



# Uttlesford District Council

Chief Executive: Dawn French

## Scrutiny Committee

**Date:** Tuesday, 27th March, 2018

**Time:** 7.30 pm

**Venue:** Council Chamber - Council Offices, London Road, Saffron Walden,  
CB11 4ER

**Chairman:** Councillor A Dean

**Members:** Councillors H Asker, G Barker (Vice-Chair), R Chambers, P Davies,  
M Felton, S Harris, G LeCount, M Lemon, B Light and E Oliver

**Substitutes:** Councillors A Gerard, A Mills, G Sell and L Wells

### Public Speaking

At the start of the meeting there will be an opportunity of up to 15 minutes for members of the public to ask questions and make statements subject to having given notice by 12 noon two working days before the meeting.

## AGENDA PART 1

### Open to Public and Press

**1 Apologies for Absence and Declarations of Interest**

To receive any apologies for absence and declarations of interest.

**2 Minutes of the Previous Meeting**

5 - 10

To consider the minutes of the meeting held on 6 February 2018.

**3 Responses of the Executive to reports of the Committee**

To consider any responses of the Executive to reports of the Committee.

**4 Consideration of any matter referred to the Committee in relation to call in of a decision**

To consider any matter referred for call in.

**5 Invited reports from the Executive**

To consider any invited reports from the Executive.

**6 Cabinet Forward Plan** 11 - 12

To receive the updated Cabinet Forward Plan.

**7 Review of Uttlesford District Council's Scrutiny function - report and presentation by Ian Parry from the Centre for Public Scrutiny** 13 - 24

To consider a report and presentation by Ian Parry from the Centre for Public Scrutiny.

**8 Centre for Public Scrutiny Conference report and discussion** 25 - 32

To consider and discuss a report on the Centre for Public Scrutiny conference.

**9 2018/19 Work Programme - areas for review** 33 - 40

To consider the 2018/19 Work Programme and areas for review.

**10 2017/18 Scrutiny Committee Annual Report** 41 - 44

To consider the Committee's annual report to Council.

**11 Any other items which the Chairman considers urgent**

To consider any other items of business which the Chairman considers to be urgent.

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The agenda is split into two parts. Most of the business is dealt with in Part I which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

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# Agenda Item 2

**SCRUTINY COMMITTEE held in the COMMITTEE ROOM - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, ESSEX CB11 4ER, on TUESDAY, 6 FEBRUARY 2018 at 7.30 pm**

Present: Councillor A Dean (Chairman)  
Councillors H Asker, G Barker, R Chambers, P Davies,  
M Felton, S Harris, G LeCount, M Lemon, B Light and E Oliver

Officers in attendance: R Auty (Assistant Director - Corporate Services), B Ferguson (Democratic Services Officer), A Knight (Assistant Director – Resources), S Pugh (Assistant Director – Governance and Legal Services) and A Webb (Director - Corporate and Financial Services)

Also present: Councillor S Howell (Portfolio Holder for Finance and Administration) and Ian Parry (Centre for Public Scrutiny).

## SC27 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 21 November 2017 were signed and approved as a correct record.

Councillor Light said she wished it to be on the record that she had been in favour of maintaining the LCTS grant to parish and town councils and had not endorsed its withdrawal.

## SC28 **CABINET FORWARD PLAN**

The Chairman said he would have liked the opportunity to scrutinise the Corporate Economic Development Strategy which was going to Cabinet on the 15 February. He asked Members to contact him outside of the meeting if they had any comments on the strategy.

In response to a question on the Voluntary Support Grants Committee, the Assistant Director – Corporate Services said the committee had been established to monitor organisations which had received large grants from the Council. These organisations made presentations to the committee and were assessed on KPIs that had been set the previous year. A report would be tabled at the Cabinet meeting in April reviewing how the current year's funding had been spent.

The Chairman asked why work on the Day Centre item was still ongoing. The Assistant Director – Corporate Services said the work had been complicated by the fact that discussions with different day centres had been progressing at different rates.

In response to a question on HRA Land Asset Management, the Director of Finance and Corporate Services said the report had gone to the Housing Board and would be going to Cabinet in April. The two sites in question were not viable

for the Council to build on and therefore they would be put on the open market for sale. He said he would circulate the report that went to the Housing Board.

**SC29 SCRUTINY WORK PROGRAMME 2017-18**

The Chairman said the Scrutiny work programme for 2018-19 would have to be compiled in the near future. He proposed that he, Councillor Light and Councillor Barker build a potential programme before presenting it to the committee for approval. This was agreed by Members.

The Chairman said he wanted the delivery of the Corporate Plan to be scrutinised in the upcoming year and included on the work programme.

**SC30 BUDGET COVERING REPORT - 2018/19**

The Chairman invited Members to comment as the committee considered the budget reports, paper by paper as listed in the Budget Covering report.

**SC31 ROBUSTNESS OF ESTIMATES AND ADEQUACY OF RESERVES**

In response to a Member question on the level of scrutiny the budget had received, the Assistant Director – Resources said six of eighteen lines had been subjected to zero based budgeting, all of which were significant service lines for the Council such as Customer Services and Benefits and Revenue.

The Chairman asked how well the savings programme was progressing and how would it be taken forward.

The Assistant Director – Resources said £715,000 worth of efficiency savings had been made in 2017/18. This meant that resources did not have to be reallocated in 2018/19 and savings did not have a dedicated line in the forecast for next year. However, the programme was ongoing and savings had been incorporated from 2019/20 onward in to the budget presented before Members.

In response to a Member's question regarding service reductions, the Assistant Director – Resources said efficiency was not only related to savings but also generating additional income. She confirmed that no frontline services had been cut to create these savings.

Members considered the reserves strategy as set out in the report.

The Chairman asked what risk was posed by the Private Finance Initiative and why reserves had been put in place.

The Assistant Director – Resources said an external auditor had identified a risk two years ago and had recommended that a reserve was established to deal with a potential shortfall. However, in reality more income had been received

than predicted and if the reserve was no longer needed it would be released back into the budget.

