

**SCRUTINY COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on TUESDAY, 27 MARCH
2018 at 7.30 pm**

Present: Councillor A Dean (Chairman)
Councillors G Barker, R Chambers, P Davies, M Lemon, B Light
and E Oliver

Also Present: Councillor S Howell (Cabinet Member for Finance &
Administration); Ian Parry (Centre for Public Scrutiny)

Officers in attendance: R Auty (Assistant Director - Corporate Services), R Dobson
(Principal Democratic Services Officer), P Evans (Leisure and
Performance Manager), S Pugh (Assistant Director -
Governance and Legal Services) and A Webb (Director -
Finance and Corporate Services)

SC35 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Asker, Felton, Harris and LeCount. There were no declarations of interest.

SC36 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 6 February 2018 were received and signed by the Chairman as a correct record.

SC37 RESPONSES OF THE EXECUTIVE TO REPORTS OF THE COMMITTEE

There were no responses of the Executive to reports of the Committee to consider.

**SC38 CONSIDERATION OF ANY MATTER REFERRED TO THE COMMITTEE IN
RELATION TO CALL IN OF A DECISION**

There were no matters referred to the Committee in relation to call in of any decision.

SC39 INVITED REPORTS FROM THE EXECUTIVE

There were no invited reports from the Executive.

SC40 CABINET FORWARD PLAN

Members considered the Cabinet Forward plan. Councillor Dean, noting the final progress report on the Corporate Plan delivery plan was to be considered at the meeting of Cabinet on 4 April, reminded members this item was included in the Committee's draft work programme.

Councillor Lemon declared a personal non prejudicial interest in that he was Chairman of Hatfield Heath Parish Council.

Councillor Light asked for clarification on funding for the Old School House. The Director of Finance and Corporate Services said the amount sought for release from section 106 monies was indicated in the agenda papers for the meeting of Cabinet (noted for the minutes that the recommendation to Cabinet was for the release of £86,490.44 comprising £79,830.67 – Community Facilities equipment funding and £6,659.77 – Community Enhancement Fund, subject to the agreement of the contributing developer).

In response to a question from Councillor Light as to whether there were monetary limits regarding the decision-making powers of Cabinet, officers explained there were no limits in value on decisions which were Cabinet functions, provided there was money in the budget. Whilst the Council had agreed a definition of which decisions were key or not, based on the values of certain transactions such as disposal or acquisition of property, it was the function rather than the value which was relevant in considering whether Cabinet or Council took a decision. For information, officers would send members an explanatory note regarding which decisions were a function of Cabinet and which ones were a function of Council.

Councillor Dean said the Cabinet Forward Plan seemed to contain incomplete information as it lacked decisions due to be taken at meetings from July onwards. Officers confirmed an updated version of the Cabinet Forward Plan would be circulated to the Committee.

SC41

REVIEW OF UTTLESFORD DISTRICT COUNCIL'S SCRUTINY FUNCTION - REPORT AND PRESENTATION BY IAN PARRY FROM THE CENTRE FOR PUBLIC SCRUTINY

The Committee considered a report and verbal presentation from Ian Parry from the Centre for Public Scrutiny, following his review of the Council's scrutiny function.

Ian Parry thanked members for the opportunity to return to discuss his report, and for inviting him to review the Council's scrutiny function. The discussions he had had with officers and members had been open and honest, and together with the research and observations he had carried out, he had drawn out key principles on how scrutiny at Uttlesford could hold the executive to account.

Ian Parry highlighted the main points of his report, which set out strengths and areas for improvement, and an analysis of his work in reviewing Uttlesford's scrutiny function. He said he had not found there to be a "golden thread" recognised by those he spoke to, representing "joined up" scrutiny at Uttlesford.

He questioned whether the work programme was aligned with shaping the objectives of the Council, how it was constructively challenging the work of the executive, and what the barriers were to members engaging in effective scrutiny. He highlighted the fact that early engagement at the design stage of decision-making could avoid unnecessary surprises. For example, assumptions made in the Medium Term Financial Plan were important to policy, and there should be confidence that they had been scrutinised before the Council's budget was presented. Similarly, objective input on key decisions, from the start, through all stages to the end of the decision-making process, should take place and should be regarded not as a negative challenge, but as constructive input.

