



# Uttlesford District Council

Chief Executive: Dawn French

## Scrutiny Committee

**Date:** Tuesday, 11th June, 2019

**Time:** 7.30 pm

**Venue:** Committee Room - Council Offices, London Road, Saffron Walden,  
Essex CB11 4ER

**Chair:** Councillor N Gregory

**Members:** Councillors M Caton, A Coote, C Criscione, G Driscoll, J Evans,  
R Jones, G LeCount (Vice-Chair), N Reeve and G Sell

**Substitutes:** Councillors S Barker, C Day, A Dean, M Foley, M Lemon, R Pavitt  
and A Storah

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## 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 previous meeting.

**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 Reflections on Training**

To reflect on the training provided to Members on 4 June.

**6 Statutory Guidance on Overview and Scrutiny and Memorandum of Understanding** 11 - 50

To consider the report on statutory guidance on overview and scrutiny and the Memorandum of Understanding.

**7 Work Planning** 51 - 64

To consider the report on work planning.

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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 at COMMITTEE ROOM - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, ESSEX CB11 4ER, on THURSDAY, 21 MARCH 2019 at 7.30 pm**

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

Officers in attendance: R Auty (Assistant Director – Corporate Services), B Ferguson (Democratic Services Officer), S Pugh (Assistant Director – Government & Legal Services) and A Webb (Director - Finance and Corporate Services).

Also present: Councillors S Howell and J Redfern.

## SC33 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Asker, Chambers, Davey and Harris.

The Chairman declared a non-pecuniary interest as a member of Stop Stansted Expansion.

## SC34 **MINUTES OF THE PREVIOUS MEETING**

Members discussed the accuracy of the minutes of the previous meeting held on 31 January 2019.

The Chairman asked for an addition relating to SC28 (first paragraph on page 9), so it read as follows:

In response to a request from the Chairman, Councillor Rolfe said the Council was lobbying central government to send the message that there was a limit to the degree of funding cuts that the Council could sustain ***and he was open to the idea of including comments on the matter from the Scrutiny Committee in future.***

Councillors Barker and Davies disagreed with the amendment on the grounds that Councillor Rolfe was not present to agree to the change.

Councillor LeCount said he recalled the comment and concurred with the Chairman's proposed amendment.

The Assistant Director – Corporate Services and the Democratic Services Officer agreed with the Chairman that something of the like was said.

## SC35 **CABINET FORWARD PLAN**

The Assistant Director – Corporate Services said the Plan was under developed due to the upcoming elections. The only items which had been scheduled were those statutory items relating to the Budget.

**SC36 SCRUTINY WORK PROGRAMME 2018-19**

Members agreed to not make any changes to the Work Programme as this would be picked up by the new Committee in May.

**SC37 MEMORANDUM OF UNDERSTANDING**

The Chairman moved proceedings to item 10 on the agenda.

The Chairman introduced the Memorandum of Understanding between the Executive and Scrutiny, which had been produced to meet recommendations of the Centre for Public Scrutiny. The aim of the document was to help better define the roles and responsibilities between the two functions to improve the working relationship in the best interests of the community.

Councillor Howell said the MoU was a good starting point for improving the working relationship between the Executive and Scrutiny and it was important to put this in place without delay.

Councillor Light said the MoU was positive but formal approval of the document should wait until after the election, as it was possible that a new Administration could be in place.

Members discussed delaying the implementation of the MoU. The majority of Members supported the implementation of the MoU without delay.

RESOLVED that the Scrutiny Committee approves the Memorandum of Understanding

**SC38 INVESTMENT STEERING GROUP**

Councillor Howell summarised the report for the Committee's consideration. He said at the meeting on 21 February Council had requested a report on the establishment of an Investment Steering Group (ISG), to support the Council in the creation and development of an investment portfolio. Members also requested that the report was considered at Scrutiny before submission at Council on 9 April.

The report before members set out the current Administration's proposals for an ISG, although the precise makeup of the group would be decided by the new Administration following the election in May. The report did set out the general governance structure for the decision making process and the principles behind

such a structure, and Members were asked to provide feedback on these proposals.

Councillor Howell said the ISG would likely be a working group of Cabinet which would include expert advisors. If investment opportunities were found, the ISG would review the business case and recommend investment opportunities to Cabinet for approval. Cabinet would then review the investment and, if satisfied, recommend to Full Council. He stressed that Full Council would make the final decision on whether or not to allocate the funding to any proposed investment.

Councillor Light said she welcomed the proposal for a governance structure to be put in place regarding the Council's investments. She proposed agreeing to the principles outlined in the report but added that much more work needed to be done. She asked whether this would be considered at Council on 9 April.

The Director –Finance and Corporate Services said the report could be endorsed by Full Council at its meeting on 9 April, but the ISG itself would be established under the new Administration.

*Councillor Susan Barker entered the meeting at 8.15pm.*

The Chairman made the following proposal:

'Scrutiny endorse the establishment of an Investment Steering Group and request that the work on the investment governance structure is progressed and completed in May.'

The proposal was unanimously approved.

RESOLVED that Scrutiny endorse the establishment of an Investment Steering Group and request that the work on the investment governance structure is progressed and completed in May

In relation to a question from Councillor Redfern, the Chairman said he had responded to a resident's enquiry relating to the Council's investment strategy and he would circulate the letter confirming this.

## SC39 **STREET SERVICES UPDATE**

Councillor Susan Barker summarised the Street Services report for members' consideration.

The report outlined a high level action plan for waste education and awareness, with a view of reducing the level of contamination in recycling collection services and increase participation in food waste collection. Awareness would be raised in a number of ways, such as visual aids, stickers and posters, but education would also be directed towards schools, as it had been shown that children passed on such knowledge to their parents.

In response to a question from the Chairman, Councillor S Barker said stickers would be applied to communal bins in 'houses in multiple occupation' (HMOs) to lower the levels of contamination and help improve the rate of recycling in shared homes.

The Chairman said it was worth considering a monetary penalty, or tax rise, for those who had high levels of contamination in their recycling waste. He said this system could be found in mainland Europe.

Councillor Oliver said the government should ensure a uniform waste and recycling system was put in place nationwide, as many of the problems stemmed from new residents who had moved into the district and who did not understand the new system they were being asked to adhere to.

In response to a member question, Councillor S Barker said the waste vehicles were powered by diesel but she could look into the viability of alternative fuelled vehicles.

The report was noted.

SC40

## **CONSULTANT'S BRIEF FOR UTTLESFORD HOUSING STRATEGY AND ALLOCATIONS POLICY**

Councillor Redfern summarised the report for the Committee's consideration. She said the affordable strategy outlined in the report had been produced with the Garden Communities primarily in mind, with particular attention paid to providing homes for those that worked in the district, but could not afford to live in Uttlesford. She said it had been a challenging process, and there was much more work to be done, but the strategy before members was an ambitious step forwards in an attempt to address the challenge of delivering affordable housing. She said there were two additions to the Housing Strategy, as recommended by the Housing Board, they were as follows:

### Section 11

Advice would be given to everyone on the option of downsizing to increase the provision of homes suitable for families.

### Section 12

The guidance outlined in the Housing Strategy would be applied to the whole of the District, not just the proposed Garden Communities.

Councillor G Barker commended the report but asked where the money would come from to fund the preparatory work to refresh the Strategy and Allocations Policy.

Councillor Redfern said the money would be drawn from the Planning Policy budget.



