

Audit and Standards Committee

23 March 2023

Scrutiny Review Update

Recommendation

That the Audit and Standards Committee notes and comments upon the progress made on implementation of the Scrutiny Review Action Plan and the plans for the continued development of the Council's approach to scrutiny.

1. Executive Summary

- 1.1. In February 2020, the Council commissioned Dr Jane Martin CBE to review how the Council operated its scrutiny function and to advise on improvements that would build on the statutory guidance and assist the Council to deliver on its objectives.
- 1.2. Dr Martin reported back in October 2020 and the recommendations were considered by the four Overview and Scrutiny Committees. The feedback from members was considered in light of Dr Martin's report and additional guidance from the Centre for Governance and Scrutiny (CfGS) and informed a final set of proposals that were considered and endorsed by Cabinet at its meeting of 9 September 2021.
- 1.3. Those recommendations were then considered and approved at Council on 14 September 2021 and were also considered by this committee subsequently at its meeting on 24 September 2021. The agreed proposals have largely been implemented and the table at Appendix 1 indicates the current status of each proposal.
- 1.4. The outstanding activity relates to the agreement and introduction of a "Statement of Behaviours" around Scrutiny. This is currently intended to form the backbone of a workshop training event focussed around how to be an effective scrutiny committee and is currently programmed for May 2023, following the Council AGM, with Overview and Scrutiny Committee (OSC) members and other interested members.
- 1.5. In preparation, officers have considered the recommendations of Dr Martin and the guidance available from the Centre for Governance and Scrutiny to prepare a draft set of principles for how Warwickshire could approach scrutiny activity in all its forms. That set of principles focuses on making scrutiny "collegiate, constructive and challenging" whilst emphasising the need for independent ownership and for scrutiny activity to be focussed on driving improvements and linking to the Council Plan objectives

1.6. The draft principles further emphasise the nature of scrutiny as a critical friend challenge, and provide for an agreed statement against each of the areas highlighted by Dr Martin:

- Working in Partnership;
- Being Purposeful;
- Willing to Challenge;
- Seeking Transparency;
- Parity of Esteem;
- Performance Holds the Key;
- Focus;
- Behaviour; and
- Progression and Growth.

1.7. The intention is that the draft principles will form part of a wider discussion with members around the purpose of scrutiny, the guidance on scrutiny and the desired Warwickshire approach. It is intended that the workshop will enable members to coalesce around a set of statements that reflect this approach.

1.8. Given the wide range of scrutiny activities, it is difficult to provide a simple view on how to measure success. In its guide, the Centre for Governance and Scrutiny warns that the monitoring of recommendations made by scrutiny can easily become an industry. To ease this process, the guide recommends that the emphasis should be on recommendations that are effectively drafted and sufficiently clear – “smart” objectives that should improve the measurability of outcomes.

1.9. Taking the guidance on board and in order to shape recommendations in a more measurable way, Democratic Services have updated the template for scrutiny reports (a copy is attached at Appendix 2). This has enabled a more consistent approach to reporting back to Cabinet and has been welcomed by members. The annual overview and scrutiny report to full Council also pulls out the key recommendations, outputs and topics considered by the committees and Task and Finish Groups. Once recommendations are approved, they are fed back to relevant services to action and the oversight of implementation then forms part of the general, ongoing work of the relevant committee.

1.10. One measure of the success of the review itself can be seen in the increase in matters taken (or programmed to be taken) to scrutiny prior to decision by other committees. Examples include:

- The work of the Task and Finish Group looking at the possibility of 20mph speed limit introduction;
- A review of School Keep Clear Enforcement Zone recommendations prior to a decision of the Portfolio Holder;
- A review by the Electric Vehicle Charging Point Task & Finish Group;

- The Levelling Up Approach for Warwickshire, which was considered by all OSCs in June 2022, ahead of consideration by Cabinet;
- Consideration of the move to the Integrated Care System (ICS), engagement with the Committee on the Integrated Care Partnership Strategy and associated plan;
- The consideration of South Warwickshire University Foundation Trust's Community Hospital inpatient review;
- An additional Adult Social Care and Health OSC in Feb 2022 to focus on the introduction of the ICS; and
- (Subject to consideration of the pre-election period limitations) the draft Sustainable Futures Strategy.

