Harrogate Borough Council:
Overview & Scrutiny Annual Report
2018/19
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Foreword

Councillor Philip Broadbank

Party: Liberal Democrats
Ward: Harrogate Starbeck

I am pleased to present the Overview and Scrutiny Annual Report for the work undertaken between May 2018 and April 2019.

At the beginning of the year, there was a significant change to the membership of the Overview and Scrutiny Commission. The new members along with the others who had served in previous years undertook the challenge of scrutinising the work and performance of the Council with dedication and commitment. The Commission also examined the work of external parties and organisations including the Police and local health providers.

The report includes a brief summary of the role and responsibilities of Overview and Scrutiny, the work undertaken over the past year and the various outcomes. It has been a busy year for Commission members working on the services affecting the Council and the topics include a broad range of services and their impact on local people and the district. Some of the topics scrutinised were looked at in depth and all members were involved in the process and the outcomes are set out in this report.

It was a challenging year for members and I would like to thank all of them for their involvement and the contribution they made to the meetings and also the work and support of Cllr Margaret Atkinson who took on the role of Vice Chair.

I would also like to thank the Council officers for their support and hard work facilitating the Scrutiny process. A programme of work for the next twelve months has been agreed by Commission members and I am sure that the same dedication will be shown to scrutinise the work of the Council and external partners during the year ahead.

I hope you find the report interesting.

Sincerely,

Philip Broadbank

Councillor Philip Broadbank
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Harrogate Borough Council
Introduction to Scrutiny

- **The Local Government Act 2000** introduced new political systems for local councils, allowing them to have a separate ‘executive’ rather than committee systems (e.g. a Cabinet model similar to central government).

- To provide a counterweight, the Act also introduced overview & scrutiny (O&S), whereby every council with an executive arrangement is required to have at least one scrutiny committee (e.g. a select committee whereby back bench members act as a ‘critical friend’).

- O&S committees also look at the decisions and actions of organisations external to the Council on behalf of the public, at HBC this includes acting as the statutory Crime & Disorder Committee.

**Key principles of scrutiny**

- Provides a **critical friend** challenge to executive policy-makers and decision makers

- **Enables the voice** and concerns of the public and its communities

- Is carried out by **independent** minded governors who lead and own the scrutiny process

- **Drives improvement** in public service

**What Scrutiny does not deal with**

Scrutiny is not able to deal with legal proceedings, individual complaints, or decisions such as planning or licensing. It also does not consider any issues where there are recognised complaints/other procedures such as The Local Government and Social Care Ombudsman or The Information Commissioner.
Snapshot of scrutiny at HBC 2018/19

Structural changes in 2018/19

- **Performance panel ceased** with corporate and financial performance now reported to the full commission quarterly
- **‘All out’ Elections** were carried out in May 2018 (for the first time) and the number of Councillors was reduced from 54 to 40 (elected members serve a four year term)
- **The Commission** membership reduced from 15 to 12

The Commission

At HBC the Overview & Scrutiny Committee is known as the **Overview & Scrutiny Commission**. Fig. 1 shows the commission membership for 2018/19. The Commission can include separate smaller ‘task & finish groups’. These are smaller working groups set up to undertake a specific in-depth review and can involve elected members who are not members of the main Commission. Task & finish groups do not need to be politically proportionate as they must report to the full commission to agree any recommendations. Procedure rules and the Commissions’ terms of reference can be found in part 4 of the councils’ constitution. There is one also Panel within the remit of Overview and Scrutiny, the Councillor Call For Action Panel.

**The Councillor Call For Action Panel (CCFA)** is the body that enables Members to resolve a complicated local issue/problem that has arisen where all other methods of resolution have been exhausted. Progression of any issues through CCFA is at the discretion of the Commission Fig. 2 shows CCFA membership for 2018/19. In 2018/19 no issues were presented to the commission for consideration as a CCFA.
North Yorkshire Scrutiny Officer Network

The Scrutiny Governance & Risk Manager & Scrutiny Officer continued to attend quarterly networking meetings with scrutiny colleagues from all local authorities in North Yorkshire. This included representatives from City of York Council and also this year a representative from the soon to be merged Leeds City Region/York, North Yorkshire & East Riding Local Enterprise Partnerships (LEP)

Key scrutiny issues considered were:
- Changes in legislation and guidance
- Scrutiny good practice
- Governance updates and provision of advice on the proposed LEP merger
- Training and joint working opportunities

THE YEAR IN NUMBERS

15 meetings of the full Commission (11 meetings the previous year) - the constitution calls for at least EIGHT meetings per year

1 informal meeting, 4 task & finish group meetings

83% increase in public attendance at meetings

2 formal training sessions & 1 prioritisation workshop.