RESOLVED that Scrutiny endorses the brief (Appendix A) so that work can commence on preparing the evidence for the refresh of the Uttlesford Housing Strategy and amendments to the Allocations Policy

**SC41 MAJOR PLANNING APPLICATIONS REVIEW UPDATE**

The Chairman introduced the report updating members on the Major Planning Applications review. He said this report was just for information and it would be up to the new Committee in May, following publication of the Stansted Airport decision notice, to progress the work of the review.

The Assistant Director – Corporate Services said he was in the process of corresponding with the Planning Advisory Service who would advise on the suggested scope of the review. He said costs were unknown at this time.

The Chairman said he hoped this issue could be looked at again when the new Committee convened in June.

The report was noted.

**SC42 SCRUTINY ANNUAL REVIEW**

The Assistant Director – Corporate Services summarised the report for the Committee's consideration.

In response to a question from Councillor Barker, the Assistant Director – Corporate Services said specific training for Scrutiny members had been arranged and would be scheduled early in the new municipal year.

RESOLVED to approve the content of the report.

The Chairman thanked members and officers for their contributions to the Scrutiny process in the past year.

The meeting ended at 9.00pm.

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**Committee:** Scrutiny Committee  
**Title:** Statutory Guidance on Overview and Scrutiny and Memorandum of Understanding  
**Report Author:** Richard Auty, Assistant Director - Corporate Services  
rauty@uttlesford.gov.uk  
**Date:** Tuesday, 11 June 2019

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## Summary

1. This report presents two documents with which all members of the Scrutiny Committee should ensure they are familiar. It sets out the key points of each document.
2. The Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities was published by the Ministry of Housing, Communities and Local Government in May 2019.
3. The Memorandum of Understanding between Scrutiny and Cabinet was approved by the Scrutiny Committee in March 2019 and by the Executive in April 2019.

## Recommendations

4. None

## Financial Implications

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

## Background Papers

6. None

## Impact

- 7.

Communication/Consultation	The Memorandum of Understanding was developed in consultation with the previous Scrutiny chairman and a nominated representative from the previous Cabinet
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 May 2019 the Ministry of Housing, Communities and Local Government published its Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities (Appendix A).
9. This document provides an overview of the role scrutiny plays in local authorities and all members are encouraged to read and familiarise themselves with it. It is of most importance that members of the Scrutiny Committee and the Cabinet are fully versed in its contents.
10. The guidance recognises that there is no “one size fits all” when it comes to local authority scrutiny and that individual councils should adopt the approach most appropriate to them, paying regard to, for example, available resources and structure.
11. This is statutory guidance, which means Uttlesford District Council must have regard to it when exercising their functions. The document states:

*“The phrase ‘must have regard’ in this context, does not mean that the sections of statutory guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case.”*
12. The guidance sets out that scrutiny committees have statutory powers to scrutinise decisions the executive is planning to take, those it plans to implement and those that have already been taken/implemented. This includes a role in assisting with policy development.
13. This should be the primary focus of the Committee’s work – the scrutiny function is a crucial balance to the executive and, as the guidance states, is there to be a critical friend, rather than opposition, to the executive function.
14. Regulatory committees, such as Licensing and Planning, have their own appeal routes set out in legislation and as such, individual decisions taken by these committees would not fall under the remit of the Scrutiny Committee.
15. The Scrutiny Committee can also play a role in scrutinising the work of external public bodies should it choose to do so.

16. The guidance recognises that some members of the Scrutiny Committee will be of the same political party as the Executive (paragraph 11j) and stresses the importance of adopting an independent mind-set.
17. The guidance reminds councils that:
- Members of the Executive cannot be members of a scrutiny committee; and
  - That as a minimum, councils should take care that members holding less formal executive positions do not sit on scrutinising committees looking at portfolios to which those roles relate.
18. With regard to this second bullet point, officer advice is that Scrutiny Committee members or substitutes who also occupy one of the “topic lead” roles should not take part in any research, discussion or decision on any subject relating to their topic for the Scrutiny Committee or any sub-group of the Committee. The Monitoring Officer will provide advice on when this is the case.
19. The guidance emphasises the point that an effective relationship between the committee and the Cabinet is key to the success of scrutiny. In paragraph 10, it states that the performance of the scrutiny function can have wider reputational impact, for example with regulators and the public. The guidance recommends the adoption of a protocol between the two functions (paragraph 11d).
20. Such a protocol has already been adopted by the Council in the form of a Memorandum of Understanding (Appendix B). This document briefly sets out how each function should behave in respect of the other and how the Scrutiny Committee can use its powers to hold the Executive to account and improve decision-making.
21. The Memorandum of Understanding also emphasises the role of Cabinet Members in presenting reports to the Scrutiny Committee and answering questions about them.
22. A review of the Council’s scrutiny practices by the Centre for Public Scrutiny last year strongly recommended this approach. The Council has therefore moved to a model where reports are presented by the relevant Cabinet Member, with officers in attendance only to provide technical advice should it be required. Paragraph 11f of the guidance states that officers should be able to provide impartial advice and emphasises the importance of the three statutory roles (Head of Paid Service, Section 151 Officer, Monitoring Officer) in this.
23. Separately to the Scrutiny Committee, the Tenant Regulatory Committee (TRP) exists to provide scrutiny of Housing Revenue Account (HRA)-related activities. The TRP comprises council tenants. Previously the TRP has reported its activities on occasion to the Scrutiny Committee. Thought will need to be given as to how this relationship can best be developed.

**Risk Analysis**

24.

Risk	Likelihood	Impact	Mitigating actions
The council does not follow scrutiny best practice, thus reducing the effectiveness of the function	1 – the guidance issued by the Ministry of Housing, Communities and Local Government is statutory and the council must have regard to it	3 – failure of the scrutiny function to provide an effective balance to the executive could have significant impact on policy	Members have been provided with training and the Statutory Guidance document. Officers will advise when required.

- 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.



Ministry of Housing,  
Communities &  
Local Government

# Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities



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# Ministerial Foreword

The role that overview and scrutiny can play in holding an authority's decision-makers to account makes it fundamentally important to the successful functioning of local democracy. Effective scrutiny helps secure the efficient delivery of public services and drives improvements within the authority itself. Conversely, poor scrutiny can be indicative of wider governance, leadership and service failure.

It is vital that councils and combined authorities know the purpose of scrutiny, what effective scrutiny looks like, how to conduct it and the benefits it can bring. This guidance aims to increase understanding in all four areas.

In writing this guidance, my department has taken close note of the House of Commons Select Committee report of December 2017, as well as the written and oral evidence supplied to that Committee. We have also consulted individuals and organisations with practical involvement in conducting, researching and supporting scrutiny.

It is clear from speaking to these practitioners that local and combined authorities with effective overview and scrutiny arrangements in place share certain key traits, the most important being a strong organisational culture. Authorities who welcome challenge and recognise the value scrutiny can bring reap the benefits. But this depends on strong commitment from the top - from senior members as well as senior officials.

Crucially, this guidance recognises that authorities have democratic mandates and are ultimately accountable to their electorates, and that authorities themselves are best-placed to know which scrutiny arrangements are most appropriate for their own individual circumstances.

I would, however, strongly urge all councils to cast a critical eye over their existing arrangements and, above all, ensure they embed a culture that allows overview and scrutiny to flourish.



A handwritten signature in blue ink, appearing to read 'Rishi Sunak'.

**Rishi Sunak MP**  
**Minister for Local Government**

# About this Guidance

## Who the guidance is for

This document is aimed at local authorities and combined authorities in England to help them carry out their overview and scrutiny functions effectively. In particular, it provides advice for senior leaders, members of overview and scrutiny committees, and support officers.