- 1.11. Joint scrutiny committees are also held to consider cross-cutting issues where two or more OSCs come together to discuss areas of common interest. Examples include Communities and Adult Social Care & Health (ASC&H) OSCs looking at equality aspects around health, education and economy & skills, and the Children and Young People and ASC&H OSCs meeting together periodically to review progress from a review of the RISE service (children and young people's mental health service). In the arena of health, there are also ongoing examples of joint scrutiny work with neighbouring areas where the Council's ASC&H OSC is represented on health service reviews affecting Warwickshire residents. There are currently two joint health overview and scrutiny committees (JHOSCs). One covers Coventry and Warwickshire which is the 'footprint' for the Integrated Care System area. The other JHOSC is led by Oxfordshire County Council, involving representatives from both Warwickshire and Northamptonshire, recognising that patient flow is not coterminous with county boundaries.
- 1.12. There are other ways of monitoring the impact of scrutiny. Considering the views of members and officers, considering the number of Task and Finish Groups completed, the number of recommendations that have been adopted, and in specific circumstances where the scrutiny activity was intended to make a quantifiable change (such as increasing the number of people taking up a service for example), measuring that change.
- 1.13. Regarding measurability of the effect of scrutiny, we are continuing to refine the way in which recommendations are made to enable a more quantitative approach to measuring outcomes and outputs from scrutiny activity. This forms part of our continuous improvement approach. Although the specific recommendations are now largely complete, it is important to keep the approach under review and consider ways to enhance scrutiny activity. More specifically, we are using the updated scrutiny report template to drive better recommendations that can be monitored and reported on and are working on Phase 2 of our training and development review (referenced in Appendix 1). Alongside this we are continuing the focus on work plans and using the outputs from continued developments around Integrated Planning to inform future scrutiny topics.
- 1.14. The meetings held with lead members in between the formal committee meetings help to shape the OSC work programme to ensure responsive

capacity. The ASC&H OSC includes partners in these meetings so that members are briefed on forthcoming consultations for pre-decision scrutiny. It ensures the provision of timely briefings and other updates between committees, adding capacity and providing members with much needed information given the broad range of topics within this Committee's remit. This extends to joint work with Coventry City Council where there are service reviews affecting Coventry and Warwickshire health services, an example being a recent major review of stroke services.

- 1.15. The involvement of external stakeholders and partners was also flagged within the review and is an important element of effective scrutiny. There are many examples of such engagement with the Care Quality Commission, Coventry City Council (joint health scrutiny), Oxfordshire County Council (joint health scrutiny), District and Borough Councils (co-opted representation on relevant committees), Healthwatch Coventry, Healthwatch Warwickshire, NHS England and NHS Improvement all taking part in various OSC activity over the past year.
- 1.16. The other role of OSCs is to consider decisions of the Executive that are "called in". How each OSC approaches those call-in sessions is an important part of scrutiny. As examples, between March 2022 and May 2022, the Communities OSC heard three call-in requests. In those sessions, the committee upheld the original decisions but also passed additional recommendations including:
 - a requirement that all members be informed when a decision is due to be made by a Portfolio Holder (whereby a more proactive approach to informing members has now been implemented);
 - a requirement that the discussion points raised by all members of the committee were to be passed to Cabinet to inform future considerations on the relevant topic; and
 - the requirement that a member development session be held to clarify the processes for members with delegated budgets and the operation of the Highway Action fund).
- 1.17. These additional recommendations were actioned and illustrate that the committee had considered the need for improvements to process and areas where further knowledge would be helpful.

2. Financial Implications

- 2.1. There are no financial implications arising directly from this report

3. Environmental Implications

- 3.1. There are no environmental implications arising directly from this report

4. Supporting Information

- 4.1. Members may wish to review the original report to Council approved in September 2021 which can found here.

5. Timescales associated with the decision and next steps

- 5.1. We will progress the recommendation outstanding around the statement of behaviours. This is currently intended to form part of a workshop training event currently programmed for May 2023.
- 5.2. The other actions have been completed and will be kept under review and refreshed and updated where necessary.
- 5.3. May 2023 will see the presentation of the Annual Report on Overview and Scrutiny to full Council.

