

**SCRUTINY COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN on 9 APRIL 2008 at 7.30 pm**

Present:- Councillor A Dean – Chairman.
Councillors S Anjum, R Chambers, D Jones, R Lemon,
D Sadler, G Sell, S Schneider, A Wattebot, L Wells and
A Yarwood.

Also present at the invitation of the Committee:- Councillors S Barker and
J F Cheetham.

Officers present:- A Clarke, J Mitchell, M Perry and C Roberts.

SC35 DECLARATIONS OF INTEREST

Councillor R P Chambers declared an interest insofar as he was a member of the Essex County Council and the Chairman of the Police Authority.

SC36 PETITION

With the agreement of the Committee the Chairman re-ordered the agenda so that this matter might be heard earlier. The Chairman of the Committee invited Andrea Barlow to present the petition of 91 names which stated 'We the undersigned residents hereby petition Uttlesford District Council's Scrutiny Committee to undertake a review of the procedures and processes relating to the Local Development Framework (LDF) and the local development scheme on information and evidence, consultation and public involvement and make recommendations so that future work on the LDF by the Council is carried out in a more thorough and effective manner.'

Ms Barlow explained that she was a resident of Henham representing a large number of residents who had signed a petition against the process of consultation following which the Council identified option 4 (Elsenham) as its preferred site for housing development. She said that she had no particular political persuasion, but that the Council should start with constructive communication and reconciliation between the political parties. She added that she was talking about Elsenham being named as an eco-town and that the idea of Elsenham being selected either for option 4 or as an eco-town was appalling. She stressed that she believed this to be extremely important and she hoped that her listeners did too.

The Chairman of the Committee, Councillor A Dean, spoke about constructive dialogue, reconciliation, and engagement with the public and circulated terms of reference which he had composed for the review. He accepted the petition on behalf of the Committee and thanked Ms Barlow very much for it. He stressed that the petition was about procedures rather than any result which had come out of the procedures. The procedures were contained in the Local Development Scheme, which described the way that the Council engaged with the public.

Councillor Jones said that scrutinising was looking at past decisions so it was strange to talk about methods to be used in the future. Councillor Yarwood disagreed saying the committee should make sure that scrutiny was used in a constructive manner and that the Committee better appraises the residents of Uttlesford.

Councillor Sell referred to page 3 of the draft scrutiny handbook attached to the agenda, but Councillor Jones pointed out that this had not yet been adopted.

Councillor Sell said it was thought that the process of the Local Development Framework had not been as well delivered as it might have been in the case of option 4.

Councillor Dean said that in June 2007 the Scrutiny Committee had had an officer from the centre of Public Scrutiny to talk who had stressed the importance of not nitpicking about what had already been decided for which call in was available.

Councillor Lemon informed the meeting that when he had first taken up a position on a scrutiny committee he had asked the Office of the Deputy Prime Minister about the work and had been told that the job was to look at decisions which had been made to see whether they had been made properly before implementation. He was concerned that at this point the Council was right in the middle of the Local Development Framework process and until it was finished it would be difficult to scrutinise it.

Councillor Wattebot felt that scrutiny had to be for the future there being no point in scrutiny if lessons could not be drawn.

Councillor R P Chambers asked for the advice of the Council's Solicitor and Assistant Chief Executive on the question whether councillors Anjum, Dean and Wattebot had a prejudicial interest in the matter under discussion in the light of their membership of another committee.

Mr Perry, the Solicitor and Assistant Chief Executive, advised the Committee that the Local Development Scheme and Framework had been the subject of an extended decision process which had taken place over a long period of time. The Council's procedure rules showed that no member might be involved in scrutinising a decision in which he or she had been directly involved and in particular members had a prejudicial interest in any business before an Overview and Scrutiny Committee where the business related to a decision made by another of the authority's committees and at the time the decision was made the relevant member was a member of that committee present when the decision was made / action was taken. In the light of this he advised members who were Members of the Environment Committee to leave the Chamber and not take part in the debate although, in accordance with para 8.2 of the Members' Code of Conduct it was open to them to make representations, answer questions or give evidence relating to the business before leaving the chamber because the public were allowed to attend the meeting for the same purpose.

Councillor Dean said that his view was that the Committee was looking not at past matters, but future ones and therefore he was not going to declare an interest. Councillor Wattebot said that she concurred with Councillor Dean's view and did not feel that she had an interest. Councillor Anjum said that he would like to decide a prejudicial interest and he did so and left the room and took no further part in the discussion of the matter.

