

# **Policy Development & Scrutiny Annual Report**

## 2021- 2022



## Foreword - Cllr Karen Warrington

This year has continued to be busy as the panels navigate through the pandemic and ensure that we collectively continue to investigate areas that are of concern for residents, particularly surrounding our recovery plans and on reflecting on the lessons learned on our response to the Pandemic.

May I also take this opportunity to thank everyone who has played a part, no matter how small, in contributing to the work of the Council's three scrutiny Panels 2021/22. Collectively, Members have risen to the ongoing challenges and adapted our procedures and practices to focus scrutiny resources on the areas where we can make the most Impact.



To conclude, although this year has continued to be challenging in our attempts to prioritise our workplans and identify where scrutiny can make the most value. I would like to take this opportunity to thank my Scrutiny Member colleagues for their support, flexibility, and commitment during this period. This also includes my fellow Chairs & Vice Chairs who have been working on how to continuously improve the efficiency and effectiveness of the work of the panels and have sought to implement the recommendations suggested, following the 'Good Governance in Scrutiny' session, attended by members and officers in September 2021. I would also like to extend thanks to Cabinet, residents, businesses who have contributed, and specifically those council officers without whose support we would not be so effective.

I believe that this report provides a flavour of some of the continued excellent work that the Policy Development & Scrutiny Panels have done this year.

**Cllr Karen Warrington**  
**Chair of the PDS Chairs & Vice Chairs Group**

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## ■ Key information about Scrutiny

The Overview & Scrutiny function is known as Policy Development & Scrutiny (PDS). The function consists of 3 PDS Panels

- Climate Emergency & Sustainability Panel
- Corporate Panel
- Children, Adults, Health & Wellbeing Panel

### Scrutiny's Role

- To make recommendations to the Cabinet or Council
- To act or challenge as a critical friend to the Cabinet
- Panels do not make decisions about council policies and services
- Panels do not deal with individual queries or complaints; or investigate planning or licensing decisions.

### Meetings

- Are open to the public to attend
- Typically last 2-3 hrs
- Meet regularly (during daytime and evenings)
- Have a formal structure, but are run in an accessible way
- Papers published at [www.bathnes.gov.uk](http://www.bathnes.gov.uk)

### Residents and stakeholders can get involved by

- Attending public meetings
- Giving evidence to one of the panels
- Sending in comments about a review
- Watching the meetings in full on our YouTube channel  
<https://www.youtube.com/user/bathnescouncil> – either live or afterwards

# 2

## Key successes for 2021 - 22

### Summary of the main achievements of Scrutiny during 21/22

- The Panels have continued to be busy throughout the COVID Pandemic and have [carefully monitored the impact that this has had on front line services and on our budget](#). The Panels had 22 formal meetings scrutinising 68 items during this year, including one call-in meeting and one Scrutiny Inquiry Day, which was a virtual meeting involving a wider variety of partners and key stakeholders.
- [Members have continued to adapt to the 'virtual' meeting setting due to the COVID Pandemic](#). However, moving into 2022 and as the restrictions for COVID were slowly lifted the Panels have now started to return to public facing meetings and have started to engage as they would have done pre pandemic, which will also hopefully improve public engagement.
- [The Panel members have looked to continually improve the effectiveness of the scrutiny function and have undertaken a 'Good Governance in Scrutiny Session'](#) to look at where we can improve what we do. The feedback and recommendations from this session are detailed within this year's annual report. The continuous improvement of Scrutiny within B&NES Council will now be considered annually by the Chairs & Vice Chairs group.
- The Children's Adult Health & Wellbeing Panel have experienced difficulty in prioritising many items, including some that were delayed from being scrutinised due to the COVID Pandemic. This resulted in several Panel meetings that had longer agendas than normal. [Moving forward into 2022, the Panel will now be trialling a new approach of alternating the focus of Panel meetings between Adult and Children's Services](#). This will result in a few extra meetings throughout 2022 with a 6-month review of its effectiveness, which will be reported in next year's Annual Report.
- [The Chairs & Vice Chairs have also been developing ways of improving the questioning of report authors at Panel meetings](#) with some Panels requesting a two-question rule to help manage Panels' meeting time effectively and further questions sent to officers in advance of the meeting so that they can come prepared with answers.

