

**SCRUTINY COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 7.30pm on 2 SEPTEMBER 2014**

Present: Councillor E Godwin – Chairman
Councillors G Barker, P Davies, I Evans, D Morson, E Oliver and J Rich.

Officers in attendance: R Auty (Assistant Director Corporate Services), G Bradley (Community Partnerships Manager), R Harborough (Director of Public Services), A Rees (Democratic Services Support Officer), V Taylor (Business Improvement and Performance Officer) and A Webb (Director of Finance and Corporate Services).

Also Present: Councillors S Barker, J Cheetham, A Dean and D Jones. Dr Johnson, Mrs Evans and Mrs Fish (in relation to Item 8).

PUBLIC SPEAKING

Dr Johnson, Mrs Evans, Mrs Fish and Councillor Jones all spoke about matters arising from investigations relating to Cranwellian. Summaries of their speeches are appended to these minutes.

SC14 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor Howell.

Councillor Godwin declared a non-pecuniary interest as a member of the Planning Committee who had not attended the meetings relating to the planning application at Cranwellian.

Councillor Cheetham declared a non-pecuniary interest as a member of the Planning Committee who had chaired two of the meetings relating to the planning application at Cranwellian.

The Committee agreed to move onto Item 8.

SC15 MATTERS ARISING FROM AN INVESTIGATION INTO COMPLAINTS 1) TO THE LOCAL GOVERNMENT OMBUDSMAN ABOUT THE COUNCIL'S RESPONSE TO REPORTS OF UNAUTHORISED DEVELOPMENT AT CRANWELLIAN, IN TAKELEY PARISH, AND ABOUT ITS HANDLING OF A SUBSEQUENT PLANNING APPLICATION FOR DEVELOPMENT OF A GYPSY SITE IN THE GROUNDS OF CRANWELLIAN, 2) TO THE INFORMATION COMMISSIONER ABOUT THE COUNCIL'S RESPONSE TO A REQUEST FOR RELEVANT INFORMATION

Members discussed matters arising from complaints made to the Local Government Ombudsman and the Information Commissioner, about the Council, relating to Cranwellian.

Councillor Rich said he was concerned about the comments that were made by members of the public, both at this meeting and at the Council meeting on 15 July. A number of the allegations were very serious and he felt that the best course of action was an investigation by a task group of the Committee. It was important that the parameters of the investigation were made clear and that the investigation stayed within the remit of the Committee, but also avoided being too narrow in scope. As he was the member who had referred the matter to the Committee, he felt it was inappropriate for him to be a member of a task group.

Councillor G Barker said that in addition to looking at procedure and policy, finding a solution to the complaints was imperative. The environmental issue was significant and pressure should be put on the Environment Agency to remedy this. Evaluating the quality of officers work was not within the remit of the Committee and was the responsibility of Management and the Chief Executive.

Councillor Morson agreed with Councillor Rich that the allegations made by the public were serious. The Committee needed to ensure that the public's faith in the Council and its officers was restored.

Councillor Cheetham suggested that any investigation needed to include information about the site before planning permission was granted, so that all necessary information was considered.

Councillor S Barker said that in instances where the Council had the remit to deal with issues in their entirety it performed well. The Committee needed to examine the relationship between the Council and other statutory authorities.

Members agreed that the task group should consist of three members and began to discuss the terms of reference and methodology of the group. The Director of Finance and Corporate Services said it was important that any terms of reference did not assume fault on behalf of either party and that the terms of reference had to be decided upon at the meeting.

Councillor Rich suggested that the task group should compile a schedule of the allegations made and suggest what remedies, if any, should be made with regard to each allegation.

Councillor Godwin said there should be multiple elements to the investigation. The task group should look at how to correct any mistakes that had been made. It should also look at how the Council's policies and procedures could be changed if any failings were found. An investigation by the task group was likely to take a long period of time. A preliminary report should be brought to the Committee meeting on 25 November. As she was a member of the Planning Committee she did not feel she could be a member of the task group.

RESOLVED that a Task Group should be set up to investigate complaints made about the Council's response to 1) unauthorised development at Cranwellian, 2) a request for relevant information.

