefit from a closer relationship with the Executive. This would allow it to align closer and play a greater role in policy development and key Executive decisions that deliver the council plan. There is a willingness for this to happen from both the Executive and the Scrutiny Chair.
- 2.7 The Leader and Executive Members do not generally attend the PRC. As the main policy review forum this committee should expect to positively hold the Executive to account and to engage in constructive challenge to ensure open and transparent public accountability. Again, there is a willingness for this to happen.
- 2.8 Membership of this committee totals 5 councillors and might be considered small in comparison with council committees generally and the membership of the Operations Review Committee (11 councillors). Having fewer Members on the PRC may also increase the workload on individual members or restrict its capacity to work effectively. Consideration of the workload and committee membership should be reviewed.
- 2.9 Task and finish work (T&F) is enthusiastically undertaken by the PRC and it is currently completing a couple of T&F groups on the council's Data Security Policy and on its scrutiny functions and arrangements; the ORC has also recently concluded a T&F group review/exercise to map the council's working partnerships. This more in-depth scrutiny can be highly productive and useful to the council. However, it may be beneficial for future tasks to be selected in collaboration with the relevant Executive Member(s) to share ideas and possible scope and where possible to support core council plans and policies. Scrutiny T&F could therefore provide additional

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understanding, insight and evidence that could contribute to overall effectiveness of policies and plans. However, it may also be appropriate, and it is for Members to decide, for scrutiny to explore new or emerging areas of concern or opportunity which affect Hertsmere's communities, even when they sit outside current council consideration.

- 2.10 The Operational Review Committee is chaired by an experienced councillor and committee chair. It has a performance and review remit, which it generally performs well.
- 2.11 It actively explores the efficiency and effectiveness of council functions and evolving partnerships and makes recommendations to the Executive where it believes improvement is required.
- 2.12 The committee holds accountability sessions which involve Executive Members supported by Officers making a formal presentation on their portfolio and answering questions from the committee. This is a useful way to hold the Executive to account. It could also be extended to current decisions and policy development. Currently it appears that Officers are scrutinised as new policies are developed, whereas it may be beneficial if the Executive Member faced the constructive challenge.
- 2.13 Its work programme is generated through several stages of meetings at the start of the municipal year and does include a discussion with the Executive. The work programme is then discussed and agreed by the committee and updated as necessary during the council year. Again, the process of selection and prioritisation for the work programme and agendas is unclear and may benefit from a more structured methodology. This may help its ability to prioritise more concisely and be able to confidently decide what to leave out, to allow more space to focus on the critical topics.
- 2.14 This committee can become heavily burdened as its remit offers a broad scope which can lead to it taking on perhaps more than its capacity can handle. Scrutinising the council's finances, including the medium-term financial plan, capital programme and investment strategy can consume a lot of scrutiny time. Monitoring financial and operational performance, together with commercial partnerships and other external arrangements amounts to quite a large commitment which can leave the committee facing a quality vs. volume dilemma. The solution may not necessarily be to increase capacity but to be more radical in its methods of prioritisation.
- 2.15 Inevitably, scrutiny of items relating to council finance do not seem to be sufficiently explored. This could again be due to an over-busy agenda, but ways to allow more comprehensive scrutiny of budgets and financial matters should be considered. The Committee Chair and Vice-Chair are keen that budget scrutiny takes place earlier in the cycle and has additional support so that Members can engage and contribute more effectively.
- 2.16 Reports presented to the committee can often make demanding reading. Members may find that reports can be quite technical and detailed which may prevent Members from fully engaging. Reports could contain a clear summary with useful scrutiny signposts to assist engagement and effectiveness.
- 2.17 There is good cross-party working and little evidence of political management activity in scrutiny. Generally, Scrutiny Committee Members 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.

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- 2.18 Scrutiny Chairs draw conclusions and consensus together well, although they don't always appear to be able to find strong recommendations or outcomes from their enquiries to offer to the Executive as improvement or challenge proposals.
- 2.19 Whilst trying to encourage public engagement is difficult, exploring and experimenting with ways to allow greater access, openness and involvement could include:
- Simple video recording via website
  - Community listening panels
  - Meetings held in public places
  - Inviting the public to offer ideas for work programmes
  - Greater use of social media channels

### 3. Structure and work programming:

- 3.1 The imbalance between the two committees could be explored further to ensure that the crucial role of both is as effective as possible and adequately supported in terms of membership and specialist Officer advice.
- 3.2 Both Scrutiny committees aim to be strategically focused, but it sometimes falls short. The big, high impact areas embedded in the council's corporate plan are not yet clearly integrated with the work programme of the Scrutiny Committees, especially PRC. Although there is a strong desire to address this. The work programme and agendas could be further filleted to ensure that it is better aligned to the Executive's and Council Plan key deliverables and critical areas of delivery, policy development and investment strategy.
- 3.3 There is a real intent to engage in pre-decision scrutiny. However, for this to add value and help to shape or constructively challenge, pre-decision scrutiny needs to operate more up-stream and look at policy at an earlier stage as things are forming rather than when decisions are imminent. Pre-scrutiny is a key function of scrutiny and it is an area that could be developed further.

For this to work effectively Scrutiny will need greater co-operation and a whole council commitment to integrating scrutiny as part of policy making and decision-making. This may mean that Scrutiny has access to forward decisions, possibly months before they reach final Executive approval. Only then will scrutiny be able to make a positive and constructive contribution.