# 3

## Good Governance in Scrutiny Session

The LGA team were invited to Bath and North East Somerset Council (B&NES) on the 1<sup>st</sup> of September to present a session on Good Governance in Scrutiny. This followed a resolution at a Council meeting held on the 10<sup>th</sup> of September 2020 that '*Council welcomes the opportunity to consider this annual PDS report and, in the interest of continuous improvement, requests an external peer review by the LGA of the Council's approach to scrutiny and policy development and the particular effectiveness of the current panels*'.

The session was attended by 2 Cabinet members, 9 Scrutiny members and 16 officers.

### Feedback from the session included: -

- There is a good understanding of the basics of scrutiny amongst members and officers.
- The importance of scrutiny being about taking the opportunity to influence rather than having power, and to focus on outcomes that would have impact.
- Members were reminded of the need to use evidence in their recommendations to increase the credibility of scrutiny.
- That a robust process for agenda planning and prioritisation would address any work planning concerns. The use of the prioritisation matrix must also be used consistently across all three Panels.
- The importance of building relationships and trust across the council for Scrutiny to be effective.

### The following recommendations were considered: -

1. **A Cabinet Forward Plan, including appropriate detail, is essential to allow Scrutiny to have early involvement in policy development and pre-decision input. A business plan for the council that gives a timeline for significant pieces of work or decisions will be similarly helpful and allow Scrutiny to be engaged early in the process.** - The Corporate Panel will be considering how Performance Management Reporting can be scrutinised more effectively by the panels in 2022. However further work on ensuring early involvement in Policy Development still requires future work planning.
2. **Use the Prioritisation Matrix form to assist with agenda planning. A consistent approach will ensure that the Panels make best use of their limited time and resource. The form will support working across Panels and ensure a fair approach in dealing with all requests for agenda items, both internally and externally – All three Panels are now using the priority Matrix form for new item requests to help prioritise their workload.**
3. **Monitor the work undertaken by Scrutiny, to evidence the impact of Scrutiny outcomes and support the prioritisation and agenda planning activity.** – A spreadsheet has been developed to record and monitor the items that are scrutinised by the Panels and to help track the outcomes of decisions or considerations.

# 4.

## Snapshot of the work of the Climate Emergency & Sustainability Panel

During 2021 the Climate Emergency & Sustainability Panel have continued to adapt to the effects of the COVID Pandemic and adjust their workplan to accommodate emerging plans. They have also continued to balance these time critical items against the priorities that the council is committed to delivering.

At the June 2021 Panel meeting members listened to an officer's presentation on Climate Emergency with a focus on our Area Carbon Footprint and Performance monitoring. This ensured that the Panel members understood the Council's progress towards the actions taken against the 2019 commitments. The Panel also requested that the Cabinet Member reports back with some specific goals and target dates at a future Panel meeting and requested a greater focus for future Annual progress reports setting out specific measurable actions that can be carefully monitored by the panel in the future.

The Panel scrutinised the Council's proposals for investment in Neighbourhood Services at its March 2022 meeting and carefully considered how we can communicate and engage with communities further on our clean and green activities. The Panel made several comments and suggestions on the 11 priority activities which were forwarded to the Cabinet Member for Neighbourhood Services and relevant officers to consider in their future planning.

The Chair & Vice Chair have been carefully forward planning their 2022 workplan and have scheduled items that will cover the various detailed aspects of the work that we are delivering on our Climate Emergency and Sustainability commitments and following an agreement at a Chairs & Vice Chairs meeting the Panel will also now scrutinise the Housing and Transport issues of the West of England Combined Authority alongside the scrutiny of our local transport and housing issues. This work will now be showcased in future Annual Reports.

### Items Scrutinised by the Panel 2021—2022

- Climate Emergency (Area Carbon Footprint update and Performance Monitoring)
- Climate Emergency Procurement Strategy
- Liveable neighbourhoods Update
- Clean Air Zone Update
- Development of Neighbourhood Services
- Progress Report on the Local Plan Partial Update associated supplementary planning documents and the WECA Spatial Strategy
- Final Strategy for Planting Trees in B&NES
- 22/23 Draft Budget Assumptions
- Council House Building Programme
- Air Quality Update
- Draft Annual Report – Climate Emergency
- Neighbourhood Cleansing
- City Region Sustainable Transport Settlement
- Journey to Net Zero - Reducing the Environmental Impact of Transport in Bath

# 5.

## Snapshot of the work of the Children, Adults, Health & Wellbeing Panel

This year the work of the Children, Adults, Health & Wellbeing Panel (CAHW) has continued to be busy. The impact of COVID has continued to place pressure on prioritising the workload of the Panel as some delayed items have been looked at during 2021 and the scrutiny of these items have resulted in longer Panel meetings.