## Aim of the guidance

This guidance seeks to ensure local authorities and combined authorities are aware of the purpose of overview and scrutiny, what effective scrutiny looks like, how to conduct it effectively and the benefits it can bring.

As such, it includes a number of policies and practices authorities should adopt or should consider adopting when deciding how to carry out their overview and scrutiny functions.

The guidance recognises that authorities approach scrutiny in different ways and have different processes and procedures in place, and that what might work well for one authority might not work well in another.

The hypothetical scenarios contained in the annexes to this guidance have been included for illustrative purposes, and are intended to provoke thought and discussion rather than serve as a 'best' way to approach the relevant issues.

While the guidance sets out some of the key legal requirements, it does not seek to replicate legislation.

## Status of the guidance

This is statutory guidance from the Ministry of Housing, Communities and Local Government. Local authorities and combined authorities must have regard to it when exercising their functions. The phrase 'must have regard', when used in this context, does not mean that the sections of statutory guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case.

Not every authority is required to appoint a scrutiny committee. This guidance applies to those authorities who have such a committee in place, whether they are required to or not.

This guidance has been issued under section 9Q of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009, which requires authorities to have regard to this guidance. In addition, authorities may have regard to other material they might choose to consider, including that issued by the Centre for Public Scrutiny, when exercising their overview and scrutiny functions.

## Terminology

Unless 'overview' is specifically mentioned, the term 'scrutiny' refers to both overview and scrutiny.<sup>1</sup>

Where the term 'authority' is used, it refers to both local authorities and combined authorities.

Where the term 'scrutiny committee' is used, it refers to an overview and scrutiny committee and any of its sub-committees. As the legislation refers throughout to powers conferred on scrutiny committees, that is the wording used in this guidance. However, the guidance should be seen as applying equally to work undertaken in informal task and finish groups, commissioned by formal committees.

Where the term 'executive' is used, it refers to executive members.

For combined authorities, references to the 'executive' or 'cabinet' should be interpreted as relating to the mayor (where applicable) and all the authority members.

For authorities operating committee rather than executive arrangements, references to the executive or Cabinet should be interpreted as relating to councillors in leadership positions.

## Expiry or review date

This guidance will be kept under review and updated as necessary.

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<sup>1</sup> A distinction is often drawn between 'overview' which focuses on the development of policy, and 'scrutiny' which looks at decisions that have been made or are about to be made to ensure they are fit for purpose.

# 1. Introduction and Context

1. Overview and scrutiny committees were introduced in 2000 as part of new executive governance arrangements to ensure that members of an authority who were not part of the executive could hold the executive to account for the decisions and actions that affect their communities.
2. Overview and scrutiny committees have statutory powers<sup>2</sup> to scrutinise decisions the executive is planning to take, those it plans to implement, and those that have already been taken/implemented. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented. Overview and scrutiny committees can also play a valuable role in developing policy.

Effective overview and scrutiny should:

- Provide constructive 'critical friend' challenge;
- Amplify the voices and concerns of the public;
- Be led by independent people who take responsibility for their role; and
- Drive improvement in public services.

3. The requirement for local authorities in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011.
4. The Localism Act 2011 amended the Local Government Act 2000 to allow councils to revert to a non-executive form of governance - the 'committee system'. Councils who adopt the committee system are not required to have overview and scrutiny but may do so if they wish. The legislation has been strengthened and updated since 2000, most recently to reflect new governance arrangements with combined authorities. Requirements for combined authorities are set out in Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.
5. Current overview and scrutiny legislation recognises that authorities are democratically-elected bodies who are best-placed to determine which overview and scrutiny arrangements best suit their own individual needs, and so gives them a great degree of flexibility to decide which arrangements to adopt.
6. In producing this guidance, the Government fully recognises both authorities' democratic mandate and that the nature of local government has changed in recent years, with, for example, the creation of combined authorities, and councils increasingly delivering key services in partnership with other organisations or outsourcing them entirely.

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<sup>2</sup> Section 9F of the Local Government Act 2000; paragraph 1 of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

## 2. Culture

7. The prevailing organisational culture, behaviours and attitudes of an authority will largely determine whether its scrutiny function succeeds or fails.
8. While everyone in an authority can play a role in creating an environment conducive to effective scrutiny, it is important that this is led and owned by members, given their role in setting and maintaining the culture of an authority.
9. Creating a strong organisational culture supports scrutiny work that can add real value by, for example, improving policy-making and the efficient delivery of public services. In contrast, low levels of support for and engagement with the scrutiny function often lead to poor quality and ill-focused work that serves to reinforce the perception that it is of little worth or relevance.
10. Members and senior officers should note that the performance of the scrutiny function is not just of interest to the authority itself. Its effectiveness, or lack thereof, is often considered by external bodies such as regulators and inspectors, and highlighted in public reports, including best value inspection reports. Failures in scrutiny can therefore help to create a negative public image of the work of an authority as a whole.

### How to establish a strong organisational culture

11. Authorities can establish a strong organisational culture by:

- a) **Recognising scrutiny's legal and democratic legitimacy** – all members and officers should recognise and appreciate the importance and legitimacy the scrutiny function is afforded by the law. It was created to act as a check and balance on the executive and is a statutory requirement for all authorities operating executive arrangements and for combined authorities.

Councillors have a unique legitimacy derived from their being democratically elected. The insights that they can bring by having this close connection to local people are part of what gives scrutiny its value.

- b) **Identifying a clear role and focus** – authorities should take steps to ensure scrutiny has a clear role and focus within the organisation, i.e. a niche within which it can clearly demonstrate it adds value. Therefore, prioritisation is necessary to ensure the scrutiny function concentrates on delivering work that is of genuine value and relevance to the work of the wider authority – this is one of the most challenging parts of scrutiny, and a critical element to get right if it is to be recognised as a strategic function of the authority (see chapter 6).

Authorities should ensure a clear division of responsibilities between the scrutiny function and the audit function. While it is appropriate for scrutiny to pay due regard to the authority's financial position, this will need to happen in the context of the formal audit role. The authority's section 151 officer should advise scrutiny on how to manage this dynamic.

While scrutiny has no role in the investigation or oversight of the authority's whistleblowing arrangements, the findings of independent whistleblowing investigations might be of interest to scrutiny committees as they consider their wider implications. Members should always follow the authority's constitution and associated Monitoring Officer directions on the matter. Further guidance on whistleblowing can be found at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf).

- c) **Ensuring early and regular engagement between the executive and scrutiny** – authorities should ensure early and regular discussion takes place between scrutiny and the executive, especially regarding the latter's future work programme. Authorities should, though, be mindful of their distinct roles:

In particular:

- The executive should not try to exercise control over the work of the scrutiny committee. This could be direct, e.g. by purporting to 'order' scrutiny to look at, or not look at, certain issues, or indirect, e.g. through the use of the whip or as a tool of political patronage, and the committee itself should remember its statutory purpose when carrying out its work. All members and officers should consider the role the scrutiny committee plays to be that of a 'critical friend' not a de facto 'opposition'. Scrutiny chairs have a particular role to play in establishing the profile and nature of their committee (see chapter 4); and
- The chair of the scrutiny committee should determine the nature and extent of an executive member's participation in a scrutiny committee meeting, and in any informal scrutiny task group meeting.

- d) **Managing disagreement** – effective scrutiny involves looking at issues that can be politically contentious. It is therefore inevitable that, at times, an executive will disagree with the findings or recommendations of a scrutiny committee.

It is the job of both the executive and scrutiny to work together to reduce the risk of this happening, and authorities should take steps to predict, identify and act on disagreement.