5 meetings with external partners/expert witnesses

3 reports to Cabinet
Reviews 2018/19

Freedom of Information (undertaken on behalf of the Public)

This detailed review was undertaken in response to a request from a member of the public and commenced early 2018 following the agreement of a draft scope. The review involved:

- Consulting with appropriate officers and external witnesses
- Background research
- Analysis of the Freedom of Information (FOI) log
- In depth benchmarking against authorities with a similar governance arrangement
- Detailed comparative work undertaken with the assistance of Craven District Council
- Public consultation
- Submission of FOI requests as a “mystery shopper”

The Commission is grateful to all those who contributed to this review.

Recommendations are summarised in Fig. 1. The Commission reported to Cabinet 27 March 2019.

Implementation of the recommendations is progressing and will be co-ordinated with the current work of the customer services task & finish group.

Website improvements
Creation of a central FOI log
Implement required changes relating to social media
FOI compliance statistics included in performance reports
Other practical/process driven recommendations intended to improve consistency of responses
Bracewell Homes Ltd.
The Head of Housing & Property (HoHP) and the Cabinet Member for Housing and Safer Communities attended on 3 March 2019. The HoHP gave a verbal update to the Commission on the Harrogate Borough Council Housing Company (Bracewell Homes Ltd). The creation of a housing company has been in the pipeline for several years and was approved by Cabinet January 2019.

Bracewell Homes Ltd. would allow for increased levels of commercial capabilities in terms of development, ownership and letting of privately rented homes both within and outside the district.

The Commission asked for details of the makeup of Bracewell’s Board of Directors and shareholders. On the subject of social and affordable housing clarification was provided that the Housing Revenue Account would still be the provider with Bracewell being a separate commercially minded entity, it was reported other local authority housing companies had encountered difficulties trying to combine social and commercial agendas.

When questioned about planning approvals the Cabinet member explained the best way to avoid any perception of bias was to be completely open and transparent with each application submitted.

It was agreed that a follow-up report on the first year of Bracewell Homes Ltd would be brought back to the Overview and Scrutiny Commission in April 2020.

Ultra-Low Emission Vehicle Strategy
Also in March 2019 the commission welcomed the Strategic Transport Planner and the Cabinet Member for Sustainable Transport to present the proposed Ultra-Low Emission Vehicle Strategy (ULEVS). This strategy forms a key part of HBCs Air Quality Action Plan.

The Q&A session included:
- **Specific sites** – the strategy is flexible and can adapt to local needs
- **Charging for HGVs** – technology in relation to HGVs is still in its infancy and unlikely to have an impact during the timespan of the ULEVS
- **Electric charging points in new developments** – already conditioned as part of the planning process and included in the strategy
- **Types of charging points** – this would vary on the location with rapid/fast charge points in town centres and trickle/slow chargers provided at workplaces or residential sites

- **Charging points at council-owned sites** - work is ongoing to assess the potential for charge points at a range of HBC owned locations

The addition of timelines to the action plan was suggested and the Overview & Scrutiny Commission were happy to support the Ultra-Low Emission Vehicle Strategy praising the thoroughness of the report presented.

Customer Services (ongoing)
“To review the performance of customer services at Harrogate Borough Council to meet the corporate priority of ‘excellent public services’ by following the customer service journey”

Chair: Councillor Paul Haslam
Membership: Councillors Chris Aldred, Nick Brown, Pat Marsh, Samantha Mearns, Nigel Middlemass

This group was set up in September 2018 and is currently finalising recommendations before commencing the reporting process.
Call in

When a key decision is taken it can be ‘called in’ within 5 working days of the publication of the decision notice. Once ‘called-in’ a meeting of the commission is arranged with the decision maker.

On Monday 24 December 2018 the decision agreed at Cabinet on 12 December 2018 to transfer land at Spa Lane from the general fund to the housing revenue account for the construction of temporary accommodation for single homeless persons was called in.

Reasons cited for the calling the decision in for scrutiny were:

- Choice of site
-Clarification of proposed security measures

The Commission met on 14 January to consider the call in, there were two potential outcomes:

- The Commission agreed with the decision and it became effective on the date of the Commission meeting
- Or,
- The Commission did not agree with the decision and, either:
  - a) referred the decision back to the decision maker for reconsideration
  - Or,
  - b) referred the matter to full Council

Evidence was received from the Leader and Cabinet Member for Housing and Safer Communities about the decision, providing details of the following:

- Who would use the facility
- Site selection and other sites considered
- Staffing and CCTV provision
- The Council’s responsibilities to provide emergency accommodation for rough sleepers under the Severe Weather Emergency Protocol

The Commission resolved unanimously that it had no concerns and the decision was implemented. It was noted that the local community has always supported issues of this nature and that any queries from local residents could potentially have been mitigated by providing more information about the proposals at an earlier stage.
Crime & Disorder scrutiny

Harrogate Borough Council's Overview & Scrutiny Commission acts as the statutory Crime & Disorder Committee for the district. In 2018/19 this Committee met twice, on 1 Oct 2018 and 15 April 2019 to discuss local crime and disorder matters.