The Director of Finance and Corporate Services said recycling was a case in point in demonstrating the importance of a reserves strategy. Due to global market fluctuations, the recycling budget was under pressure and a reliable forecast of costs was difficult to estimate. In response to a Member question, he said recycling may not be the most cost effective form of waste disposal but there was a moral issue when discussing the merits of landfill versus recycling waste.

The Chairman said recycling would be included in next year's Scrutiny work programme.

## **SC32 INVESTMENT STRATEGY 2018/19**

The Director of Finance and Corporate Services presented his report on the Investment Strategy for the upcoming year, which would go to Council for approval on 22 February.

Members considered the report and discussed current investments held by the Council, as well as the stipulation that a further major investment would be required to cover the loss in central government funding.

The Director of Finance and Corporate Services said there would be no dividends in the next few years but as the Chesterford Research Park grew, the possibility of future dividends would be higher.

The Chairman asked whether the development at Walpole Farm was to generate income, or to provide local start-up businesses with below market rents.

The Director of Finance and Corporate Services said Walpole Farm was an opportunity but the income generated from the development of four small office units would be minimal. Discussions were still ongoing with the developer regarding the delivery timetable as the offices had yet to be built.

Members discussed the Council's budget contribution to the investment strategy.

The Director of Finance and Corporate Services said the day of large surpluses had passed and, whilst Uttlesford was in a better financial position than most authorities, investments would be required to 'plug the gap' incurred by the loss of central government funding. He said this strategy would aid the Council in planning its investments.

## **SC33 MEDIUM TERM FINANCIAL STRATEGY 2018/19**

Members considered the Medium Financial Strategy (MTFS) presented before them.

In response to a question relating to Universal Credit, the Assistant Director – Resources said support mechanisms had been put in place and a Benefit Officer would support those who would be crossing over to the new benefit system. A discretionary housing payment budget had been made available to help people in need.

Members discussed the rise in Council tax of 2.99% for 2018/19 as outlined in the report.

The Portfolio Holder for Finance and Administration said the Council had lost significant funding from central government and therefore income had to be raised through a rise in taxation, or through investments.

In response to a suggestion from the Chairman, the Director of Finance and Corporate Services said graphical representations could be produced in future to show financial trends in chart form.

#### **SC34 CAPITAL PROGRAMME 2018/19 TO 2022/23**

In response to a question from the Chairman, the Director of Finance and Corporate Services confirmed that the additional procurement of street cleansing vehicles was due to the corporate priorities and consultation responses, to provide additional resources for litter picking, fly tipping and to generally keep the district cleaner.

The Chairman asked whether funding for energy efficient improvement schemes on Council properties had ceased.

The Assistant Director – Resources said external funding had dried up but a lot had already been achieved. She said certain improvements were no longer affordable, although a programme of works was still included within the HRA revenue budget, which included programmes such as a replacement boiler scheme.

The Chairman requested that a report on energy efficient improvement schemes was produced and submitted to this committee in future.

#### **SC35 GENERAL FUND BUDGET AND COUNCIL TAX 2018/19**

Members considered the General Fund and Council Tax report.

The Portfolio Holder for Finance and Administration said responses to the public consultation on the budget had been taken into account, and where possible, the Council had dedicated resources to services that were deemed as public priorities. He added that the consultation was not a referendum and services which were not regarded as a priority, such as the museum, would also be taken into account.



Members discussed the additional resources allocated to the district's PCSO as proposed in the budget.

The Portfolio Holder for Finance and Administration said this need had been identified in consultation with parish and town councils, who would provide part of the funding for an additional PCSO. The intention was that this PCSO would be deployed across two or more parishes in the district, although the exact details had yet to be confirmed.

The meeting ended at 9.01pm.

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## UTTLESFORD DISTRICT COUNCIL FORWARD PLAN

Item	Meeting	Date	Brief information about the item and details of documents submitted for consideration	Key Decision?	Part 2?	Portfolio Holder	Contact officer from where the documents can be obtained
Corporate Plan Delivery Plan 2018/19	Cabinet	4 April 2018	To approve the Corporate Plan Delivery Plan 2018/19.	No	No	Cllr Rolfe	Dawn French – Chief Executive
Final Progress report on the Corporate Plan Delivery Plan	Cabinet	4 April 2018	To note the final end of year progress on the CPDP for 2017/18.	No	No	Cllr Rolfe	Dawn French – Chief Executive
Report from Voluntary Support Grants Committee	Cabinet	4 April	Annual report from Cabinet Committee, Voluntary Support Grants Committee, on review of how current year's funding has been spent and indication of intention of purpose of next year's spending.	No	No	Cllr Ranger	Paula Evans – Leisure and Performance Manager
Amendments to Housing Allocations Policy and Homelessness Strategy	Cabinet	4 April 2018	To approve amendments to the allocations policy and homelessness strategy in light of the Homelessness Reduction Act 2017 which comes into force on 1 April 2018.	Yes	No	Cllr Redfern	Judith Snares – Housing Strategy and Operations Manager
HRA Land Asset Management	Cabinet	4 April 2018	In line with the HRA Asset Management and	Yes		Cllr Redfern	Roz Millership – Assistant Director – Housing, Health

Item	Meeting	Date	Brief information about the item and details of documents submitted for consideration	Key Decision?	Part 2?	Portfolio Holder	Contact officer from where the documents can be obtained
			Development Strategy it is recommended that plots of HRA land located at The Elms in Duton Hill and Hilltop Lane in Saffron Walden are sold on the open market subject to Outline Planning Permission being granted for both sites				and Communities
Section 106 Priors Green, Takeley	Cabinet	4 April 2018	To permit funding for refurbishment of the Old School House for community purposes	Yes	No	Cllr Howell	Angela Knight – Assistant Director - Resources
Determination of nomination of asset of community value – World War II POW Camp at Mill Lane, Hatfield Heath	Cabinet	4 April 2018	To determine a nomination of an asset of community value	No	No	Cllr Barker	Simon Pugh – Assistant Director Governance and Legal
Local Heritage list	Cabinet	24 May		No	No	Cllr Barker	Gordon Glenday – Assistant Director – Planning