Appendices

1. Appendix 1 – Progress against scrutiny recommendations

Background Papers

None

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The report was circulated to the following members prior to publication:

Local Member(s): not applicable as county wide report

Other members:

**Appendix 1
Scrutiny Recommendations and Progress**

	Activities	Current Position and Commentary
1.	<p>Agree a Statement of Behaviours drafted by OSC members and officers, based on the principles identified in the independent report; Collegiate, Constructive, Challenging</p>	<p>A set of principles for the conduct of scrutiny has been drafted based upon the recommendations within Dr Martin’s report, the work of Centre for Governance and Scrutiny (CfGS) and the comments made by officers and members during the review process.</p> <p>It is focussed on principles which are slightly wider in interpretation than behaviours alone, and is intended to provide a simple, understandable statement of purpose and approach</p> <p>It is intended for these to be shared with Corporate Board, followed by Cllr Seccombe and then OSC Chairs in advance of being considered and refined at a workshop on good scrutiny which will incorporate consideration of the right skills, behaviours and culture to be effective. The workshop will involve OSC members and other interested members and will be launched following confirmation of committee memberships at annual council in May 2023 to ensure all new committee members are able to be involved.</p> <p>The session will be externally led, incorporate the guidance of CfGS and draw lessons from a wide range of approaches and is intended to culminate in an agreed set of principles that all those working with or on scrutiny committees will be invited to follow – driving behaviours that will continue to improve the effectiveness of our approach</p>
2.	<p>Annual Training for Members</p>	<p>The Member Development Sessions have continued to take place with a move to online sessions improving ease of attendance for members. We have also continued to consider the content of these sessions and have approached the review of our training offer in 2 stages.</p>

Phase 1 – A desk-top review of the programme and the ‘quick win’ changes we could make to enhance the training and development offer to members. As a result of this, we have introduced scrutiny training for committee members and chairs as an annual fixture. We have also commissioned external training which has focused on how to be an effective scrutiny member including skills for chairs and how to make the most out of committees through effective questioning.

Service led sessions have also been expanded with a focus on areas of relevance and interest to each committee, the latest of these being three sessions by the team leading on Special Educational Needs and Disabilities (SEND) and SEND transformation. The development programme has seen 10 sessions attended between 20 September 2022 and 2 February 2023 with a further 12 sessions currently programmed in between 9 February 2023 and 27 June 2023 (this excludes the additional items being programmed within Phase 2 referenced below).

Democratic Services send out an annual questionnaire for members asking for views on development sessions to inform the priorities within the programme and ensure that those areas of most concern and interest are covered. It is intended that this will be supplemented by an online “suggestion box” that will enable members to flag issues of relevance to the team as they think of them, rather than awaiting the annual poll.

Phase 2 involves a more in-depth review and refresh of our training programme which is currently underway. We anticipate completing the programming by the end of April 2023 so that detail of the sessions for the following municipal year can be rolled out post the Council’s AGM. The timing is considered appropriate given that the AGM involves the confirmation of the appointments to committees enabling us to ensure any new members also receive training relevant to that year’s planned work.

The refreshed approach will include core essentials for all members to attend including opportunities to attend regular sessions on governance topics such as the Code of Conduct and declaration of interests, gifts and hospitality, the role of members in complaints, and privacy and data protection alongside the service-led training (which aims to provide a deeper understanding of the Council’s

		<p>services and how they operate).</p> <p>We also plan to identify those sessions which are considered relevant to specific committees. This will begin the process of moving towards an offer that enables members to design a training programme that is more bespoke and relevant to the committees that they sit on.</p> <p>In terms of scrutiny itself, it is intended that sessions will cover a wide variety of issues that are important to anyone sitting as part of an overview and scrutiny committee but will focus on skills training (how to be an effective Chair, how to ask effective questions, the role of a Councillor in complaints, how to interpret data and statistics etc).</p> <p>There will also continue to be bespoke training for overview and scrutiny committees that have specific requirements around definitions, language, legislation or procedures (such as the role of the Corporate Parent, SEND and Adult Social Care etc)</p>
3.	<p>OSC Chairs to discuss with Cabinet and Corporate Board matters where it is considered Scrutiny could add value to the decision-making process, and to liaise with other OSC Chairs to ensure that such matters can be considered in an efficient and effective way without causing undue delay to any proposal.</p> <p>Chair and Party Spokes with Strategic Directors to consider which upcoming projects,</p>	<p>Chair and Party Spokespersons meetings of each Overview and Scrutiny Committee are held in advance of each scheduled OSC meeting. Strategic Directors and Assistant Directors attend alongside the Chair of the OSC and the party spokespersons for that area. These meetings consider the work programme for the OSC, the performance data relevant to their remit and the topics due for consideration at the coming meeting.</p> <p>This information allows the meeting to consider any areas where there may be concerns arising from the performance data alongside any wider topical issues, and discuss where scrutiny will add value, which items would benefit from more pre-Cabinet engagement with scrutiny and whether additional information is required from officers. Cabinet members also attend these meetings and are able to input. In addition, Corporate Board has adopted a practice of proactively considering pre-engagement scrutiny when matters which are onwards bound for Cabinet have been presented. This has seen an increase of policy related matters which have been considered by scrutiny before being presented to Cabinet. This has included:</p>