The Task Group would comprise of Councillors G Barker, Davies and Morson. A preliminary report would be brought to the meeting of the Committee in November. The Task Group would have the following terms of reference:

- To find out what, if anything, went wrong.
- If something went wrong what, if anything, could be done to remedy it.
- What, if any, further procedures should be put in place.

SC16 **MINUTES**

The minutes were signed by the Chairman as a correct record subject to the amendment of Davey to Davies in SC9 – Day Centres – Scoping Report.

SC17 **BUSINESS ARISING**

(i) Minute SC10 – Saffron Walden Museum Castle Site Development – Scoping Report

The Assistant Director Corporate Services said that due to item 8, the Scrutiny Forward Plan had been rearranged and the review would be discussed at the meeting in October.

SC18 **STANDING ITEMS**

The Chairman said that she was aware of no matters referred to the Committee in relation to call in of a decision, nor any responses of the Executive to reports of the Committee.

SC19 **CABINET FORWARD PLAN**

The Forward Plan was noted.

SC20 **SCRUTINY FORWARD PLAN**

The Director of Finance and Corporate Services said in order to accommodate the preliminary report of the newly established Task Group, the Tenant Scrutiny Panel update and the rural broadband update would have to be moved forwards to the meeting in October. Additionally there would not be enough time in the Forward Plan to accommodate an air

quality review, or a NEPT (North Essex Partnership Trust) public and mental health review.

The Forward Plan was noted.

SC21 **AIR QUALITY REVIEW SCOPE**

The Director of Public Services said the air quality report examined the entire district. The figures and the report layout were prescribed by DEFRA and abided by statute.

The Assistant Director Corporate Services said that due to time constraints caused by the Task Group established in Item 8, it would not be possible to accommodate this review in the Scrutiny Forward Plan.

RESOLVED that an Air Quality Review would not be included in the Scrutiny Forward Plan.

SC22 **ACTIVE UTTLESFORD SPORTS FACILITY PROVISION REVIEW**

The Community Partnerships Manager said questionnaires had been sent out to sports groups throughout the district. The deadline for responses was mid-December. The Council had identified money to hire consultants for a sports needs assessment. It was hoped that they would produce documents by the end of December.

Councillor Davies said he and Councillor Ranger had productive discussions with members of sports groups. It was important to look at clubs which had been displaced, as some clubs had moved out of the district.

In response to questions from members, the Community Partnerships Manager said she had been given lists of sports clubs by both the Tourist Information Centre and from Active Uttlesford. She would write to parish councils in order to try and find sports clubs that were not on the lists. The Saffron Walden Sports Lobby Group had been disbanded.

SC23 **DAY CENTRE REVIEW UPDATE**

Councillor Evans said that of the five day centres included in the review, three had been visited so far. A checklist had been made in order to help review the day centres using the terms of reference that had been set. Those who used the day centres were happy with them.

Councillor Morson re-iterated that user feedback had been positive and that there were few comments on how to improve the centres. There appeared to be some ways in which engagement with day centres could be improved.

Councillor Godwin said that day centres were a crucial point of contact for many people and there were a large number of people who tried to get to day centres at every opportunity they could

Councillor G Barker said one of the purposes of the review was to understand why the Council had day centres. The review needed to determine whether the running of day centres was a statutory duty of the Council.

In response to the comments made by members, Councillor Morson said that whilst the terms of reference included establishing whether provision of day centres was a statutory requirement of the Council, changing the organisational structure of day centres could adversely impact on the people who used them. Day Centres were keen to try and attract people of all ages to attend.

Councillor Evans said it was unclear whether the focus of the review should be financial or not. The review had broadened its focus from the terms of reference that had been agreed. The Day Centre task group would present its recommendations to the Committee in November.

RESOLVED that a report on the Day Centre review would be brought to the Committee at the meeting in November

SC24

NORTH ESSEX PARTNERSHIP TRUST (NEPT) PUBLIC AND MENTAL HEALTH REVIEW SCOPE

The Assistant Director Corporate Services said that due to time constraints relating to consideration of the matters discussed earlier under Item 8, it would not be possible to accommodate the NEPT public and mental health review in the Scrutiny Forward Plan at present.