- 3.4 Similarly, the council has an ambitious investment programme which is geared to providing securing income and financial sustainability as well as supporting economic development. Scrutiny may need to be closer to this important area of council activity. It is recognised that scrutiny does not have sufficient access, within the reasonable constraints of commercial confidentiality, to preview objectives and scrutinise in overview the intent, risk and value etc. of these investments. Given the level of council investment and activity this could - and arguably should - take up more scrutiny time than it currently does. There are ways to shape commercial scrutiny and could be done through some learning from other councils with similar arrangements.
- 3.5 Task and finish groups seem to be used effectively by both scrutiny committees. There appears to be support from Members to use this option to focus on helping to shape

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policy or exploring issues of community concern where the council or its partners may need to respond. 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 to a small number per year (perhaps 1-2), have a detailed scope and timeframe (suggest 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.

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#### 4. Support and resources:

- 4.1 There is a small team of Officers who support scrutiny. They are proactively engaged in helping 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 There appears to have been a fairly recent period of change in roles and personnel who work with and support scrutiny which may have affected its continuity. Hopefully a new structure will provide the necessary stability and specialist skills required.
- 4.3 It is possible that Members could also 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 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.
- 4.4 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 to account' is not used as consistently as it could be. Political accountability is not a regular feature in the committees and more often council Officers are held to account. The principle of scrutiny's duty to hold the Leader and Executive Members needs a refresh and this is widely supported.
- 5.2 A closer working relationship between the two committees would help to avoid overlap and may increase the impact of their joint efforts. This could be achieved by regular fixed meetings between Chairs and Vice-Chairs of each committee. It could also assist if Chairs were either Members of both committees or as a minimum, recognised as observers at each other's committee.
- 5.3 Executive Members do attend Scrutiny to present portfolio reports. However, there is no obvious democratic accountability for decisions, performance, delivery and policy. The Leader and Executive are very supportive of scrutiny and recognise its value. They also seem to support 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 The Chair and Vice-Chair of Scrutiny do meet with the Executive, although this could be done more frequently. Good practice suggests that the Executive meet regularly to discuss and share future plans, to try to build better alignment and ensure that scrutiny is more closely involved in policy and decision shaping.
- 5.5 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.

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5.6 Councillors maintain that they are well connected to their respective communities and are able to bring this knowledge and insight into their scrutiny role.

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## 6. Development, skills gaps:

- 6.1 Hertsmere Borough Council is fortunate to have a strong pool of talent and experience among its Members. Many councillors have relevant backgrounds and experience which brings a very useful set of skills to all areas of the council. Good practice also suggests that Members' interests, experience and background knowledge can also be useful in allocating a spread of skills to committees.
- 6.2 Training and development was 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.

## 7. Contribution, performance and value-adding:

- 7.1 Scrutiny impact is the key issue. There is a lot of scrutiny activity but a sizeable part of this does not necessarily deliver quality outcomes or help to shape and improve.
- 7.2 There is a widely held Member and Officer view that scrutiny is not having enough impact and that its output could be making a positive difference. Much of its role is discussion-based rather than producing ideas, innovation and improvement through constructive challenge. However, some of its performance monitoring activity does add some value.
- 7.3 Scrutiny and the Executive could collaborate further. Scrutiny needs to provide a regular source of quality recommendations to the Executive, and the Executive needs to provide clear feedback so that scrutiny's effectiveness and contribution can be tracked.
- 7.4 Scrutiny at HBC 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 the 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 could add significant impact. This would require a change in practice and access to early information.
- 7.6 Scrutiny is often not clear in what it is trying to achieve or what impact it is aiming to make. Similarly, the process for deciding what is important to scrutinise and what is not, is unclear. Scrutiny cannot look into everything, nor is it necessary to do so, therefore establishing realistic priorities based on clear objectives is essential. It needs to 'let go' of too much operational scrutiny and focus most of its resource on strategy and policy.

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## 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 HBC'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.
- 8.2 **Scrutiny and the Executive needs to work more collaboratively.** This will achieve stronger pre-decision scrutiny, allow greater influence and contribution to policy shaping as well as supplying more high-quality recommendations. A triangulation meeting held bi-monthly could include the 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 independent 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. This would take on a more parliamentary select committee approach.
- 8.4 **Review the responsibilities of the two scrutiny committees.** This should aim to strengthen both committees but also to add clarity about their roles. Also consider the size of membership on both committees. Examine the benefits of having Chairs sit (as observers) on the corresponding committee.
- 8.5 **Explore additional scrutiny of commercial and investment areas of the council.** This could be through a finance and investment sub-committee that scrutinises budget, commercial activity, investment strategy and the medium-term financial plan.
- 8.6 **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.
- 8.7 **Expand public participation and community involvement.** This will strengthen scrutiny and its external focus. Develop the idea of holding more committee meetings in other parts of the Hertsmere District.
- 8.8 **Consider further use of task and finish and other 'set piece' scrutiny techniques.** Focused events or enquiry days can highlight major areas of policy development or community concern.
- 8.9 **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.

Due to the Covid-19 Pandemic and subsequent restrictions, this workshop was postponed until a suitable and safe method to meet could be agreed,

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## Acknowledgments and thank you

The Centre for Public Scrutiny (CfPS) was commissioned by Hertsmere Borough Council 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 Chairs and Vice-Chairs 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 Marie Lowe and Steve Clarke for their help and support in constructing this review.

## CfPS Project Management and Delivery

Ian Parry – Head of Consultancy - [ian.parry@cfps.org.uk](mailto:ian.parry@cfps.org.uk),

Sunita Sharma – Senior Consultant

**Centre for Public Scrutiny Ltd** | 77 Mansell Street | London | E1 8AN

Tel: 07831 510381

Visit us at [www.cfps.org.uk](http://www.cfps.org.uk)

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