	<p>programmes or decisions would benefit from pre-Cabinet engagement with Scrutiny. Also opportunity for greater involvement of OSC in considering the development of new policies as part of Forward Plan programme prior to Cabinet.</p>	<ul style="list-style-type: none"> • the first Warwickshire County Council Children’s Strategy which was considered by members of the Children and Young People OSC in advance of Cabinet; • Outdoor Education & Learning proposals; • the consideration of the findings of the 20mph Limits Task and Finish Group which were considered by Communities OSC in advance of a paper and recommendations to Cabinet • the proposals in relation to Scrutiny Improvement which were taken to all four OSC’s prior to recommendations being made to Cabinet; • proposals for the governance of the Warwickshire Recovery and Investment Fund which were considered by Resources OSC with additional recommendations being made to enhance the reach of the scheme; • a review of School Keep Clear Enforcement Zone recommendations prior to a decision of the Portfolio Holder; • a review by the Electric Vehicle Charging Point Task & Finish Group; • the Levelling Up Approach for Warwickshire, which was considered by all OSCs in June 2022, ahead of its consideration by Cabinet; • the move to an Integrated Care System (ICS), engagement with the Committee on the Integrated Care Partnership Strategy and associated plan; and • The consideration of South Warwickshire Foundation NHS Trust’s Community Hospital inpatient review.
4.	<p>Updates not requiring input or decision to be dealt with electronically to free agendas for those matters intended to result in recommendations to decision making bodies</p>	<p>More updates are now being diverted to electronic circulation to enable meetings of OSCs to focus on topics that require discussion and input. These decisions are generally taken in conjunction with the relevant Chair. Democratic Services continue to be alert to cases where briefing notes are proposed for the agenda and raise with the relevant AD as required.</p> <p>This has had noticeable effect in allowing more time for committees to focus on items requiring more detailed discussion and for recommendations to be made.</p>

5.	<p>The OSC Committee cycle should be driven by the work programme but as a matter of principle each OSC Committee should meet between 5 and 6 times a year</p>	<p>OSCs are generally meeting at least five times a year. Additional committees are convened where needed either to discuss specific issues under time constraints, or because of volume within the work programme.</p> <p>Additional joint sessions involving Communities OSC, Adult Social Care and Health OSC and Children and Young People’s OSC have been added where joint themes presented. Some of these are highlighted within the report but include</p> <ul style="list-style-type: none"> • An additional Adult Social Care and Health OSC in Feb 2022 to focus on the introduction of the Integrated Care System; • Communities and Adult Social Care & Health (ASC&H) OSCs looking at equality aspects around health, education and economy & skills; • Children and Young People and ASC&H OSCs meeting periodically to review progress from a review of the RISE service (children and young people mental health service); and • The two joint health overview and scrutiny committees (JHOSCs) at which the Council is represented – the Coventry and Warwickshire JHOSC covering the ‘footprint’ for the Integrated Care System area, and the JHOSC led by Oxfordshire County Council, involving representatives from both Warwickshire and Northamptonshire – both of which recognise that patient flow is not coterminous with county boundaries.
6.	<p>The OSCs will remain at 4 with the same Terms of Reference for the remainder of the municipal year. Climate change to be factored into the current work programme of either Communities OSC or as a cross cutting theme. Wider review of remit of OSCs to take place in advance of May</p>	<p>Climate change is considered in reports where relevant regardless of which OSC is seeing the report. In addition, the report of the Climate Change Adaptation Task and Finish Group was presented to Communities OSC in advance of it continuing to Cabinet in December 2019. The draft Sustainable Futures Strategy is also planned to come forward shortly. A member development session is planned in advance of a decision on which committees the strategy will be reported to.</p> <p>All reports now include a section on environmental implications to enable this to happen more easily.</p> <p>The review in May 2022 concluded that the Council would remain with the four OSCs in existence at the time of the review as they continue to provide the most logical split taking into account the</p>