RESOLVED that the NEPT Public and Mental Health Review would not be included in the Scrutiny Forward Plan.

The meeting ended at 9.20pm.

PUBLIC SPEAKERS

Dr Johnson

Dr Johnson said she wanted to thank councillors for referring her concerns to the Committee. The residents of Stane Cottages and herself had numerous issues with the conduct of the Council and its Officers.

The Terms of Reference on the scoping report suggested scrutinising the investigations of the Ombudsman and the judge appointed by the Information Commissioner. The Council should be the focus of scrutiny, not the Ombudsman or the Commissioner.

The report stated the Ombudsman concluded that the complaint was mainly unfounded. This was not true and the Ombudsman had written to her to say that he wished he was able to achieve more.

The information in the report relating to the Information Commissioner was also misleading. It had been proven that the Council had withheld vital information. Michael Perry, the Assistant Chief Executive – Legal, had written to the Commissioner on 8 January and admit that redactions had been made which shouldn't have and hoped this would prevent a hearing from being required. This was not a finding in the Council's favour which had been claimed in the report.

There were too many discrepancies in the report to mention all of them, however the claim in the risk analysis was false. Residents were not seeking compensation, only to recover costs. If there was an independent enquiry residents would not seek to recover costs or compensation for their actions to date.

Mrs Fish

Mrs Fish said she hoped that following the meeting, residents could believe that Officers would listen to them and stop treating them as a nuisance.

The amount of mistakes made was remarkable and although some mistakes were inevitable, the number of errors meant the case had to be scrutinised. It needed to be established if this was a one-off instance or not.

Residents had a right to information, but at times it felt as though information was deliberately withheld. The Information Commissioner's findings confirmed this. Although policies had been put in place to improve, it was unclear why it had happened in the first place.

The biggest concern of residents was that they had no idea what was buried underneath the site and what enters their gardens from the site. Residents were led to believe that an investigation was taking place and that they would be informed of progress, however the Council did nothing.

The Council held a report from the Environment Agency for years. Regardless of what was now known about the site, the Council had failed to act despite a request from the

Environment Agency. The Council refused to meet residents about their concerns and wrongly told the Planning Committee that nothing was found.

Officers eventually called a closed meeting of the Planning Committee so that Officers could give their own explanation about the removal of a planning condition and get the Committee to vote the way they wanted. Residents were excluded and it was not understood why this happened.

Everything already said had been well documented and this matter was beyond the remit of the Ombudsman. It was the actions of Council Officers that needed to be examined by the Committee.

Mrs Evans

Mrs Evans said that residents wanted to know why the possibility of an independent enquiry was not listed as a course of action in the report. A task group was unlikely to be impartial.

Residents brought the case to the Ombudsman and the Commissioner as they believed there were systemic failings in the Council that needed resolving. The Council needed to answer the following questions; Why could officers locate certain documents for the Ombudsman, but under FOI or for the Commissioner; Why were shortened versions of documents given to the Ombudsman; Why did officers wrongly redact information under FOI, but provide all information to the Ombudsman; Why did the Ombudsman report state that the enforcement for the burying of waste was open, when the Head of Enforcement stated it was closed?

The risks identified in the risk analysis of the report are not the real risks to the Council. The real risk is that lessons won't be learnt and further challenges will be made. The documents provided for the meeting were selective in the details they were used.

The documents provided implied that it was not the Council that should be under scrutiny, when it should be. This appeared to be another attempt at influencing councillors, or a white wash.

The goal of residents was never compensation, but merely to recover costs that resulted from the Council dismissing the original concerns of residents.

Councillor Jones

Councillor Jones called upon the Council to disclose all the findings of the Information Commissioner and Local Government Ombudsman to all Councillors. The Committee should appoint a sub-committee or other relevant body to view the findings of the Ombudsman and the Commissioner. This group should ensure check that remedies are in place to prevent similar cases in the future.

The Council should take all means possible to engage with the relevant statutory authorities in order to resolve the problems caused by filling in the drainage ditch, the

raising of the land and the pollutants introduced onto the land. Residents should be involved in any discussions.

The Council should aim to improve the experience of residents by bringing greater clarity to procedures and exchanges between parties.