# Agenda Item 7

**Committee:** Scrutiny

**Date:**

**Title:** Review of the Council's Scrutiny function

**27 March 2018**

**Author:** Richard Auty, Assistant Director Corporate Services, telephone 01799 510500

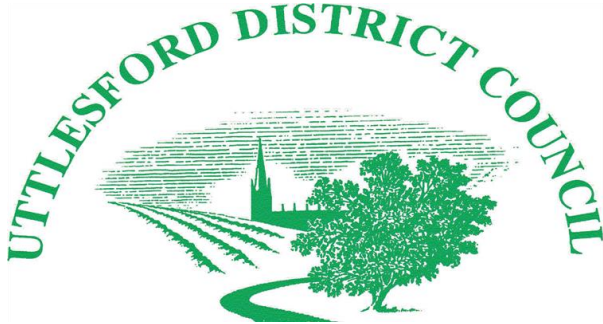
Item for decision:  
no

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## Summary

1. Uttlesford District Council commissioned The Centre for Public Scrutiny (CfPS) to carry out a review to consider the effectiveness and impact of its current approach to overview and scrutiny. Ian Parry of CfPS undertook this review and will give a presentation at the Scrutiny Committee meeting. His report is attached.
2. Members are invited to consider the report.

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Uttlesford District Council  
Overview and Scrutiny Review  
Report and Findings  
March 2018

Contents:

- Executive Summary:
  - Introduction
  - Scope and methodology
  - Summary of findings
  - Scrutiny in Uttlesford – observations
  - Recommendations
  
- Appendix – Meetings and interviews



# Executive Summary

## Introduction

1. The Centre for Public Scrutiny (CfPS) was commissioned by Uttlesford District Council (UDC) to consider the effectiveness and impact of their current approach to overview and scrutiny.
2. Thank you to the elected members and officers who took part in interviews, for their time, insights and honesty. Also to Paula Evans and Richard Auty for their support in arranging interviews and collecting evidence.

## Scope and methodology

3. The scope of the report was to 'assess the current approach to scrutiny and make recommendations aimed at improving its impact and effectiveness in Uttlesford DC.

We explored the value and impact of scrutiny in terms of:

- Effectively holding the executive to account
  - Contributing to policy-making
  - Acting as a voice for the public
  - Adding value to whole council decision making
4. Specific areas to be included were:
    - How well the role of scrutiny is understood within the council and amongst members and officers and the perception of its value?
    - How focused and well managed the work programmes are in relation to corporate priorities and issue of immediate concern?
    - How effectively scrutiny constructively challenges executive decisions?
    - How members are trained and supported to undertake scrutiny and how this contributes to their broader development?
  5. Evidence gathering included:
    - Desk research of key council documents, agendas, minutes, work programme, etc.
    - Observations of a scrutiny meeting
    - Interviews with both executive and scrutiny key members and officers who support scrutiny or who have corporate responsibility

## Summary of findings - Highlights

### **Strengths:**

Based on the evidence gathered our feedback is:

- Scrutiny is generally well organised and is welcomed in the council.
- Relationships between scrutiny members and officers is good and there is a general willingness to support scrutiny.
- Scrutiny and executive members in general have a good relationship and scrutiny aims to be objective. It is not seen as threatening or negative.
- Members appreciate the role of scrutiny and want it to become better.
- In the main cabinet decisions are transparent and accessible for call-in or scrutiny.
- Scrutiny members take their role seriously and are willing to develop and improve.

### **Areas for improvement:**

Based on the evidence gathered our feedback is:

- Overview and scrutiny is underachieving. It lacks purpose and authority.
- It is widely valued, but not consistently understood and there are wide differences of opinion about its purpose, potential and function.
- It does not provide sufficient impact and value in shaping and improving decision-making and performance in the council.
- Scrutiny too focused on monitoring and therefore missing opportunities to provide strategic input.
- There are signs that scrutiny is not integral to or valued as part of the decision and policy making process.
- Cabinet is not sufficiently visibly accountable to scrutiny. Scrutiny is not effectively holding it to account. Cabinet members are often observers or not present at scrutiny meetings.
- There is too little structured scrutiny and too much consultative activity - information giving or clarification-seeking in scrutiny meetings

## Context

6. The importance of good governance and the value of accountability and openness in local government is well documented, and scrutiny is a key contributor. In the context of austerity across all public services, challenges in relation to demand and the need for clear accountability, scrutiny's role is even more significant. The recent Communities and Local Government Select Committee review into local government scrutiny ([report here](#)) confirmed that the culture of an organisation is vital to ensuring independent and effective challenge.
7. UDC has seen some political changes after the last election and changes to Scrutiny positions. It has continued in the convention to appoint an opposition member as the chair of the scrutiny committee.

## Scrutiny in Uttlesford – analysis

8. For scrutiny to be effective it should develop the confidence, authority and capability to be an effective counter-balance to the executive. In UDC, we observed different opinions about this. Some see scrutiny as an option, e.g.: 'it's up to them if they want to scrutinise decisions'. Others see it as potentially disruptive, unhelpful or unnecessarily challenging. Others see it as absolutely essential, supporting and testing the council in a democratic and visible way. Overall however Scrutiny does not seem to hold a position of authority as a robust critical friend. It needs to be reinforced and supported to become more effective.
9. Scrutiny is not always scheduled into the programme of change or important decision-making pathways. It can therefore surprise the scrutiny committee or mean that effective scrutiny is absent.

During the review two examples where scrutiny is not involved until the end were disclosed. In both cases this was a problem; one surprised the council and delayed the implementation of a decision the other resulted in light-touch scrutiny, simply because the committee was not fully informed or had insufficient time to consider. Scrutiny have the tools and the time to do its job.