	2022 Annual Council with any changes approved by Council.	<p>coverage of each Council Directorate.</p> <p>The remit of the OSCs will be considered again this year in advance of the May 2023 AGM and on an ongoing basis on an annual cycle.</p>
7.	All OSCs to consider the key themes arising from the Council Plan and agreed priorities, including cross cutting themes such as wellbeing, climate and tackling inequalities when undertaking their role.	<p>Due to the overarching nature of the Council Plan and the timing of the refresh, a series of member briefings with the opportunity for members to ask questions of officers took place in November and December 2021. These briefings covered the priorities and areas of focus proposed for the Council as part of the refresh and gave members an understanding of the cross-cutting nature of the Council Plan.</p> <p>The training provided to members also emphasises the importance of scrutiny in performance improvement and management, and that good scrutiny focuses on those areas that improve the Council's services and agreed priorities. Briefing sessions on the Council Plan and key programmes such as Community Powered Warwickshire, the Council's Levelling Up approach and Sustainable Futures ensure specific key themes are shared with and explained to members and thus can be reflected in the programmes for each scrutiny committee.</p> <p>The importance of cross cutting themes and how they impact specific service areas will continue to be emphasised in training for members.</p>
8.	Regular Chair, Vice Chair and Spokes meetings to specifically focus on the Forward Plan for decision making and scrutiny activity over coming months	These meetings are in place through the Chair and Party Spokes meeting of the OSCs. We will continue to encourage meetings to focus on the Forward Plan and items for future scrutiny activity.
9.	The Chief Executive and Leader meet with Chairs and Vice Chairs of OSC's on a 6 monthly basis to consider potential future themes to	A meeting between the Chief Executive, Leader and Chairs and Vice Chairs of the OSCs took place. However, consideration is being given as to whether this duplicates the proactive approach to the work programme being taken by Strategic Directors through the Chair and Spokes meetings, and if so whether these meetings should be stood down with views of the Chief Executive/Leader being sought

	<p>assist the committees with consideration of work programmes.</p>	<p>through an alternative mechanism.</p>
<p>10.</p>	<p>Task and Finish Groups will be used in a dynamic fashion and will be cross party.</p> <p>Task and Finish Groups are encouraged to seek public input into the matters under discussion where appropriate as part of their process of review.</p> <p>There will be a ceiling agreed on the numbers of TFGs that can be undertaken at any one time to manage officer support /capacity</p>	<p>Task and Finish Groups (TFGs) are cross party and being used in a more dynamic fashion with particular examples being climate change adaptation, climate change mitigation, the stroke review, work on 20mph speed limit considerations and educational attainment amongst others.,</p> <p>Upcoming work includes consideration of local transport and a new member working group to focus on home to school transport provision.</p> <p>There are some groups which by their nature require a longer-term approach, such as educational attainment which required a detailed information gathering phase involving stakeholders before proposals can be fully considered or oversight of the CRMP (Community Risk Management Planning) for Fire and Rescue. However, these are being effectively managed and good use of technology and effective scoping is ensuring they remain on track to deliver their aims.</p> <p>At present the number of TFGs and/or member working groups set up has been manageable. The need to focus on specific, focussed, and measurable recommendations arising from Task and Finish activity has resulted in the updated template devised by Democratic Services at Appendix 2. This aims to provide a clear and structured approach to reporting back on the findings of TFGs and to focus the minds of each group on what they see as the important actions that need to be taken. There has also been considerable work done with each TFG or Member Working Group at the start of their commission to properly scope the remit of the group and to encourage early focus on what is needed to achieve the outcomes agreed. This includes a focus on evidence required and the manner in which the group will meet and consider that evidence. A sound scope and terms of reference is essential – examples such as the Kenilworth Station review where the terms of reference were clear, the scope was agreed, and the outputs were clear provide value even several years after the findings are reported.</p>