Ian Parry said he had found meetings of the Scrutiny Committee to be led in the main by the Chairman, but for effective scrutiny there should be clarity as to scrutiny members' objectives as a team. There needed to be clear outputs which were constructive, with key lines of questioning according to a plan. Questions were often addressed by officers with technical expertise but the fact that Cabinet members were not always present at Scrutiny Committee meetings when an item relevant to their portfolio was considered was a deficit in holding Cabinet members to account.

Ian Parry referred members to his recommendations, which were intended to be constructive, robust and honest advice. Recommendations included creation of a common understanding and purpose for scrutiny; that the Leader and Cabinet members be directly accountable and visible; and that the relationship of the Scrutiny Committee to Cabinet involve structured meetings to discuss scrutiny.

Councillor Dean thanked Ian Parry for his report, and that he recognised many of the points made.

Councillor Light asked for clarification with regard to one of the suggested areas for improvement, a reference to there being "too little structured scrutiny".

Ian Parry said he had found Scrutiny Committee meetings tended to be information-gathering, rather than formulating a conclusion, or making recommendations for improvement and following these recommendations through. In response to a further question as to whether this aim could be achieved via task and finish groups, or pre-scrutiny, Ian Parry said this aim could be achieved in various ways, for example offline briefings, to try to develop an outcome. Scrutiny Committee members could be involved earlier in Cabinet decisions, so that they could explore and add value to policy, and could set up task and finish groups.

Members discussed the way in which scrutiny of external bodies had been carried out in the past.

Members discussed the presentation in detail. The following main points and responses were made.

Councillor Barker said members had in the past held pre-meeting briefings when representatives of external bodies had been invited to Committee meetings, but there had been problems with quorum, as the earlier start time was difficult for

some members, and people tended to arrive at different times, so these briefings were not always structured. Such briefings had not led to a consensus of approach or the necessary depth of questioning.

Ian Parry agreed it was preferable that Scrutiny members should meet before questioning an invited individual or body. Using technology for remote conferencing could be an option. In scrutinising outside organisations invited to attend the Committee, it was advisable to consider meeting a week or two before a Committee meeting, to assess what information would be sought, and who else should attend, as, by the time the agenda for the meeting was issued, time was too short.

Councillor Lemon said he had been a councillor for 15 years, but a member of Scrutiny Committee only since last year, during which time he had received no training.

Councillor Dean said training had been held on various occasions when substantial changes to the Committee's membership had taken place.

Councillor Howell, as Cabinet member for Finance, said the scrutiny review report was hard-hitting, but positive. He welcomed the view that scrutiny should have the role of "critical friend". Scrutiny at Uttlesford did not always work as well as it could, in his view, as there should be more trust, and no politics. He welcomed early engagement from Scrutiny Committee, in strategic participation in the Council's decision-making. However, sometimes scrutiny seemed inquisitorial, or aimed at producing headlines.

Councillor Light said she echoed Councillor Howell's comments. She felt there was a lack of trust. It would be an improvement to allow for greater input into policy and a forum to discuss issues could help to build trust.

Ian Parry cautioned against a "cosy" scrutiny, or public perception that this was the case. Scrutiny should comprise friend and critic in equal measure, and be robust.

Councillor Barker said, in response to Councillor Light's comments, that it was the benefit of the administration to make policy. There was a difference between testing questions and persecuting questions.

Ian Parry said policy was the prerogative of the administration, but positive questioning was the role of scrutiny. There were arguments on both sides of this discussion, and if scrutiny produced publicity, then that should be regarded as an opportunity to explain the administration's narrative.

Councillor Davies said his experience of scrutinising external bodies was that often a general presentation was given, which did not make it possible in the time allowed to conduct detailed scrutiny.

Ian Parry said this was a good point, which meant the Committee needed to give careful thought to how to achieve setting the questions it wished to ask.

Councillor Chambers arrived at this point. He apologised for his late arrival and commented on the review. As this Council operated a Cabinet system, in his view it was good practice for executive members to be prepared to answer questions, and not to rely on officers to do so.