After open and effective scrutiny, the Council can be assured that it has been visibly and openly tested. And the public can be satisfied that the decisions which affect them are robustly checked and challenged.

There requires a level of maturity and trust to establish and imbed scrutiny as a partner in the process of decision-making and policy development.

10. The scrutiny function, in terms of structure, is well-established and well-supported by a dedicated team of officers with a strong mix of experience and skills. Members and officers are engaged and are positive about the potential for scrutiny to make a difference.
11. Staffing support for scrutiny is reduced since a member of staff moved to a new job outside the council. This could provide an opportunity to consider the structure and management of scrutiny.

12. There are known processes for work programming planning, agenda setting and managing the meetings. Meetings are well-run in terms of logistics, layout, attendance. Meetings tend to be led by the Chair, who will often be the main questioner. There seems no pre-planned or constructed scrutiny.
13. Meetings are polite and good natured. There is a tendency to spend an unnecessary amount of time on basic procedure or minutes. The meeting pace is slow. There is little evidence of members acting as a team with clear lines of inquiry. This is leaving space for un-co-ordinated individual questions, some of which result in a small measure of scrutiny happening but not usually by design.
14. There appears to be a practice at UDC that officers attend scrutiny rather than Cabinet members. However, generally it is expected that the Leader and cabinet members are scrutinised, with officer support for advice and technical information. There is no real clarity at UDC on when the Leader or Cabinet member should attend. The Leader attends sometimes as an observer. Officers should not be expected to attend and to receive criticism or challenge, which is intended as part of holding to account – that is the role of elected executive politicians. It could be argued that there is a democratic deficit here.
15. It is the prerogative of scrutiny to examine and challenge the Cabinet forward plan in what is widely termed 'pre-scrutiny'. There is almost no pre-scrutiny at UDC. This is a further weakness and missed opportunity to add real value.
16. Scrutiny informs and advises the Cabinet on its activities, ideas and plans based on an oral report of the previous committee meeting. As this report may not always, and completely, be the majority view of the committee, there may be some concern over the presentation of this information. Alternative approaches could include an officer prepared report, presented by the chair or a separate scrutiny/cabinet liaison meeting.
17. The scrutiny programme is publicly accessible along with minutes and associated reports via the Council's website. The programme itself could benefit from a review. It is largely a static programme of familiar items about which the committee receives reports, asks questions and sometimes monitors performance. To add more value it would need to be more strategic and integral to the council's decision making and policy forming process. The focus on operational issues has also led scrutiny taking on a monitoring rather than scrutiny role. Briefings are common place and many items are on a regular loop of appearing frequently on scrutiny agendas.
18. There has been a shift away from its core focus of holding the executive to account and as a result the organisation appearing open to challenge. This position has happened over time, rather than by design, and has become normal and established. For many it is not seen as problematic. It does however prevent democratic accountability and transparency to work as effectively as it could.
19. There is a lack of understanding or visibility of the council's corporate plan. Members are very passionate about the district and their communities but lack a sense of what the purpose and priorities are for the organisation. This has led to a weaker focus on outcomes and the shared sense of value in scrutiny's work.

20. Whilst the role of scrutiny can be articulated it does not translate into practice. Scrutiny is currently focused on holding officers to account and not the executive. Cabinet members rarely attend scrutiny and when they do most of the questions are directed at officers. Cabinet seem content with how scrutiny is currently functioning and there is not sense of the 'critical friend'/ 'grit in the oyster' that you would hope to see.
21. Scrutiny is currently mainly internal in its focus looking at council processes and reviewing decisions. There is little evidence of scrutiny acting as the voice of the public (apart from using specific ward issues to highlight concerns).
22. The foundations are in place for Uttlesford for raise its game in terms of impact. To do this there are a number of factors which need to be addressed:

### Summary of recommendations

23. The following recommendations are made:
  - Create a common understanding and purpose for scrutiny (Mission)
  - Leader and Cabinet members all directly accountability and visible
  - Relationship with cabinet -Structured meetings to discuss scrutiny
  - Corporate team to have greater oversight to ensure scrutiny plays its full role
  - Scrutiny planning forum to set strategic objectives for the plan
  - Consideration of public input and access
  - Scrutiny built-in as integral part of decision-making and policy forming process
  - Annual report and performance review on scrutiny effectiveness and impact
  - Further skills development – members, chair (key skills/advanced chairing skills)
  - Structure of meetings – set objectives, create lines of enquiry etc
  - Briefings for scrutiny – Ensure that scrutiny members have necessary information and facts to prevent scrutiny meetings becoming information exchanges

### Recommendations – detail

24. Getting a shared view of scrutiny's role and purpose is vital. The lack of understanding was cited as a key issue getting in the way of good scrutiny in a recent CfPS/ [APSE Report](#) . Undertaking this as a joint exercise would provide a route for Cabinet to demonstrate its commitment to being challenged. It could also form part of the work programming process.
25. Scrutiny's job is to the hold the executive to account, this means Cabinet members should be front and centre. Reports should therefore be in their name and they attend meetings as required. Whilst the current committee structure does not lend itself well to this (Cabinet members could be at all of them, all of the time) this is not an acceptable excuse. Officers can be present but for technical support only. Cabinet should view scrutiny as a critical friend who offer additional insight and sometimes challenge that may strengthen decisions and improve performance.
26. To ensure that scrutiny is baked-in to all council decisions relevant directors could strengthen the advisor/guardian role, to ensure that scrutiny has the tools, access and support it needs to be effective.

27. Scrutiny members need a clearer sense of what is required of them as committee members and the work involved which allows good scrutiny to happen. Practically the chair and vice-chair must aim to build a team approach to evidence gathering and questioning. Support from officers will help. There needs to be more detailed pre-briefing of the members on major and important items.
28. Refresh the work planning programme process that allows scrutiny councillors to focus in the most important issues for the council and residents. A high-quality work programme is critical to success. It may help in this process if a forum was established between scrutiny and cabinet to decide on priority areas for scrutiny and to also shape a task and finish schedule.