One way in which this can be done is via an 'executive-scrutiny protocol' (see annex 1) which can help define the relationship between the two and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways. The benefit of this approach is that it provides a framework for disagreement and debate, and a way to manage it when it happens. Often,

the value of such a protocol lies in the dialogue that underpins its preparation. It is important that these protocols are reviewed on a regular basis.

Scrutiny committees do have the power to 'call in' decisions, i.e. ask the executive to reconsider them before they are implemented, but should not view it as a substitute for early involvement in the decision-making process or as a party-political tool.

- e) **Providing the necessary support** – while the level of resource allocated to scrutiny is for each authority to decide for itself, when determining resources an authority should consider the purpose of scrutiny as set out in legislation and the specific role and remit of the authority's own scrutiny committee(s), and the scrutiny function as a whole.

Support should also be given by members and senior officers to scrutiny committees and their support staff to access information held by the authority and facilitate discussions with representatives of external bodies (see chapter 5).

- f) **Ensuring impartial advice from officers** – authorities, particularly senior officers, should ensure all officers are free to provide impartial advice to scrutiny committees. This is fundamental to effective scrutiny. Of particular importance is the role played by 'statutory officers' – the monitoring officer, the section 151 officer and the head of paid service, and where relevant the statutory scrutiny officer. These individuals have a particular role in ensuring that timely, relevant and high-quality advice is provided to scrutiny.
- g) **Communicating scrutiny's role and purpose to the wider authority** – the scrutiny function can often lack support and recognition within an authority because there is a lack of awareness among both members and officers about the specific role it plays, which individuals are involved and its relevance to the authority's wider work. Authorities should, therefore, take steps to ensure all members and officers are made aware of the role the scrutiny committee plays in the organisation, its value and the outcomes it can deliver, the powers it has, its membership and, if appropriate, the identity of those providing officer support.
- h) **Maintaining the interest of full Council in the work of the scrutiny committee** – part of communicating scrutiny's role and purpose to the wider authority should happen through the formal, public role of full Council – particularly given that scrutiny will undertake valuable work to highlight challenging issues that an authority will be facing and subjects that will be a focus of full Council's work. Authorities should therefore take steps to ensure full Council is informed of the work the scrutiny committee is doing.

One way in which this can be done is by reports and recommendations being submitted to full Council rather than solely to the executive. Scrutiny should decide when it would be appropriate to submit reports for wider debate in this way, taking into account the relevance of reports to full Council business, as well as full Council's capacity to consider and respond in a timely manner. Such



reports would supplement the annual report to full Council on scrutiny's activities and raise awareness of ongoing work.

In order to maintain awareness of scrutiny at the Combined Authority and provoke dialogue and discussion of its impact, the business of scrutiny should be reported to the Combined Authority board or to the chairs of the relevant scrutiny committees of constituent and non-constituent authorities, or both. At those chairs' discretion, particular Combined Authority scrutiny outcomes, and what they might mean for each individual area, could be either discussed by scrutiny in committee or referred to full Council of the constituent authorities.

- i) **Communicating scrutiny's role to the public** – authorities should ensure scrutiny has a profile in the wider community. Consideration should be given to how and when to engage the authority's communications officers, and any other relevant channels, to understand how to get that message across. This will usually require engagement early on in the work programming process (see chapter 6).
- j) **Ensuring scrutiny members are supported in having an independent mindset** – formal committee meetings provide a vital opportunity for scrutiny members to question the executive and officers.

Inevitably, some committee members will come from the same political party as a member they are scrutinising and might well have a long-standing personal, or familial, relationship with them (see paragraph 25).

Scrutiny members should bear in mind, however, that adopting an independent mind-set is fundamental to carrying out their work effectively. In practice, this is likely to require scrutiny chairs working proactively to identify any potentially contentious issues and plan how to manage them.

### Directly-elected mayoral systems

12. A strong organisational culture that supports scrutiny work is particularly important in authorities with a directly-elected mayor to ensure there are the checks and balances to maintain a robust democratic system. Mayoral systems offer the opportunity for greater public accountability and stronger governance, but there have also been incidents that highlight the importance of creating and maintaining a culture that puts scrutiny at the heart of its operations.
13. Authorities with a directly-elected mayor should ensure that scrutiny committees are well-resourced, are able to recruit high-calibre members and that their scrutiny functions pay particular attention to issues surrounding:
  - rights of access to documents by the press, public and councillors;
  - transparent and fully recorded decision-making processes, especially avoiding decisions by 'unofficial' committees or working groups;
  - delegated decisions by the Mayor;
  - whistleblowing protections for both staff and councillors; and
  - powers of Full Council, where applicable, to question and review.

14. Authorities with a directly-elected mayor should note that mayors are required by law to attend overview and scrutiny committee sessions when asked to do so (see paragraph 44).

## 3. Resourcing

15. The resource an authority allocates to the scrutiny function plays a pivotal role in determining how successful that function is and therefore the value it can add to the work of the authority.
16. Ultimately it is up to each authority to decide on the resource it provides, but every authority should recognise that creating and sustaining an effective scrutiny function requires them to allocate resources to it.
17. Authorities should also recognise that support for scrutiny committees, task groups and other activities is not solely about budgets and provision of officer time, although these are clearly extremely important elements. Effective support is also about the ways in which the wider authority engages with those who carry out the scrutiny function (both members and officers).

When deciding on the level of resource to allocate to the scrutiny function, the factors an authority should consider include:

- Scrutiny's legal powers and responsibilities;
- The particular role and remit scrutiny will play in the authority;
- The training requirements of scrutiny members and support officers, particularly the support needed to ask effective questions of the executive and other key partners, and make effective recommendations;
- The need for ad hoc external support where expertise does not exist in the council;
- Effectively-resourced scrutiny has been shown to add value to the work of authorities, improving their ability to meet the needs of local people; and
- Effectively-resourced scrutiny can help policy formulation and so minimise the need for call-in of executive decisions.

### Statutory scrutiny officers

18. Combined authorities, upper and single tier authorities are required to designate a statutory scrutiny officer,<sup>3</sup> someone whose role is to:
  - promote the role of the authority's scrutiny committee;
  - provide support to the scrutiny committee and its members; and
  - provide support and guidance to members and officers relating to the functions of the scrutiny committee.

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<sup>3</sup> Section 9FB of the Local Government Act 2000; article 9 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

19. Authorities not required by law to appoint such an officer should consider whether doing so would be appropriate for their specific local needs.

#### Officer resource models

20. Authorities are free to decide for themselves which wider officer support model best suits their individual circumstances, though generally they adopt one or a mix of the following:

- Committee – officers are drawn from specific policy or service areas;
- Integrated – officers are drawn from the corporate centre and also service the executive; and
- Specialist – officers are dedicated to scrutiny.

21. Each model has its merits – the committee model provides service-specific expertise; the integrated model facilitates closer and earlier scrutiny involvement in policy formation and alignment of corporate work programmes; and the specialist model is structurally independent from those areas it scrutinises.

22. Authorities should ensure that, whatever model they employ, officers tasked with providing scrutiny support are able to provide impartial advice. This might require consideration of the need to build safeguards into the way that support is provided. The nature of these safeguards will differ according to the specific role scrutiny plays in the organisation.

## 4. Selecting Committee Members

23. Selecting the right members to serve on scrutiny committees is essential if those committees are to function effectively. Where a committee is made up of members who have the necessary skills and commitment, it is far more likely to be taken seriously by the wider authority.
24. While there are proportionality requirements that must be met,<sup>4</sup> the selection of the chair and other committee members is for each authority to decide for itself. Guidance for combined authorities on this issue has been produced by the Centre for Public Scrutiny<sup>5</sup>.