The commission also hosted two special meetings attended by the Chief Constable and the Police, Fire & Crime Commissioner, here our partners shared details of their strategic approach to policing, the fire service & changes in governance arrangements.

The commission continues to be grateful to all these key stakeholders for their involvement in scrutiny meetings at HBC and hopes to build on these partnerships in future years.

North Yorkshire Police

The commission undertakes analysis of performance data provided by NYP on a monthly basis and receives regular reports detailing current local operations and their associated successes and challenges faced.

These meetings also provide the opportunity for Councillors to bring forward any crime and disorder related issues on behalf of residents.

Harrogate District Community Safety Group

On matters relating to community safety, the scrutiny function has a role in reviewing the work of the community safety partnership (CSP). This is undertaken when the Commission acts as the Crime and Disorder Committee and in partnership with North Yorkshire Police. View the Safer Harrogate District Annual Report here.

Harrogate District Community Safety Group Priorities 2018/19

- Development of the Community Safety Hub
- Delivery of the Cannabis Action Plan
- Tackle Anti-Social behaviour / Dealing with Young People Coming to Notice
- Utilise the tools & powers available
- Review of the Alcohol Restricted Zones (Harrogate & Ripon)
- Respond to emerging issues & provide reassurance, including Days of Action
- Explore funding opportunities and maximise resources available
At an annual special meeting of the Council on 10 December the commission welcomed Chief Constable Lisa Winward. The Chief Constable had been in post since August 2018 and was seeking to deliver against the police and crime plan with a focus on early intervention and policing in the community.

A number of key priorities in the plan were highlighted:-

Financial pressures – NYP faced financial pressures due to the requirement to make £10 million revenue savings in four to five years.

Caring for the vulnerable – This meant providing specialist service, police officer support and investigation to detect and protect from further harm.

Ambitious Collaboration – NYP working with partners through a place based approach.

The commission welcomed the Police Fire & Crime Commissioner to a special meeting on 29 October 2018. Areas considered included:

- NYP budget and staffing
- Governance changes within the Fire & Rescue service
- Anti-social behavior, burglaries, speeding, county lines & rural crime issues in the district
- 101 service - additional funding and performance
- Concerns about increasing demand on the police to provide mental health support
- PCC Annual Report 17/18
- FOI & subject access requests
Health 2018/19

The primary aim of health scrutiny is to act as a lever to improve the health of local people, ensuring their needs are considered as an integral part of the commissioning, delivery and development of health services. Local authority Overview and Scrutiny of health is an important part of the commitment to place patients at the centre of health services.

1. West Yorkshire & Harrogate Health & Care Partnership

The commission hosted a special meeting on 27 June 2018 welcoming Amanda Bloor, Chief Officer at Harrogate and Rural District Clinical Commissioning Group and Wallace Sampson, Chief Executive HBC, to provide an update on the work of the WYHHCP. See Fig. 1. ‘Our Vision’.

Highlighted was Harrogate Borough Council’s role in this partnership:

- To support the wider health prevention and wellbeing work with leisure and housing services as examples of borough council functions that contribute to the health prevention and wellbeing agenda.

2. North Yorkshire Scrutiny of Health Committee

The Council has a representative from the Commission on North Yorkshire County Council’s Scrutiny of Health Committee which has the lead responsibility for health scrutiny in the district. This committee aims to improve the health of local people with a focus on examining health care in the context of the wider determinants of health, addressing the needs of local communities and inequalities. In 2018/19 the Scrutiny of Health representative for Harrogate Borough Council was Councillor Ann Myatt who updated the Commission about local health issues considered by the Committee.

Fig. 1
3. Director of Public Health for North Yorkshire

On 28 January 2019 The commission welcomed North Yorkshire’s Director of Public Health Dr Lincoln Sargeant to present his annual report. The ‘Back to the Future’ report is available at Appendix C.

A number of key issues were considered:

**Deprivation areas** - Deprivation in North Yorkshire as a whole was relatively low, however, in the Harrogate district the Woodfield ward was in the lowest 20% nationally.

**The aging population** - There had been a growth in the number of people living in the county who were over 85 and this would continue.

**Reduction in the working age population** - In the future there could be more people dependant on the working population than are in the working population.

**Life expectancy** - The life expectancy of a male living in Woodfield ward was over ten years shorter than that of a male living in the Bishop Monkton and Newby ward. The illnesses that contributed most to the life expectancy gap were circulatory and respiratory illnesses as well as cancer.

**Children living in poverty** - Whilst Harrogate had the lowest rate of child poverty, it had the second highest number of children in poverty in the County.