A good work programme is about impact and outcomes. Work programming is about highlighting and proceeding with those matters where scrutiny can make most difference to the lives of local people.

This relies on two things – firstly, having the information at hand to be able to make informed choices. Secondly, it is important that scrutiny understands what “impact” looks like, so it can plan for it. In summary:

- Scrutiny needs to be more flexible and responsive;
- Scrutiny must focus relentlessly on adding value – on making a direct difference to the lives of local people – by bringing a different and unique perspective to bear on local decisions, with scrutiny doing a specific job that doesn’t duplicate the work of others;
- Scrutiny’s role needs to be well articulated and, critically, understood by scrutiny members, senior officers and Cabinet members;
- While increased resourcing will always help, the reality is that the prospects of this for most councils are remote. As such focus should lie on prioritisation.

Be creative in the approach to scrutiny and experiment to engage more widely and hear different voices

There are a wide range of models, systems and approaches to managing committee meetings, and to carrying out task and finish groups, which UDC can trial and adapt to its own circumstances.

Scrutiny could consider co-option both of expert professionals (who may also be local people) and local people who while not professionals, may still have expertise in specific issues. This could be done along with thinking more generally about scrutiny’s ability to draw in and involve local people more.

## **Conclusion**

29. There are solid foundation stones in place for Uttlesford to make changes which will deliver purposeful scrutiny that is valued and makes a difference.
  
30. The recommendations in this report require commitment from scrutiny members, senior officers and the council's leadership. Scrutiny councillors, and the officers who support them, cannot make scrutiny effective, and enhance its impact, on their own. Part of the change will require a whole council approach to accept and meet this challenge.

**Evidence gathered**

On-site – meetings and interviews

Scrutiny members  
Democratic Services staff  
Senior Corporate officers  
Heads of service interviews  
Leader and Cabinet leads

O&S Committee observation

Desk research

Corporate planning documents  
Website review  
Minutes and report review  
Scrutiny work programme

Consultant:

Ian Parry | Development Manager  
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CfPS is a registered charity: number 1136243



# Agenda Item 8

<b>Committee:</b>	<b>Scrutiny</b>	<b>Date:</b>
<b>Title:</b>	<b>Centre for Public Scrutiny National Scrutiny Conference</b>	<b>27 March 2018</b>
<b>Author:</b>	Cllr Alan Dean, Chairman, Scrutiny Committee	Item for decision: no

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## Summary

1. The Chairman of the Scrutiny Committee attended the Centre for Public Scrutiny's National Scrutiny Conference in December. The following document summarises the issues raised and matters discussed.
2. This document was included in the papers for the February 2018 Scrutiny Committee meeting and is re-presented here for discussion.

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# **REPORT ON THE CENTRE FOR PUBLIC SCRUTINY'S NATIONAL SCRUTINY CONFERENCE: THE GOVERNANCE OF COMPLEXITY**

**6 DECEMBER 2017**

**Report by Cllr Alan Dean, Chair of Scrutiny**

## **1. Why have a national conference on scrutiny now?**

National and local government is becoming more and more complex, meaning decision making is more complicated and uncertain. Decision makers need effective internal challenge to help ensure the best outcomes for the long term, as well as the short term. That was the theme of the national conference organised by the Centre for Public Scrutiny (CfPS) attended by some 130 Members and Officers from across the country. Cllr Alan dean from Uttlesford DC was the only attendee from the whole of Essex.

This report is a summary of many speeches and attendees' comments.

## **2. What are these changes and why can't they be ignored.**

Events like child exploitation in Rotherham and the Grenfell Tower fire disaster were examples of the state failing the people. Government and the state in general is getting smaller. The challenge is to ensure that councils stay ahead of the game and are geared up to anticipate necessary change. Brexit is a major challenge of yet unknown consequences for funding of services and demand for additional services to fill gaps. Avoiding the storing up of problems until it is too late is important.

It was said that the way local government does things is fragmenting, which can result in lots of activity for zero or little outcome. An example was given of support for families in Camden that was ineffective, despite much involvement by several agencies.

What extra challenges and/or responsibilities will Brexit impose? For example, will there be an impact on local employment in Uttlesford if changes to the European aviation regime affects UK airport services?

Public accountability of decision makers really matters. Scrutiny is a fundamental part of democracy and accountability. Whatever changes are introduced, councils must avoid avoiding risk; but must ensure that effective governance mechanisms are in place. Questions were raised about LEP (Local Enterprise Partnership) accountability – where is it? Someone commented “If you don’t welcome accountability, how do you know you are doing the right thing”?

The big issue for councils and the public is about information and transparency if they are going to be able to demonstrate that their organisations are trustworthy.

All change involves risk, for which mitigation training is important; so have it! How is risk balanced against doing nothing?

### **3. The roles of scrutiny**

Scrutiny is not just about holding the executive to account; it is also about developing policy ahead of decision-making. Start by asking the questions: Is scrutiny valued throughout the organisation? Is there sufficient senior officer support? Does the Council feel that scrutiny gets in the way of managerial delivery?

Scrutiny is about talking to power; about speaking up for people who would not otherwise be heard. So be prepared to do what is unpopular but right! For example, the need for state intervention on housing provision.

Scrutiny should act in the public interest at all times. This might include reducing the need for some public services by assessing and addressing the local demand.

Without such types of change to local services, it will not be possible to continue with Scandinavian service quality at American taxation levels.

#### **4.1. What scrutiny needs to be and to do to ensure effectiveness**

There is not enough sharing of best practice amongst councils. (Does the low conference participation from Essex indicate a county-wide issue with scrutiny and local scope for sharing best practice?) Scrutiny must have access to policy officers if it is to influence policy in a timely manner. There will be times when external advisors are needed to help scrutiny work well.

Be ready with a process to deal with things when they go wrong. There is a need for new forms of scrutiny; a theme that will need to be explored.