Members invariably have different skill-sets. What an authority must consider when forming a committee is that, as a group, it possesses the requisite expertise, commitment and ability to act impartially to fulfil its functions.

25. Authorities are reminded that members of the executive cannot be members of a scrutiny committee.<sup>6</sup> Authorities should take care to ensure that, as a minimum, members holding less formal executive positions, e.g. as Cabinet assistants, do not sit on scrutinising committees looking at portfolios to which those roles relate. Authorities should articulate in their constitutions how conflicts of interest, including familial links (see also paragraph 31), between executive and scrutiny responsibilities should be managed, including where members stand down from the executive and move to a scrutiny role, and vice-versa.
26. Members or substitute members of a combined authority must not be members of its overview and scrutiny committee.<sup>7</sup> This includes the Mayor in Mayoral Combined Authorities. It is advised that Deputy Mayors for Policing and Crime are also not members of the combined authority's overview and scrutiny committee.

### Selecting individual committee members

27. When selecting individual members to serve on scrutiny committees, an authority should consider a member's experience, expertise, interests, ability to act impartially, ability to work as part of a group, and capacity to serve.

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<sup>4</sup> See, for example, regulation 11 of the Local Authorities (Committee System) (England) Regulations 2012 (S.I. 2012/1020) and article 4 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

<sup>5</sup> See pages 15-18 of 'Overview and scrutiny in combined authorities: a plain English guide': <https://www.cfps.org.uk/wp-content/uploads/Overview-and-scrutiny-in-combined-authorities-a-plain-english-guide.pdf>

<sup>6</sup> Section 9FA(3) of the Local Government Act 2000.

<sup>7</sup> 2(3) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009

28. Authorities should not take into account a member's perceived level of support for or opposition to a particular political party (notwithstanding the wider legal requirement for proportionality referred to in paragraph 24).

### Selecting a chair

29. The Chair plays a leadership role on a scrutiny committee as they are largely responsible for establishing its profile, influence and ways of working.

30. The attributes authorities should and should not take into account when selecting individual committee members (see paragraphs 27 and 28) also apply to the selection of the Chair, but the Chair should also possess the ability to lead and build a sense of teamwork and consensus among committee members.

Chairs should pay special attention to the need to guard the committee's independence. Importantly, however, they should take care to avoid the committee being, and being viewed as, a de facto opposition to the executive.

31. Given their pre-eminent role on the scrutiny committee, it is strongly recommended that the Chair not preside over scrutiny of their relatives<sup>8</sup>. Combined authorities should note the legal requirements that apply to them where the Chair is an independent person<sup>9</sup>.

32. The method for selecting a Chair is for each authority to decide for itself, however every authority should consider taking a vote by secret ballot. Combined Authorities should be aware of the legal requirements regarding the party affiliation of their scrutiny committee Chair<sup>10</sup>.

### Training for committee members

33. Authorities should ensure committee members are offered induction when they take up their role and ongoing training so they can carry out their responsibilities effectively. Authorities should pay attention to the need to ensure committee members are aware of their legal powers, and how to prepare for and ask relevant questions at scrutiny sessions.

34. When deciding on training requirements for committee members, authorities should consider taking advantage of opportunities offered by external providers in the sector.

### Co-option and technical advice

35. While members and their support officers will often have significant local insight and an understanding of local people and their needs, the provision of outside expertise can be invaluable.

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<sup>8</sup> A definition of 'relative' can be found at section 28(10) of the Localism Act 2011.

<sup>9</sup> See article 5(2) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

<sup>10</sup> Article 5(6) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

36. There are two principal ways to procure this:

- Co-option – formal co-option is provided for in legislation<sup>11</sup>. Authorities must establish a co-option scheme to determine how individuals will be co-opted onto committees; and
- Technical advisers – depending on the subject matter, independent local experts might exist who can provide advice and assistance in evaluating evidence (see annex 2).

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<sup>11</sup> Section 9FA(4) Local Government Act 2000

## 5. Power to Access Information

37. A scrutiny committee needs access to relevant information the authority holds, and to receive it in good time, if it is to do its job effectively.
38. This need is recognised in law, with members of scrutiny committees enjoying powers to access information<sup>12</sup>. In particular, regulations give enhanced powers to a scrutiny member to access exempt or confidential information. This is in addition to existing rights for councillors to have access to information to perform their duties, including common law rights to request information and rights to request information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
39. When considering what information scrutiny needs in order to carry out its work, scrutiny members and the executive should consider scrutiny's role and the legal rights that committees and their individual members have, as well as their need to receive timely and accurate information to carry out their duties effectively.
40. Scrutiny members should have access to a regularly available source of key information about the management of the authority – particularly on performance, management and risk. Where this information exists, and scrutiny members are given support to understand it, the potential for what officers might consider unfocused and unproductive requests is reduced as members will be able to frame their requests from a more informed position.
41. Officers should speak to scrutiny members to ensure they understand the reasons why information is needed, thereby making the authority better able to provide information that is relevant and timely, as well as ensuring that the authority complies with legal requirements.

While each request for information should be judged on its individual merits, authorities should adopt a default position of sharing the information they hold, on request, with scrutiny committee members.

42. The law recognises that there might be instances where it is legitimate for an authority to withhold information and places a requirement on the executive to provide the scrutiny committee with a written statement setting out its reasons for that decision<sup>13</sup>. However, members of the executive and senior officers should take particular care to avoid refusing requests, or limiting the information they provide, for reasons of party political or reputational expediency.

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<sup>12</sup> Regulation 17 - Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10 Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

<sup>13</sup> Regulation 17(4) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(4) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.



Before an authority takes a decision not to share information it holds, it should give serious consideration to whether that information could be shared in closed session.

43. Regulations already stipulate a timeframe for executives to comply with requests from a scrutiny member<sup>14</sup>. When agreeing to such requests, authorities should:

- consider whether seeking clarification from the information requester could help better target the request; and
- Ensure the information is supplied in a format appropriate to the recipient's needs.

44. Committees should be aware of their legal power to require members of the executive and officers to attend before them to answer questions<sup>15</sup>. It is the duty of members and officers to comply with such requests.<sup>16</sup>

#### Seeking information from external organisations

45. Scrutiny members should also consider the need to supplement any authority-held information they receive with information and intelligence that might be available from other sources, and should note in particular their statutory powers to access information from certain external organisations.

46. When asking an external organisation to provide documentation or appear before it, and where that organisation is not legally obliged to do either (see annex 3), scrutiny committees should consider the following:

- a) **The need to explain the purpose of scrutiny** – the organisation being approached might have little or no awareness of the committee's work, or of an authority's scrutiny function more generally, and so might be reluctant to comply with any request;
- b) **The benefits of an informal approach** – individuals from external organisations can have fixed perceptions of what an evidence session entails and may be unwilling to subject themselves to detailed public scrutiny if they believe it could reflect badly on them or their employer. Making an informal approach can help reassure an organisation of the aims of the committee, the type of information being sought and the manner in which the evidence session would be conducted;

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<sup>14</sup> Regulation 17(2) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(2) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

<sup>15</sup> Section 9FA(8) of the Local Government Act 2000; paragraph 2(6) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

<sup>16</sup> Section 9FA(9) of the Local Government Act 2000; paragraph 2(7) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

- c) **How to encourage compliance with the request** – scrutiny committees will want to frame their approach on a case by case basis. For contentious issues, committees might want to emphasise the opportunity their request gives the organisation to ‘set the record straight’ in a public setting; and
- d) **Who to approach** – a committee might instinctively want to ask the Chief Executive or Managing Director of an organisation to appear at an evidence session, however it could be more beneficial to engage front-line staff when seeking operational-level detail rather than senior executives who might only be able to talk in more general terms. When making a request to a specific individual, the committee should consider the type of information it is seeking, the nature of the organisation in question and the authority’s pre-existing relationship with it.