The commission agreed to support the report, particularly the three recommendations:

- Reduce inequalities
- Improve mental health
- Embed a public health approach
Budget Scrutiny 2018/19

In addition to the consideration of current financial and performance/expenditure the Commission considered the draft budget proposals (and therefore Council Tax levels) for 2019/20 and indicative budget for 2020/21 before it was agreed by council. This budget scrutiny process is undertaken each year and starts with consideration of the Medium Term Financial Strategy 2019/20 in July which provides the parameters for the following year’s budget. This also allows the consideration of the major financial challenges facing the council, which need to be addressed in the following years’ budget and subsequent years. As part of the main budget scrutiny in January each year, an informal meeting is held which considers in detail the proposed budgets for each service area, any queries resulting from this detailed consideration are resolved prior to the formal consideration of the following year’s draft budget.

At the formal budget consideration meeting (also in January) a review of the overall draft council budget is undertaken. This enables each Cabinet Member to introduce their budgets, explain any changes and respond to queries. See Fig. 1 below. Following scrutiny of the budget Cabinet and Council accepted recommendations from the Commission when approving the budget for 2019/20 and the indicative budget for 2020/21.

**Fig. 1: an illustrative timescale of budget scrutiny (two year cycle)**
Performance Scrutiny 2018/19

One of the key roles for Overview and Scrutiny is to consider council performance, previously this work had been undertaken by the Performance Panel but this year scrutiny of council performance was undertaken by the main commission. Performance was considered quarterly and reported by the Business Intelligence & Performance Manager together with financial performance information a separate report from the Commission was then considered by Cabinet.

“Scrutiny members should have access to a regularly available source of key information about the management of the authority – particularly on performance, management and risk. Where this information exists, and scrutiny members are given support to understand it, the potential for what officers might consider unfocused and unproductive requests is reduced as members will be able to frame their requests from a more informed position.” – Ministry of Housing, Communities & Local Government. Statutory guidance Overview and Scrutiny: statutory guidance for councils and combined authorities. Published 7 May 2019

The commission would like to thank all the services, teams & individuals for their hard work and valuable contributions which are reflected in the overall positive performance reports received, also thanks to all officers & Members involved in performance scrutiny over the last year.

Performance 2019/20: end of year performance was considered by the commission 3 June 2019 with a report going to Cabinet 26 June 2019. The commission has undertaken training with a view to improve the effectiveness of questioning around reports and will be monitoring outcomes on an ongoing basis.
In challenging financial times, rigorous topic selection and prioritisation, and openness to creative approaches in order to make best use of resources are also vital components.” – Centre for Public Scrutiny – Scrutiny Frontiers 2019

The Commission will formally respond to recently published statutory guidance for O&S. One of the focuses of this guidance is culture and the role of scrutiny, as such the Commission would seek to begin to address this - within the particular context of the organisation and the needs of local residents.

The council took part in a Local Government Agency peer review challenge in 2018, where the scrutiny function was commended for supporting policy and service developments. The response suggested becoming more outcomes focused and a closer alignment with the Councils corporate plan – the Commission will continue to evaluate its effectiveness and look to take a more systematic approach to following up on outcomes. The make-up of the Commissions work programme will continue to be determined by its Members. See Fig. 1 for an overview of ambitions for the coming year.
Annu
al Report 2018/19: Overview & Scrutiny

Scrutiny now

Statutory guidance May 2019

New statutory guidance was released by the Ministry of Housing, Communities & Local Government in May 2019. The commission is taking regard of this guidance and will be producing a report based on its content with recommendations specific to scrutiny arrangements at Harrogate Borough Council.

Centre for Public Scrutiny ‘The Good Scrutiny Guide’ published June 2019

The Centre for Public Scrutiny is the leading centre of expertise on governance and scrutiny, Harrogate Borough Council’s Scrutiny, Governance & Risk Manager was a consultee on the draft of this guide, intended to be a practical reference document for any organisation involved in the operation of overview and scrutiny.

2019/20 Work Programme:

The commission recently held a prioritisation workshop and will be agreeing new items for the work programme from July 2019, the work programme will be considered at each meeting and remain ‘live’ to allow the commission flexibility to respond to any current issues.

Commission 2019/20

Following the annual meeting of the council the commission welcomed a new Chairman, Councillor Chris Aldred and a new Vice-Chairman, Councillor Sam Gibbs.
The commission meets roughly once a month, usually on a Monday evening at 17:30 at the Civic Centre. Like most council meetings they’re open to the public (occasionally meetings may involve exempt/confidential information in which case members of the public may be asked to leave for a short time whilst this is discussed).

Often it is the elected members of the Commission who will act on behalf of residents but members of the public can get involved directly by:

- Attending meetings or viewing the documents available online
- Suggesting an item of work for the commission
- Submitting a question 48 hours before a meeting
- Giving notice to speak on an item on the agenda