The Panel continued to receive regular updates on progress of the 'shaping a Healthier Future', which was formally the New Hospital Programme. The Panel provided the opportunity for public engagement on its business case and progress. At the January 2022 Panel meeting, members of the Panel also scrutinised the Music Service and were assured that previous key areas of weakness in the delivery of the service have been addressed and that the service now needs to have its future secured for the long term. The Panel agreed the proposal for B&NES Music Service to join a West of England Music (and Arts) Alliance; a tri-hub music alliance (shared service) between B&NES, North Somerset, and South Gloucestershire. During 2021/ 22 the members have also been understanding the adverse impacts of COVID on the B&NES workforce and have heard from officers on the research that they have been doing to understand the impacts and identifying any differences between men and women. This has been an opportunity for members to learn from the Pandemic and to inform future decision making.

The Panel have also been regularly kept informed of the commissioning of Virgin Care Services since March 2021 and have requested a specific focus for each report to Panel to be carefully monitored and made recommendations to Cabinet on the extension of its contract. However more recently the Panel have been consulted on the transfer of this contract with HCRG and what the new arrangements will now look like.

Moving forward, the Panel will ensure that every item adds value, whilst balancing the items between Children and Adults. The Panel will pilot rotating the meetings between Adult and Children and reviewing its effectiveness in early 2023.

### Items Scrutinised by the Panel 2021—2022

- Narrowing the Education Gap
- Exploitation
- Corporate Parenting
- Food Insecurity
- Adoption West Annual Scrutiny Report
- Shaping a Healthier Future (Formally New Hospital Programme)
- Complaints & Feedback Annual report for Adult Social Care 2020- 21
- Community Mental Health Services Framework
- Complaints & Feedback Annual report for Adult Social Care 2021-22
- Adverse effects of the impact of COVID on women
- Virgin Care Update
- Health & Social Care Bill ICS Update
- Regional Schools Commissioner Presentation
- Virgin Care Contract Extension - Option Appraisal
- B&NES Community Safety & Safeguarding Partnership Annual Report
- Independent Reviewing Officer (IRO) Annual Report
- The Impact of COVID on the B&NES Workforce
- Draft Budget Assumption 2022/23
- Music Service
- Adoption West Contract Extension
- HCRG -Report on Children's Community Health Service

# 6.

## Snapshot of the work of the Corporate Panel

As we move out of Covid the Panel have been looking at the work that the Council has been doing on preparing for the future and reviewed the upgrading work at the Keynsham Civic Centre as well as at our other office accommodation scrutinising any equalities issues and any cost implications. Panel members have also been monitoring staff feedback and recruitment and retention issues as we prepare for the future and moving towards 2023.

The Panel have also been kept up to date with the Community Contribution Fund which was launched in March 2021 to enable residents to donate funds to support local causes. The fund has reached a sufficient level where grants can now be awarded. This followed the scrutiny of the original development of the CCF at the September 2020 Panel meeting when members resolved to report back to Council with recommendations on how a Community Contribution Fund might work in practice.

Alongside detailed briefings on key topic areas that will have a wider impact on the delivery of our services, such as the emerging digital data and Technology Strategy the Panel continued to monitor and scrutinise the medium-term financial plans and draft budget setting at its meeting in January. Moving forward, the Panel would like to have a greater understanding of Performance Management Reporting with a focus on understanding our KPI's, narrowing down possibly 3-5 KPI's to monitor how the Council are delivering in certain areas.

The Panel also took the lead in a Call-in meeting in June on the mission theatre which is highlighted on the next page of this year's Annual Report.