11.	Chairs of individual OSCs will be encouraged to agree joint Overview and Scrutiny activity with another chair if that is considered the most effective use of resources in respect of any topic.	<p>Chairs have continued to liaise with each other, and joint OSCs do take place where it is sensible for there to be a single wider discussion.</p> <p>Examples include joint sessions between Communities and Adults Social Care & Health OSCs considering topics including mitigating the Impact of COVID-19 on Ethnically Diverse Communities, Health Inequalities Strategic Plan, Education, Economy & Skills and Equality, Diversity and Inclusion within the Council.</p>
12.	Resource requirements within Democratic Services to be reviewed within 6 – 9 months of the proposals being implemented	This review was undertaken and at present the Team is resourced sufficiently. Should there be continued growth in scrutiny activity and TFGs this will be kept under review and demand managed appropriately in consultation with Strategic Directors and OSC Chairs.
13.	Technology will be used where it can be – current legislation does not permit public meetings to be virtual or hybrid. Until this changes OSC meetings will need to be held in public and in person (although they will be streamed also)	<p>This is happening effectively – meetings are conducted via teams or in a hybrid fashion where legislation does not require in person attendance; the streaming capabilities of Committee Room 2 have been upgraded to enable streaming of hybrid meetings and to better allow use of digital documents on the large screen where people are attending remotely; and the Council continues to adopt a digital first approach to the issuing of committee papers with improved access to electronic papers via the website and the committee management app.</p> <p>Hybrid attendance is enabled for members of the public and stakeholders who are not required to be physically present, widening the accessibility of meetings. This can work well where the request is made early to Democratic Services and connections and accessibility can be tested in advance of the meeting. There have been a number of sessions where this has proved helpful in enabling officers to attend despite Covid or challenges with transport. It has worked very well in encouraging attendance of representatives from partner authorities and stakeholders to attend where distance is a disincentive. Representatives of the Youth Council and Children in Care Council addressed the Children & Young People OSC on 8 November 2022 using this technology and a link to the webcast of that element of the hybrid meeting (item 3) can be viewed here to see how the technology can work to aid scrutiny by allowing young people to speak direct to a committee.</p>

		<p>This is new technology in terms of its interoperability with our streaming equipment and as a result of issues with accessibility/broadband that were outside of the Council's control, we have had to occasionally use a more basic means of hybrid attendance involving Microsoft Teams which has worked less well. However, it is still considered that enabling attendance virtually where permitted under legislation is an important approach especially with a view to encouraging wider public participation in scrutiny. Work is continuing with our provider to ensure that the enhanced streaming capability with multiple virtual attendees becomes more robust.</p>
14.	<p>Legal attendance will become more common at OSCs to provide support to Democratic Services and enable succession planning/skills development</p>	<p>This is beginning to take place and forms part of the approach to succession planning and staff development within Legal Services.</p>
15.	<p>We will work to align Scrutiny more closely with Integrated Planning and encourage public engagement, including use of the Voice of Warwickshire to identify suitable T&F topics.</p>	<p>This is an ongoing process that is tied in part to the continued work to develop and improve the Integrated Planning Process.</p> <p>The changes to performance reporting and move to dashboards of information available to members enables members through the Chair and Party Spokes meetings to see live data on performance that can help to direct areas of enquiry for scrutiny committees and Task and Finish Groups.</p> <p>The Voice of Warwickshire panel was formed in December 2021 with a membership in excess of 1,000 by September 2022 and a composition broadly representative of the population of Warwickshire. The aim is to ensure the voice of residents is heard in the delivery of the Council Plan by collecting views on key topics and to provide the Council with key insight to support and improve decision making. Where the insight is relevant it forms part of the evidence base that can be accessed as part of any scrutiny review. A number of surveys have been conducted focussing on issues including levelling up and climate change. The views and intelligence gathered have been used to inform a number of activities and projects within the Council and with wider partners and stakeholders including the Districts and Boroughs. The continued intelligence from Voice of Warwickshire will be utilised as we work through future areas of focus for task and finish work, and in informing reports on initiatives such</p>

		Sustainable Futures. It continues to supplement consultation and engagement activity undertaken on specific issues.
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