**Following ‘the Council Pound’**

Scrutiny committees will often have a keen interest in ‘following the council pound’, i.e. scrutinising organisations that receive public funding to deliver goods and services.

Authorities should recognise the legitimacy of this interest and, where relevant, consider the need to provide assistance to scrutiny members and their support staff to obtain information from organisations the council has contracted to deliver services. In particular, when agreeing contracts with these bodies, authorities should consider whether it would be appropriate to include a *requirement* for them to supply information to or appear before scrutiny committees.

## 6. Planning Work

47. Effective scrutiny should have a defined impact on the ground, with the committee making recommendations that will make a tangible difference to the work of the authority. To have this kind of impact, scrutiny committees need to plan their work programme, i.e. draw up a long-term agenda and consider making it flexible enough to accommodate any urgent, short-term issues that might arise during the year.
48. Authorities with multiple scrutiny committees sometimes have a separate work programme for each committee. Where this happens, consideration should be given to how to co-ordinate the various committees' work to make best use of the total resources available.

### Being clear about scrutiny's role

49. Scrutiny works best when it has a clear role and function. This provides focus and direction. While scrutiny has the power to look at anything which affects 'the area, or the area's inhabitants', authorities will often find it difficult to support a scrutiny function that carries out generalised oversight across the wide range of issues experienced by local people, particularly in the context of partnership working. Prioritisation is necessary, which means that there might be things that, despite being important, scrutiny will not be able to look at.
50. Different overall roles could include having a focus on risk, the authority's finances, or on the way the authority works with its partners.
51. Applying this focus does not mean that certain subjects are 'off limits'. It is more about looking at topics and deciding whether their relative importance justifies the positive impact scrutiny's further involvement could bring.
52. When thinking about scrutiny's focus, members should be supported by key senior officers. The statutory scrutiny officer, if an authority has one, will need to take a leading role in supporting members to clarify the role and function of scrutiny, and championing that role once agreed.

### Who to speak to

53. Evidence will need to be gathered to inform the work programming process. This will ensure that it looks at the right topics, in the right way and at the right time. Gathering evidence requires conversations with:
  - *The public* – it is likely that formal 'consultation' with the public on the scrutiny work programme will be ineffective. Asking individual scrutiny members to have conversations with individuals and groups in their own local areas can work better. Insights gained from the public through individual pieces of scrutiny work can be fed back into the work programming process. Listening to and participating in conversations in places where local people come together, including in online forums, can help authorities engage people on their own terms and yield more positive results.

Authorities should consider how their communications officers can help scrutiny engage with the public, and how wider internal expertise and local knowledge from both members and officers might make a contribution.

- *The authority's partners* – relationships with other partners should not be limited to evidence-gathering to support individual reviews or agenda items. A range of partners are likely to have insights that will prove useful:
  - Public sector partners (like the NHS and community safety partners, over which scrutiny has specific legal powers);
  - Voluntary sector partners;
  - Contractors and commissioning partners (including partners in joint ventures and authority-owned companies);
  - In parished areas, town, community and parish councils;
  - Neighbouring principal councils (both in two-tier and unitary areas);
  - Cross-authority bodies and organisations, such as Local Enterprise Partnerships<sup>17</sup>; and
  - Others with a stake and interest in the local area – large local employers, for example.
- *The executive* – a principal partner in discussions on the work programme should be the executive (and senior officers). The executive should not direct scrutiny's work (see chapter 2), but conversations will help scrutiny members better understand how their work can be designed to align with the best opportunities to influence the authority's wider work.

#### Information sources

54. Scrutiny will need access to relevant information to inform its work programme. The type of information will depend on the specific role and function scrutiny plays within the authority, but might include:

- Performance information from across the authority and its partners;
- Finance and risk information from across the authority and its partners;
- Corporate complaints information, and aggregated information from political groups about the subject matter of members' surgeries;
- Business cases and options appraisals (and other planning information) for forthcoming major decisions. This information will be of particular use for pre-decision scrutiny; and
- Reports and recommendations issued by relevant ombudsmen, especially the Local Government and Social Care Ombudsman.

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<sup>17</sup> Authorities should ensure they have appropriate arrangements in place to ensure the effective democratic scrutiny of Local Enterprise Partnerships' investment decisions.

As committees can meet in closed session, commercial confidentiality should not preclude the sharing of information. Authorities should note, however, that the default for meetings should be that they are held in public (see 2014 guidance on '*Open and accountable local government*':

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/343182/140812\\_Openness\\_Guide.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/343182/140812_Openness_Guide.pdf)).

55. Scrutiny members should consider keeping this information under regular review. It is likely to be easier to do this outside committee, rather than bringing such information to committee 'to note', or to provide an update, as a matter of course.

### Shortlisting topics

Approaches to shortlisting topics should reflect scrutiny's overall role in the authority. This will require the development of bespoke, local solutions, however when considering whether an item should be included in the work programme, the kind of questions a scrutiny committee should consider might include:

- Do we understand the benefits scrutiny would bring to this issue?
- How could we best carry out work on this subject?
- What would be the best outcome of this work?
- How would this work engage with the activity of the executive and other decision-makers, including partners?

56. Some authorities use scoring systems to evaluate and rank work programme proposals. If these are used to provoke discussion and debate, based on evidence, about what priorities should be, they can be a useful tool. Others take a looser approach. Whichever method is adopted, a committee should be able to justify how and why a decision has been taken to include certain issues and not others.

57. Scrutiny members should accept that shortlisting can be difficult; scrutiny committees have finite resources and deciding how these are best allocated is tough. They should understand that, if work programming is robust and effective, there might well be issues that they want to look at that nonetheless are not selected.

### Carrying out work

58. Selected topics can be scrutinised in several ways, including:

- a) **As a single item on a committee agenda** – this often presents a limited opportunity for effective scrutiny, but may be appropriate for some issues or where the committee wants to maintain a formal watching brief over a given issue;
- b) **At a single meeting** – which could be a committee meeting or something less formal. This can provide an opportunity to have a single public meeting about a

given subject, or to have a meeting at which evidence is taken from a number of witnesses;

- c) **At a task and finish review of two or three meetings** – short, sharp scrutiny reviews are likely to be most effective even for complex topics. Properly focused, they ensure members can swiftly reach conclusions and make recommendations, perhaps over the course of a couple of months or less;
- d) **Via a longer-term task and finish review** – the ‘traditional’ task and finish model – with perhaps six or seven meetings spread over a number of months – is still appropriate when scrutiny needs to dig into a complex topic in significant detail. However, the resource implications of such work, and its length, can make it unattractive for all but the most complex matters; and
- e) **By establishing a ‘standing panel’** – this falls short of establishing a whole new committee but may reflect a necessity to keep a watching brief over a critical local issue, especially where members feel they need to convene regularly to carry out that oversight. Again, the resource implications of this approach means that it will be rarely used.

## 7. Evidence Sessions

59. Evidence sessions are a key way in which scrutiny committees inform their work. They might happen at formal committee, in less formal 'task and finish' groups or at standalone sessions.

Good preparation is a vital part of conducting effective evidence sessions. Members should have a clear idea of what the committee hopes to get out of each session and appreciate that success will depend on their ability to work together on the day.