In answer to a question from Councillor Lemon, the Chief Executive confirmed that the Council was still engaged in the process of the Local Development Framework and there was still much work implicated in the current strategy. He added that the recommendation on the core strategy would be brought to the Council possibly before the New Year, but the results of the relevant consultation might be released before that stage and in the light of the eco-town news it would possibly be best not to proceed before the Government choices had been made clear at the end of the year.

The Chairman of the Committee said that since perhaps nothing was due for several months the matter of the review could be left open for further consideration after the present meeting. He suggested to the Interim Chief Executive that the public had been less impressed by the Council's processes regarding option 4 than those regarding the G1 extension.

Mr Mitchell agreed that the airport consultation had been well received by participants, but he found it hard to think of useful parallels between that single issue consultation and the later option 4 consultation in which there was a range of options regarding development over the whole district. It was always possible to do a consultation exercise differently, better or with less resources, but it would have been difficult to put the intensity of resource into the LDF consultation that had applied to the G1 consultation and indeed, until the choice of place had been made the public was not galvanised to be interested in the LDF consultation. By contrast the public readily understood the implications of the airport consultation and the consultation exercise though expensive was single issue whereas such a comprehensive consultation engagement regarding the LDF would not have been financially feasible.

Councillor Chambers thanked the public for their attendance and referred to the unsuitability of the scrutiny system for Councils with committee systems. He thanked Councillor Dean for the scrutiny handbook and scrutiny terms of reference which he would read with interest. After further discussion Councillor Chambers agreed that a review process would be appropriate at the end of the Local Development Framework process and that it would be correct for the Scrutiny Committee to look at the issue of procedures and processes at that time, but not presently. Councillor Lemon said that he would second Councillor Chambers proposal if this meant the procedures would definitely be looked at at the end of the LDF process. Councillor Jones said he believed the matter should be referred to the Environment Committee in due course rather than the Scrutiny Committee. Councillor Dean asked the Chairman of the Environment Committee, Councillor S Barker, whether the Environment Committee would be prepared to take these considerations on board. With the advice of the Assistant Chief Executive, that it was proper for her to reply, the Chairman of the Environment Committee said that she would be happy to do whatever was best to engage the public and councillors.

A member of the public, Mr Sturgeon, said he felt that if the matter was to wait until the end of the LDF process, errors would be compounded and errors of judgement made. He felt that the committee was debating procedure rather than principle and had not listened to Andrea Barlow.

Councillor Dean replied that the Chairman of the Environment Committee had agreed to take on board the review issue which could be picked up at a later date.

Councillor J Cheetham made the comment that the process of the Local Development Framework had had to be agreed by the Secretary of State and signed off by an independent planning inspector. She then left the room in the light of her interest as a member of the Environment Committee.

The Interim Chief Executive explained that the whole consultation process had been set out in the Statement of Community Involvement on the website and approved by the Environment Committee, a planning inspector and the Council in July of 2006. The Council was not permitted to do less than the scheme provided but could and had done more. He added that the Local Development Scheme was separate from the Statement of Community Involvement. The Scheme set the time for development and had been altered by Go-East, whereas the Statement of Community Involvement was not altered and did not need to be.

RESOLVED that the Review envisaged in the petition take place at the end of the process of consultation envisaged for consulting the public regarding option 4 and that the petition be acknowledged and forwarded to the Environment Committee to examine prior to return to the Scrutiny Committee.

SC37 **MINUTES**

The Minutes of the meeting held on 20 February 2007 were received, confirmed and signed by the Chairman as a correct record.

SC38 **MATTERS ARISING**

(i) **Minute SC28 – Officer’s report**

In answer to a question from the Chairman of the Committee, the Head of Partnerships and Performance said that she was unable to add at present to the comment about further officer support, since resources would be needed for that. Councillor Chambers stressed the need in the next 12 months not to put officers under further pressure because resources were not available to provide more officers.

Councillor Dean spoke of the need for ‘a dialogue between Scrutiny and administration’ (at this point Councillor R Chambers declared an interest insofar as he was the Chairman of the Finance and Administration Committee).

(ii) Minute SC30 – NHS Foundation Trust

In answer to a question from the Chairman of the Committee it was confirmed that the decision in Minute SC30 was made.

(iii) Minute SC33

In answer to a question from the Chairman of the Committee it was confirmed that the Community Committee had been informed of the compliment.