Leadership through today's climate should follow a VUCA model – volatile, uncertain, complex, ambiguous.

Reports should not come to scrutiny unless there is effective challenge. The notion of challenge has been misunderstood and misinterpreted as “bullish questioning”. When Rotherham went wrong, five commissioners were sent in. There was then an advisory cabinet and pre-decision scrutiny. Consultation was increased, along with greater public engagement and involvement of Opposition Members. Ward members played a role in neighbourhoods.

Avoid at all cost meetings and action plans that are numerous, but do not result in useful outcomes. A rigorous governance framework must be put in place that includes a member development strategy.

Much was made of the need for scrutiny to be independent from the executive and autonomous. There should be less of “what do you think of this?” and more of “here's a problem/need – what do you think should be done?” Redbridge cabinet members may only attend scrutiny meetings by invitation; they must not just turn up uninvited, as doing so would compromise the independence of the scrutiny process. It is essential to get scrutiny's relationship with cabinet members correct. This can be achieved by establishing a scrutiny protocol.

Committee chairs must be and act independently. Party whipping must play no part in scrutiny. Whipping in Parliament is a standards matter/issue. The question was posed but not answered: “How does one deal with scrutiny of policy already agreed by group meetings of an administration”? Depoliticise how councils make decisions by redesigning the process. Move beyond party politics. It was noted that parliamentary committee chairs are elected by back-benchers without executive/ministerial involvement.

The chair of scrutiny should report to Full Council and occasionally to the Cabinet. At Harrogate Full Council has a standing agenda item. Harrogate has a monthly scrutiny meeting, so impromptu action does not take too long to be addressed.

Questions posed: What is the culture of your council? Do the leader and chief executive consider scrutiny to be important? Is scrutiny expected to criticise the leader and to ask difficult questions? Have you got the right people on scrutiny? Balanced teams out-perform those that are not. All non-executive/non-cabinet councillors should be able to be involved in scrutiny. But remember, Member ownership is critical to success and won't be forthcoming unless Members can see outcomes, i.e. value-added results. Focus on what can make a difference. Do not accept onto the agenda tick-box items and reject information only items.

Members should be confident and inquisitorial. Hold pre-meetings to work out what lines of enquiry will be followed. Charnwood Council scrutiny committee holds an informal pre-budget meeting to work out lines of enquiry.

Cabinet agendas should be published two weeks in advance of the cabinet meeting to allow scrutiny members time to digest its content. Kirklees had something called a democracy commission: The Voice of the Councillor. At Redbridge and Westminster there are Scrutiny Commissioners plus 5 committees. Commissioners and chairs can raise things individually with the leader in public and this is encouraged and welcomed.

Councils should address the disparity in resourcing between executive and scrutiny. A CHALLENGE – make scrutiny as important to the public as the cabinet is.

#### **4.2. Financial and commercial scrutiny**

A key role of scrutiny is to engage with the council commercialisation agenda, such as property investment. Assume that austerity is here to stay. Beware of budgets and investments made for short-term fixes. Don't forget Nolan Principles at any stage of the process. It may be appropriate for some commercial scrutiny not to take place in public, but the maximum of information should be on public papers.

Remember there is no financial sustainability in local government finance at the present time, so something will have to give. It is scrutiny's role to call for a clear

direction of travel, avoiding knee-jerk decisions that have not been tested for long-term sustainability.

Help the council to work out how to handle long-term investments – way beyond the MTFS (medium term financial strategy).

What are the risks from making investments and the role scrutiny plays?

1. National vs local contradictions
2. No financial competence within the scrutiny team
3. Losing sight of service delivery as investing sucks up council capacity
4. Question any dual role of a S.151 officers as a director of an investment company and whether there is a conflict of interest with the statutory role.

Freedom of Information procedures are an unacceptable route for scrutiny to have to call for information. Contractors should be open to scrutiny; the requirement should be written into contracts.

Make use of the Cipfa Good Governance Framework. A DCLG publication that might be useful: “Financial Sustainability” – June 2016.

ENDS

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**Committee:** Scrutiny Committee

**Date:** 27 March  
2018

**Title:** Scrutiny Work Programme – topics for  
review

**Author:** Richard Auty, Assistant Director Corporate Services      Item for decision

## Summary

1. At the Scrutiny Committee meeting in February 2018, it was agreed that three members of the committee would work with officers to formulate a list of potential topics for review during 2018/19.
2. The appended table shows the outcome of those discussions.

## Recommendations

3. The committee decides which topics it wishes to include on the 2018/19 Scrutiny Work Programme.

## Financial Implications

4. There are no direct financial implications associated with this report.

## Background Papers

5. None

## Impact

- 6.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

## Situation

7. At the February 2018 Scrutiny Committee meeting it was decided that Cllrs Dean, Barker and Light would formulate a list of topics potentially suitable for review during the 2018/19 year.
8. The topics which form the table at Appendix A are drawn from items which had been on the previous work programme, new ideas based on issues members were aware of in their communities and ideas which they felt would potentially warrant a review in order to add value to the Council's work.
9. All ideas put forward are included in the table, with members' views of their priority shown in the right hand column. Ideas suggested but deemed not appropriate for review are also included so the committee can see every topic that was considered.
10. The Scrutiny Committee has six meetings timetabled for 2018/19. The dates are:
  - 1 May
  - 18 June
  - 25 September
  - 20 November
  - 5 February
  - 21 March
11. In deciding which topics to bring forward for the work programme, members should bear in mind the following items which go to the committee each year:
  - June –LCTS proposals
  - November – LCTS consultation responses, budget review
  - February – Budget

## Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
The work programme contains too many items for the committee to properly give time to review	1 – Members are asked to prioritise review topics	2 – An overburdened work programme will make the committee's work less effective	Committee dates and pre-existing reports for the committee are included in this report