Councillor Dean invited the Committee to consider practical measures to take following the review. Suggestions were made as follows: to prepare an action plan; to recommend that executive members attend Scrutiny Committee meetings; to allocate time for consideration of items included in the Cabinet Forward Plan.

AGREED that the Chairman and Vice Chairman would work with officers to develop an action plan in response to the review.

SC42 **CENTRE FOR PUBLIC SCRUTINY CONFERENCE REPORT AND DISCUSSION**

Members considered a report from the Chairman of the Committee on the conference held in December 2017 by the Centre for Public Scrutiny.

Councillor Barker noted the Redbridge approach to scrutiny, referred to in the report, was to allow Cabinet members to attend their Scrutiny Committee meetings only by invitation, as it was considered attending uninvited would compromise the independence of the scrutiny process.

Councillor Dean said the context for such an approach was relevant, in that it would depend on development of a relationship between the Cabinet and Scrutiny members.

In response to a query as to the status of the report, Councillor Dean said it was intended to be a record of the discussion at the conference.

Ian Parry left the meeting.

SC43 **2018/19 WORK PROGRAMME - AREAS FOR REVIEW**

Members considered the draft Scrutiny work programme for 2018/19.

It was suggested the list of topics be re-drawn in a way which did not indicate priorities, leaving it open for members to identify what they wished to consider at the next two meetings.

Councillor Davies said no topics should be dropped, but that Day Centres had already been the subject of a scrutiny review, as had the topic of Litter and others.

Councillor Light said she wished to add a proposal that the Scrutiny Committee work alongside the process for Stansted Airport's application for planning

permission to increase the maximum passenger throughput, as many concerns had been expressed that there was a lack of transparency about the process.

Councillor Chambers said no member should speak about the planning process.

Councillor Light said her concern was not about the application but about the planning process, as public mistrust needed to be countered by robust and visible scrutiny.

The Assistant Director – Legal and Governance said members consider in this discussion whether they should declare an interest if they were a member of Stop Stansted Expansion (SSE) or other relevant organisations.

Councillor Dean declared a personal interest as a member of SSE.

Councillor Chambers declared a personal interest as a member of the Planning Committee.

Councillor Lemon said there had not been sufficient time for people to respond to the consultation on the Airport application.

The Assistant Director – Legal and Governance said there was limited scope for the Committee to scrutinise the process of the planning application, and that the Planning Committee had the authority to make the decision. He offered the assurance that the consultation period would be extended until the end of April. Any concerns could be taken up via the political route, or in person with officers or the Chairman of the Planning Committee. There was some merit, however, after determination, in looking at how the public were engaged at the pre-application stage, in order to draw lessons from the process. It was inadvisable, however, to do so in parallel at the same time.

Members agreed to close this part of the discussion.

Councillor Howell suggested it would be helpful to have the Committee's observations on areas of strategy and governance, to add value to the work of the Council. Areas which could benefit from such observations could include the Investment Strategy.

Councillor Dean said the most pressing area was social/affordable housing, as the Local Plan would soon be concluded. A scoping report should be prepared on this topic, with the Assistant Director – Legal and Governance, the Planning Policy Manager and the Director of Finance and Corporate Services.

In response to a question regarding the impact on the Council's recycling rates of the global economic situation for the recycling industry, Councillor Howell said there would be a need to plan for the financial impact over the next four to five years.

The Director of Finance and Corporate Services reminded members that the Council was not a disposal authority.

Councillor Barker said there were three strands for discussion in relation to recycling: disposal, the reasons for variances in rates of recycling across different areas, and the economics.

The Chairman summed up the discussion, confirming that the topics to be considered next would be social and affordable housing; recycling; and the scrutiny review report. Other topics would be kept on the programme for members to consider in due course.

SC44 **2017/18 SCRUTINY COMMITTEE ANNUAL REPORT**

The Committee considered its annual report which would be submitted to the next meeting of the Council on 10 April. It was noted the Chairman would give a verbal report to the meeting of Cabinet on 4 April.

AGREED to update the report to reflect members' comments made at tonight's meeting on the scrutiny review.

The meeting ended at 9.30pm.