(iv) Minute SC34(ii)

In answer to a question from the Chairman of the Committee Councillor Lemon confirmed that the tenant was now happy with his gas boiler.

(v) Minute SC34 (iii)

The Chairman of the Committee said that he was now happy with attendance at the Scrutiny Committee.

SC39

SCRUTINY WORKING PROGRAMME AND DRAFT SCRUTINY HANDBOOK

The Chairman of the Committee explained that he envisaged a risk based approach for what was on the schedule comprising the work programme; he did not think it would be right to consider items which were less important. He added that this approach was approved by the person who had spoken about scrutiny to Members of the Committee, to whom he had referred previously. He suggested an off-line dialogue to whittle down the number of items on the work programme.

Councillor Chambers said that he welcomed the idea of prioritising what was on the list, but suggested it would be best to think individually or in groups about which ideas ought to be pursued, and return to the Committee with this.

The Interim Chief Executive informed the meeting that the Council would soon receive the short term recovery plan, which included questions how to improve and enhance scrutiny and partnerships and to provide a proper structure regarding fees and charges. He felt that there was enough arising from that process to keep scrutiny constructively working without becoming a bind on resources and officers. He agreed to pursue this aspect with Colin Rockall. The Chairman of the Committee said he would e-mail a proposed prioritised list and Councillor Yarwood asked for traffic lights for priorities on the list.

The Chairman of the Committee thanked Alaine Clarke for merging the two scrutiny handbooks and Ms Clarke informed the meeting that she had discussed with David Moses who was responsible for scrutiny at Essex County Council a meeting to run through the content of the handbook. She invited Members to post questions to her for inclusion in the dialogue.

Councillor Chambers said it would be proper for the Scrutiny Handbook first to be submitted to Council with a recommendation for adoption. Members of the Scrutiny Committee should declare an interest in this matter and leave the room. Scrutiny was an area of learning for all members.

Councillor Yarwood agreed that the handbook must go to Council, but in a draft which all Members were happy with.

RESOLVED that the Scrutiny Committee Work Programme 2008/09 and the Scrutiny Handbook be examined by Members and Officers and reconsidered with a view to refining the documents for approval by the Committee and the Council respectively.

SC40 **UPDATE ON RECENT SCRUTINY INVESTIGATIONS**

Councillor A Wattebot informed the meeting that liaison with Thaxted Parish Council was still outstanding and it was hoped that Adrian Webb would meet them in the next week.

The Interim Chief Executive reported that liaison with Highways and Planning had improved dramatically since now the County Council Highways Planning Officers were visiting once a fortnight to talk through their plans with the Uttlesford Planning Officers.

RESOLVED that the updates are noted and a further report be brought to a future meeting of the Committee.

SC41 **JOINT HEALTH SCRUTINY PANEL FOR WEST ESSEX**

Councillor Chambers reminded the meeting that Councillor Barker was the Council's lead member on the West Essex PCT.

The Chairman of the Committee explained that the possibility was being canvassed of a joint scrutiny panel for West Essex, either jointly between District Councils or with the Essex County Council.

Councillor Barker explained that at the Essex County Council there was a Health Scrutiny Committee on which West Essex was well represented, having five of the fourteen members. She sat as Chairman of the Health and Scrutiny Committee in its regional perspective. The Local Government Health Act exempted the health service from having to respond to scrutiny by district councils. It was necessary for them to respond however to county councils and Links. The function of the Health Scrutiny Committee was to look at major variations between PCTs and concerns about general matters such as commissioning. The PCT could not be compelled to turn up for health scrutiny and PCTs would delegate particular scrutiny issues to one or more districts. She suggested that it would be best for the Uttlesford District Council to invite the PCT to area panels to put questions to them. The Chairman of the Committee said that he would take note of that as regards the progress of the work envisaged and that it would be particularly relevant if it were pursued in dialogue with the County Council.

DECISION LISTS

Members noted the decision lists from the Environment, Finance and Administration and Community Committees.

(i) Finance and Administration Committee – Item 8 – Roots’ Financial Diagnostic Report

Councillor Lemon repeated the request he had made at the Committee for Independent representation on the Performance Select Committee to enhance the monitoring process and asked whether this was being looked into.

Councillor Chambers declared an interest as a member of the Finance and Administration Committee and informed Councillor Lemon that the matter was being pursued and that an answer would be provided in the next few days.

The Chairman of the Committee thanked Members and Officers for their support to him in the municipal year which was now drawing to a close.

The meeting ended at 8.50 pm.