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Topic		Reason for review	Scrutiny Action(s):	Priority
1.	<b>Recycling</b>	<p>Understanding reasons for failing rates and impact on the MTFS</p> <p>Inform Council when making decisions about future recycling</p>	<p><b>Consider:</b> What the performance is today What the market situation is</p> <p><b>Required:</b> Status report from Street Services.</p> <p>To include the current service performance, costs, market situation and risks (financial and otherwise). Report to determine state of service – what is the contamination situation, what’s the potential for improving the service compared to where we are now. Solutions to problems should not be identified at this stage, just details of the issues. If remedial work is underway in some areas then this should be identified and progress determined.</p> <p><b>Further action:</b> Develop a Scoping Report</p>	High
2.	<b>Investment Strategy</b>	<p>To understand the Council’s approach to large scale investment projects</p>	<p><b>Consider:</b> The criteria in place for making investments to secure the Council’s long term economic stability</p> <p><b>Required:</b> Status Report from Commercial Team</p> <p>To include an overview of the Strategy and the decision-making process and an update on the investments made or proposed over the last two or three years, e.g. CRP and commercial opportunities. Return for UDC Is there sufficient audit and governance in place to ensure minimisation of loss and waste</p> <p><b>Further action:</b> TBC</p>	High
3.	<b>Large Scale Grants</b>	<p>To understand the Council’s approach to the allocation of large scale grants</p>	<p><b>Consider:</b> The process for the allocation of large scale grants</p> <p><b>Required:</b> Status Report from Lead Officers of projects</p> <p>To include an overview of the allocation process and an update on the grants that have been made or proposed e.g. Carver Barracks, Broadband, Stansted College etc.</p> <p><b>Further action:</b> TBC</p>	High

Topic		Reason for review	Scrutiny Action(s):	Priority
4.	<b>Section 106</b>	To understand if s106 process is being applied effectively	<p><b>Consider:</b> Effectiveness of S.106 agreements. Is now the time for the council to adopt CIL?</p> <p><b>Requirement:</b> Informally ask whoever is recruiting 106 Officer what are the terms of reference. A full review of the process is required.</p> <p><b>Further Action:</b> TBC</p>	High
5.	<b>Social/ Affordable Housing</b>	What can/can't we deliver with regards to the allocation of Social/Affordable Housing in new developments	<p><b>Consider:</b> Council in a situation now where it isn't able to meet the needs of everyone who wants a home. That will change over a period of time due to local plan, the rate of house building increasing, more people moving to district etc.</p> <p>Need to identify what groups of people we are expecting to move into District? Are we developing new housing for them e.g. people who work at the airport can live closer to their work-place. Is there going to be a rebalancing of the demographics? Have to know what the need is and work out if we are providing for that need or continuing with 40% affordable policy. Should we be considering alternatives to Right to Buy such as housing associations/local housing companies? How is percentage allocation calculated? What are others doing? A clear definition is needed to inform Housing policies.</p> <p><b>Requirement:</b> Scoping Report from Housing</p> <p><b>Further Action:</b> TBC</p>	High
6.	<b>Airport Parking</b>	Understand the limitations/ opportunities for the council in addressing airport related parking issues	<p><b>Consider:</b> Enforcement capability under legislation Planning controls How is it managed beyond the council? Contract to agency?</p> <p><b>Required:</b> Status Report from Environmental Health</p> <p>Report to include council's enforcement responsibilities and capability and details of any new byelaws which could impact.</p> <p><b>Further Action:</b> TBC</p>	Medium

Topic		Reason for review	Scrutiny Action(s):	Priority
7.	<b>Review of Cabinet system</b>	Understand its effectiveness in UDC	<p><b>Consider:</b> Is the Cabinet system the right system for UDC? If not, why not?</p> <p><b>Requirement:</b> Scoping Report from Democratic Services? Ask LGA about trends at other authorities. Completion by end 2018/19 before new council.</p> <p><b>Further Action:</b> TBC</p>	Medium
8.	<b>Street cleaning/littering</b>	Area of concern for public - Pride in Place initiative	<p><b>Consider:</b> Will the Council's Pride in Place initiative achieve meaningful outcomes? What is being done at the moment? Cleanliness of public spaces, how clean are our streets? How often are they cleaned? How do we compare with other districts? How are resources allocated?</p> <p><b>Requirement:</b> TBC</p> <p><b>Further Action:</b> TBC</p>	Medium
9.	<b>Energy efficiency of council homes</b>	Has the council reached the limits of what it can achieve in making council housing energy efficient?	<p><b>Consider:</b> What energy efficiency schemes/projects does/has the council run? Why is budget now zero? What have been the CO2 reductions over time? Do we educate our Tenants? What more could be done?</p> <p><b>Requirement:</b> Status Report</p> <p><b>Further Action:</b> TBC</p>	Medium
10.	<b>Economic Development Strategy</b>	Mid-year review of progress against action plan	<p><b>Consider:</b> Progress against actions Constraints in progressing actions (where relevant). Priorities.</p> <p><b>Requirement:</b> TBC</p> <p><b>Further Action:</b> TBC</p>	Medium

SCRUTINY COMMITTEE WORK PROGRAMME 2018/19 DRAFT FOR REVIEW

Topic		Reason for review	Scrutiny Action(s):	Priority
11.	<b>Corporate Plan Delivery Plan</b>	Review progress of actions	<p><b>Consider:</b> Review of 2018/19 CPDP Q2 actions status at November meeting</p> <p><b>Requirement:</b> TBC</p> <p><b>Further Action:</b> TBC</p>	Medium
12.	<b>Day Centres</b>	Review of plans for new operating models to deliver best possible service	<p><b>Consider:</b> How the Council aims to maintain and improve day centre service provision.</p> <p><b>Requirement:</b> End of year status report for March 2019 meeting</p> <p><b>Further Action:</b> TBC</p>	Medium

TOPICS NOT BEING TAKEN FORWARD:

Topic	Reason for review	Considerations	Decision
<b>Email</b>	Member of staff said he received 200+emails a day	Time wasted? Right to disconnect In order that – increase staff efficiency and well being	<b>NOT REVIEWING</b> Internal management issue
<b>'Charitable' giving</b>	How much do we give to charity/voluntary sector/professional bodies	Process Service level agreement Aligns with corporate plan Governance  In order that – Ensure taxpayers money is equitable and give good value for money	<b>NOT REVIEWING</b> Report to GAP
<b>Budget Role of Scrutiny</b>	Scrutiny and GAP review the 'Budget'	Why duplicate? Scrutiny could be critical friend, GAP could take on 'corporate scrutiny'	<b>NOT REVIEWING</b>
<b>Business development</b>		Value for money Audit trail Evidence of impact  In order that – Audit and Governance can ensure minimisation of loss and waste	<b>NOT REVIEWING</b>
<b>Statutory/ Non-statutory service review.</b>		In order that Council is aware when judging service provision	<b>NOT REVIEWING</b>

**SCRUTINY COMMITTEE WORK PROGRAMME 2018/19 DRAFT FOR REVIEW**

<b>Relevant and relative responsibilities of Scrutiny and GAP</b>	Clarity around roles of both committees – when does one committee refer an item to the other?	In order that both committees are working effectively for the benefit of the community. Discuss outside of scrutiny process.	<b>NOT REVIEWING</b>
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**Committee:** Scrutiny

**Date:** 27 March  
2018

**Title:** Annual Report

**Author:** Richard Auty, Assistant Director Corporate Services      Item for decision

## Summary

1. There is a requirement under the Council's Constitution for the Chairman of the Committee to report annually to Full Council.
2. This used to occur at the Annual Council meeting in May but it was decided to move the report to the April Full Council meeting.
3. The information below will form the report the Chairman will give to the Council meeting and summarises the key work of the committee in the 2017/18 year.

## Recommendations

4. The committee approves the content of the Annual Report.

## Financial Implications

5. There are no direct financial implications associated with this report.

## Background Papers

6. None

## Impact

- 7.

Communication/Consultation	The report will provide a summary of the committee's work for all members
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

## **Situation**

8. In 2017/18 the Scrutiny Committee has undertaken work looking at a range of policies and services along with its role in scrutinising key financial matters through the draft budget and Local Council Tax Support Scheme (LCTS).

## **LCTS**

9. The Committee considered the draft scheme proposals for 2018/19 at its meeting in June. There was support for the scheme, in particular the 12.5% contribution rate which was lower than any other authority in Essex. Members also considered the proposed withdrawal of the discretionary Parish and Town grant funding and resolved to recommend to Cabinet that it should approve the draft proposals.
10. The final scheme was presented to the Scrutiny Committee in November along with a report on consultation responses. The committee acknowledged it was a difficult subject on which to consult as the scheme was technical in nature but noted almost 1,000 residents took part. A motion was put forward to maintain the grant to parish and town councils, but this was defeated. The committee voted by a majority to endorse its withdrawal.

## **Budget Scrutiny**

11. The Committee reviewed all budget reports prior to their submission to Cabinet and Full Council at its meeting in February. Among the matters highlighted during these discussions were the £715,000 efficiency savings made during the year and the need for further savings in the future, the importance of having a robust reserves strategy, the proposed Council tax rise of 2.99% and the loss of significant funding from central government.
12. In addition, the Committee noted the Council's new Investment Strategy and may request a further report on this area of work during 2018/19.

## **Local Plan**

13. During the year the Committee was presented with terms of reference to formalise its role in the Local Plan process, including employing the Planning Advisory Service to conduct another review. However, after debate it was decided that without the technical expertise provided at the Planning Policy Working Group it would be difficult to effectively fulfil this role. As the Committee could call in any decisions made by Cabinet during the process if it considered there were issues that merited further consideration, the Committee voted not to adopt the terms of reference.

### **Matters previously considered by the Scrutiny Committee**

14. In 2016/17 the Scrutiny Committee had called in both the Air Quality Action Plan and the Street Naming and Numbering Policy. During 2017/18 the Committee received revised versions of both these policies.
15. The revised Air Quality Action Plan incorporated recommendations from the Scrutiny Committee, including prioritisation of actions, quantification of cost and confirmation that the plan met Defra guidelines, and the Committee recommended to Cabinet that the revised scheme be adopted.
16. Similarly, the Committee recommended the adoption of the revised Street Naming and Numbering policy and noted the greater say for town and parish councils when it came to the street naming process.
17. In 2016/17, the Scrutiny Committee established a Task and Finish Group to look at matters relating to Enforcement. At its June 2017 meeting, a new Enforcement Strategy and associated policies were presented prior to the approval at Cabinet.

### **Call In**

18. One Cabinet decision was called in for further consideration during 2017/18. The Cabinet decision to approve the disposal of land at De Vigier Avenue, Saffron Walden, was called in by three members, with the meeting taking place in September.
19. Two public speakers made statements along with one of the two ward members, before the committee debated the issue.
20. The committee decided by a majority that no further action be taken on the call-in and therefore the Cabinet's original decision to approve the disposal of the land for planning purposes would come into effect.
21. The committee also wished to advise Cabinet of the need to achieve maximum benefits from the sale of the land by investing capital receipts and to ensure a barrier was maintained between the new development and De Vigier Avenue.
22. Subsequent to the meeting, the Chairman discussed with officers establishing a more formal structure for call in meetings. Work on this will be progressed in 2018/19.

### **Centre for Public Scrutiny**

23. Towards the end of 2017/18, the Centre for Public Scrutiny was commissioned to conduct a review of Uttlesford District Council's Scrutiny processes and practices. Face-to-face interviews were held with councillors and officers over two days in February, with other interviews carried out over the phone. Those interviewed included the Chairman of the Committee and Committee Members, Cabinet Members, officers working directly in the Scrutiny function, senior officers including the Chief Executive and officers who had taken

reports to the Committee. The CfPS representative conducting the review also attended the February Scrutiny Committee meeting.

24. The results of this review are being reported to the March Scrutiny Committee meeting and following that, further work such as training for the Committee may be recommended.