### Items Scrutinised by the Panel 2021 -2022

- Call In Decision Mission theatre – CAT
- Corporate Strategy
- Customer Contact
- Emerging Digital Data & Technology Strategy
- Preparing for the Future
- Costs of Delivering Highways Safety Infrastructure
- Planning Gain
- Integrated performance Framework Measures
- Medium Term Financial Strategies
- Draft Budget Assumption 2022/23
- Economic Development
- Draft Budget
- Community Contribution Fund Progress Report
- Council Budget
- People Strategy
- Preparing for the Future
- Corporate Risk Register

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## Call-in of a decision

### What is a call-in?

Scrutiny legislation allows for a Scrutiny Panel to investigate, make reports and recommendations on Cabinet decisions that have been agreed but not yet put into action. Legislation allows for action on these decisions to be suspended pending such a Scrutiny investigation. This process is referred to as a scrutiny 'Call-in'. Following any scrutiny call-in, the Scrutiny Panel may request Cabinet reconsider its decision on the basis of the further evidence gathered.



The Corporate Panel reviewed one Cabinet decision during the period 2021/22. The call-in meeting took place on June 14th, 2021, on the decision regarding the Mission Theatre Community Asset Transfer which reviewed the original Approval agreement to delegate authority to the Head of Estates to;

- complete the disposal of Mission Theatre by way of a lease in line with the draft Heads of Terms.
- abate the rent to a peppercorn subject to Next Stage Theatre Company satisfying the Council that they will use the building for the purposes set out in their Business Plan.
- The CAT is offered on a lease term of 99 years. The transfer will take place on the basis of the current condition of the building and liabilities for maintenance will be the responsibility of NSTC.
- This proposal is in line with the Council's policy regarding Community Asset Transfers the aim of which is to help secure community benefits in line with the Council priorities and objectives.

The call-in notice received objected to this decision on the following grounds:

1. There has been no opportunity for elected members to scrutinise the proposal.
2. The report is limited and does not demonstrate how the council arrived at this decision based on a request from a private company to be given our asset.
3. Why an Asset Transfer? In this case it seems to be a sledgehammer to crack a nut. There is an existing lease arrangement that the private company running Mission Theatre have been adhering to. That could have been amended to reflect any financial support being offered.
4. Is the existing lease 'full repairing', if so, the onus is on the building occupiers to meet the repair and update costs. They are fund raising to meet that obligation.
5. We need reassurance that we will avoid a situation arising in the future.

6. In the context of the redevelopment of Bath Quays it seems premature to be relinquishing this building for 99 years when its future may be part of the new development.

To assist in their deliberations, the Corporate Panel received a range of written and verbal evidence, interviewed the Cabinet Member for Resources, Council officers, and a representative Councillor, on behalf of those Councillors who signed the request to review the decision for the call-in.

However, after a detailed discussion and debate the Panel voted to dismiss the call-in and allow the decision to be implemented.

The minutes of these meetings can be found on our public website.

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## Community Involvement



Our PDS Panels work closely with a wide selection of groups, organisations, and individuals. We welcome the opportunities to hear from members of the public at our Panel meetings whose input is important in understanding the concerns and needs from our community.

In the past, individuals, campaign groups and local organisations have been involved in our Call-in meetings, presented at Scrutiny Inquiry Days, fed into scrutiny review work, and provided briefings to inform Panel members on key topics.

Without positive, trusting and mutually beneficial relationships, the work of the PDS Panels would not be nearly as valuable.

### How to get involved in scrutiny

- **Attend meetings** - All our scrutiny meetings are open to the public and you are welcome to come along and listen to the debate and discussion. Please note that reports may be considered in private if they contain confidential information.
- **Ask a question or make a point** - All we ask is that if you want a formal detailed response, please let us have details of the question five days in advance.
- **Present a petition** – You can present a petition to a meeting.
- **Request a review** - If there is something you think scrutiny should look at, then let us know. Contact a Scrutiny Chair or Member of the Panel/ Committee or contact Scrutiny directly.
- **Consultation and participation** - You could be asked for your views on an issue or be invited to provide specialist knowledge you might have by being a witness in a scrutiny review. You are also free to offer your knowledge on any on-going reviews.
- **Watch the meetings in full on our YouTube channel** - <https://www.youtube.com/user/bathnescouncil> – either live or afterwards

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## ■ Contacts

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If you require this document in a different format (such as Braille, large print etc.) or have any further comments on this report or any aspects of the work of policy development and scrutiny, please contact us.