### How to plan

60. Effective planning does not necessarily involve a large number of pre-meetings, the development of complex scopes or the drafting of questioning plans. It is more often about setting overall objectives and then considering what type of questions (and the way in which they are asked) can best elicit the information the committee is seeking. This applies as much to individual agenda items as it does for longer evidence sessions – there should always be consideration in advance of what scrutiny is trying to get out of a particular evidence session.

Chairs play a vital role in leading discussions on objective-setting and ensuring all members are aware of the specific role each will play during the evidence session.

61. As far as possible there should be consensus among scrutiny members about the objective of an evidence session before it starts. It is important to recognise that members have different perspectives on certain issues, and so might not share the objectives for a session that are ultimately adopted. Where this happens, the Chair will need to be aware of this divergence of views and bear it in mind when planning the evidence session.
62. Effective planning should mean that at the end of a session it is relatively straightforward for the chair to draw together themes and highlight the key findings. It is unlikely that the committee will be able to develop and agree recommendations immediately, but, unless the session is part of a wider inquiry, enough evidence should have been gathered to allow the chair to set a clear direction.
63. After an evidence session, the committee might wish to hold a short 'wash-up' meeting to review whether their objectives were met and lessons could be learned for future sessions.

### Developing recommendations

64. The development and agreement of recommendations is often an iterative process. It will usually be appropriate for this to be done only by members, assisted by co-optees where relevant. When deciding on recommendations, however, members should have due regard to advice received from officers, particularly the Monitoring Officer.

65. The drafting of reports is usually, but not always, carried out by officers, directed by members.

66. Authorities draft reports and recommendations in a number of ways, but there are normally three stages:

- i. the development of a 'heads of report' – a document setting out general findings that members can then discuss as they consider the overall structure and focus of the report and its recommendations;
- ii. the development of those findings, which will set out some areas on which recommendations might be made; and
- iii. the drafting of the full report.

67. Recommendations should be evidence-based and SMART, i.e. specific, measurable, achievable, relevant and timed. Where appropriate, committees may wish to consider sharing them in draft with interested parties.

68. Committees should bear in mind that often six to eight recommendations are sufficient to enable the authority to focus its response, although there may be specific circumstances in which more might be appropriate.

Sharing draft recommendations with executive members should not provide an opportunity for them to revise or block recommendations before they are made. It should, however, provide an opportunity for errors to be identified and corrected, and for a more general sense-check.



# Annex 1: Illustrative Scenario – Creating an Executive-Scrutiny Protocol

An executive-scrutiny protocol can deal with the practical expectations of scrutiny committee members and the executive, as well as the cultural dynamics.

Workshops with scrutiny members, senior officers and Cabinet can be helpful to inform the drafting of a protocol. An external facilitator can help bring an independent perspective.

Councils should consider how to adopt a protocol, e.g. formal agreement at scrutiny committee and Cabinet, then formal integration into the Council's constitution at the next Annual General Meeting.

The protocol, as agreed, may contain sections on:

- The way scrutiny will go about developing its work programme (including the ways in which senior officers and Cabinet members will be kept informed);
- The way in which senior officers and Cabinet will keep scrutiny informed of the outlines of major decisions as they are developed, to allow for discussion of scrutiny's potential involvement in policy development. This involves the building in of safeguards to mitigate risks around the sharing of sensitive information with scrutiny members;
- A strengthening and expansion of existing parts of the code of conduct that relate to behaviour in formal meetings, and in informal meetings;
- Specification of the nature and form of responses that scrutiny can expect when it makes recommendations to the executive, when it makes requests to the executive for information, and when it makes requests that Cabinet members or senior officers attend meetings; and
- Confirmation of the role of the statutory scrutiny officer, and Monitoring Officer, in overseeing compliance with the protocol, and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny, with matters relating to the protocol's success being reported to full Council through the scrutiny Annual Report.

## Annex 2: Illustrative Scenario – Engaging Independent Technical Advisers

This example demonstrates how one Council's executive and scrutiny committee worked together to scope a role and then appoint an independent adviser on transforming social care commissioning. Their considerations and process may be helpful and applicable in other similar scenarios.

Major care contracts were coming to an end and the Council took the opportunity to review whether to continue with its existing strategic commissioning framework, or take a different approach – potentially insourcing certain elements.

The relevant Director was concerned about the Council's reliance on a very small number of large providers. The Director therefore approached the Scrutiny and Governance Manager to talk through the potential role scrutiny could play as the Council considered these changes.

The Scrutiny Chair wanted to look at this issue in some depth, but recognised its complexity could make it difficult for her committee to engage – she was concerned it would not be able to do the issue justice. The Director offered support from his own officer team, but the Chair considered this approach to be beset by risks around the independence of the process.

She talked to the Director about securing independent advice. He was worried that an independent adviser could come with preconceived ideas and would not understand the Council's context and objectives. The Scrutiny Chair was concerned that independent advice could end up leading to scrutiny members being passive, relying on an adviser to do their thinking for them. They agreed that some form of independent assistance would be valuable, but that how it was provided and managed should be carefully thought out.

With the assistance of the Governance and Scrutiny Manager, the Scrutiny Chair approached local universities and Further Education institutions to identify an appropriate individual. The approach was clear – it set out the precise role expected of the adviser, and explained the scrutiny process itself. Because members wanted to focus on the risks of market failure, and felt more confident on substantive social care matters, the approach was directed at those with a specialism in economics and business administration. The Council's search was proactive – the assistance of the service department was drawn on to make direct approaches to particular individuals who could carry out this role.

It was agreed to make a small budget available to act as a 'per diem' to support an adviser; academics were approached in the first instance as the Council felt able to make a case that an educational institution would provide this support for free as part of its commitment to Corporate Social Responsibility.

Three individuals were identified from the Council's proactive search. The Chair and Vice-Chair of the committee had an informal discussion with each – not so much to establish their skills and expertise (which had already been assessed) but to give a sense about

their 'fit' with scrutiny's objectives and their political nous in understanding the environment in which they would operate, and to satisfy themselves that they will apply themselves even-handedly to the task. The Director sat in on this process but played no part in who was ultimately selected.

The independent advice provided by the selected individual gave the Scrutiny Committee a more comprehensive understanding of the issue and meant it was able to offer informed advice on the merits of putting in place a new strategic commissioning framework.

# Annex 3: Illustrative Scenario – Approaching an External Organisation to Appear before a Committee

This example shows how one council ensured a productive scrutiny meeting, involving a private company and the public. Lessons may be drawn and apply to other similar scenarios.

Concerns had been expressed by user groups, and the public at large, about the reliability of the local bus service. The Scrutiny Chair wanted to question the bus company in a public evidence session but knew that she had no power to compel it to attend. Previous attempts to engage it had been unsuccessful; the company was not hostile, but said it had its own ways of engaging the public.

The Monitoring Officer approached the company's regional PR manager, but he expressed concern that the session would end in a 'bunfight'. He also explained the company had put their improvement plan in the public domain, and felt a big council meeting would exacerbate tensions.

Other councillors had strong views about the company – one thought the committee should tell the company it would be empty-chaired if it refused to attend. The Scrutiny Chair was sympathetic to this, but thought such an approach would not lead to any improvements.

The Scrutiny Chair was keen to make progress, but it was difficult to find the right person to speak to at the company, so she asked council officers and local transport advocacy groups for advice. Speaking to those people also gave her a better sense of what scrutiny's role might be.

When she finally spoke to the company's network manager, she explained the situation and suggested they work together to consider how the meeting could be productive for the Council, the company and local people. In particular, this provided her with an opportunity to explain scrutiny and its role. The network manager remained sceptical but was reassured that they could work together to ensure that the meeting would not be an 'ambush'. He agreed in principle to attend and also provide information to support the Committee's work beforehand.

Discussions continued in the four weeks leading up to the Committee meeting. The Scrutiny Chair was conscious that while she had to work with the company to ensure that the meeting was constructive – and secure their attendance – it could not be a whitewash, and other members and the public would demand a hard edge to the discussions.

The scrutiny committee agreed that the meeting would provide a space for the company to provide context to the problems local people are experiencing, but that this would be preceded by a space on the agenda for the Chair, Vice-chair, and representatives from two local transport advocacy groups to set out their concerns. The company were sent in

advance a summary of the general areas on which members were likely to ask questions, to ensure that those questions could be addressed at the meeting.

Finally, provision was made for public questions and debate. Those attending the meeting were invited to discuss with each other the principal issues they wanted the meeting to cover. A short, facilitated discussion in the room led by the Chair highlighted the key issues, and the Chair then put those points to the company representatives.

At the end of the meeting, the public asked questions of the bus company representative in a 20-minute plenary item.

The meeting was fractious, but the planning carried out to prepare for this – by channelling issues through discussion and using the Chair to mediate the questioning – made things easier. Some attendees were initially frustrated by this structure, but the company representative was more open and less defensive than might otherwise have been the case.

The meeting also motivated the company to revise its communications plan to become more responsive to this kind of challenge, part of which involved a commitment to feed back to the scrutiny committee on the recommendations it made on the night.

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## **SCRUTINY and CABINET**

### **Roles and Responsibilities**

#### **Memorandum of Understanding**

#### **1. Principles of Effective Scrutiny**

1.1. The Centre for Public Scrutiny (CfPS) has identified the following four principles which underpin effective scrutiny:

- Provide a constructive ‘critical friend’ challenge to the Executive (“Cabinet”) as well as outside agencies
- Reflect the voice and concerns of the public and its communities
- Take the lead and own the scrutiny process on behalf of the public
- Make an impact on the delivery of public services.

In addition it is important that scrutiny:

- Improves decision-making in the Council

#### **2. Objectives of the Memorandum of Understanding**

2.1. The objectives of this MoU are:

- to establish a positive framework within which the Scrutiny Committee and the Cabinet can work together in a constructive, co-ordinated and effective way;
- to maximise the personal effectiveness of Scrutiny and Cabinet Members by enabling them to fully understand their powers, roles and responsibilities in relation to the Scrutiny function;
- to promote and maintain an ethos of mutual respect, trust and courtesy in the inter relationships between Scrutiny and Cabinet Members and a climate of openness that leads to constructive, yet challenging, debate;
- to create a culture of holding the Cabinet to account on behalf of the electorate, by monitoring the effectiveness of the Council’s policies and through the regular review of its performance in relation to service delivery, with a view to ensuring service improvements.

#### **3. Role of the Scrutiny Committee**

3.1. Detailed information on the Scrutiny process can be found in the Council’s Constitution. In summary, within its terms of reference, the Scrutiny Committee may:

- review or scrutinise decisions made or other actions taken in connection with the discharge of any of the Council’s functions;
- make reports and / or recommendations to the Full Council and / or the Cabinet in connection with the discharge of any functions;
- assist the Council and the Cabinet in the development of the policy framework and budget;
- consider any matter affecting the area or its inhabitants; and
- exercise the right to “Call-In”, for re-consideration, decisions made but not yet implemented by the Cabinet.

3.2. The Scrutiny Committee is accountable to the Council as a whole and not to the Cabinet. The Cabinet will respect its independence.

#### **4. Holding the Cabinet to Account**

- 4.1. One of the fundamental principles of Scrutiny is the ability to hold the Executive (i.e. the “Cabinet”) to account. The principle of the “Cabinet” style of local government is that, by having a small Executive responsible for decision-making, the decision making process will be quicker and more efficient. However, local people need to be assured that this small group of Members are making decisions effectively and acting in the best interests of the local community they serve.
- 4.2. Holding the Cabinet to account can involve scrutinising executive decisions at a number of different stages of the decision-making process:
- before decisions are made;
  - before they are implemented and
  - after they are implemented.
- 4.3. Holding the Cabinet to account is not about confrontation – it is about Scrutiny Members providing a "critical friend" challenge to the Cabinet and to individual Cabinet Portfolio Holders. Scrutiny is not about challenging individuals or personalities, but is about challenging decisions and securing improvement where possible. Neither should holding the Cabinet to account be about party political loyalties.
- 4.4. There are a number of ways in which the Scrutiny Committee can hold the Cabinet to account and assist in its decision-making. These include:
- By using the call-in procedure to instigate a review of a decision made by the Cabinet or by Cabinet members;
  - By requesting the inclusion of an item for discussion on a Scrutiny Committee agenda;
  - By identifying items from the Forward Plan or Corporate Plan for pre-scrutiny;
  - By identifying an area of Cabinet responsibility for a detailed study as part of the Scrutiny Committee’s work programme;
  - By considering issues at the invitation of the Cabinet.



## **5. Relationship Between Cabinet and Scrutiny**

- 5.1. Cabinet and Scrutiny have very different functions and responsibilities. However, the aim of both should be to secure the best outcomes for the people who live and work in Uttlesford.
- 5.2. The following principles set out how the working relationship between Cabinet and Scrutiny should operate:
  - Cabinet and Scrutiny acknowledge and respect their different functions and responsibilities will work in a complementary manner towards securing the best outcomes for the people who live and work in Uttlesford.
  - Cabinet will respect Scrutiny's role in holding the Cabinet to account and will co-operate to enable the Scrutiny Committee to carry out this role.
  - Scrutiny will respect the role of the Cabinet as the Council's Executive and Scrutiny will approach its role in a proportionate, objective and non-party political manner.
  - Cabinet and Scrutiny will look to work within a spirit of mutual respect and constructive challenge, and with openness and transparency.
- 5.3. Cabinet members will attend Scrutiny meetings as needed to present information, provide context, answer questions and contribute to discussion.
- 5.4. The Scrutiny Chairman will attend Cabinet meetings to report on the work of the Scrutiny Committee and to communicate its recommendations, findings and views.
- 5.5. Representatives of the Cabinet and Scrutiny Committee will meet regularly to ensure that each is aware of the work and priorities of the other, to discuss and develop the Scrutiny work programme and to facilitate its engagement with the Cabinet as a "critical friend". Cabinet and Scrutiny both recognise the importance of open and honest communication in enabling each to fulfil its role effectively.

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**Committee:** Scrutiny Committee

**Date:**

**Title:** Work Planning

Tuesday, 11 June  
2019

**Report Author:** Richard Auty, Assistant Director - Corporate Services

rauty@uttlesford.gov.uk

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## Summary

1. This report sets out matters to consider when formulating a Scrutiny work programme for 2019/20.

## Recommendations

2. The Committee endorses the recommended approach to establish a work programme as set out in paragraphs 20 to 22 of this report.

## Financial Implications

3. There are no direct costs associated with this report

## Background Papers

4. None.

## Impact

- 5.

Communication/Consultation	It is recommended the work programme is developed in consultation with the Executive
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None

Workforce/Workplace	None
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## Situation

6. The Scrutiny Committee needs to establish a work programme for 2019/20 in order to plan its work and decide on which areas it wishes to focus.
7. Attached as Appendix A is the current draft work programme. This contains two items scheduled for the next meeting which have been carried over from the previous Scrutiny Committee, although the new committee is not obliged to continue with these. It also contains budget and Local Council Tax Support-related items which would normally be taken to the Scrutiny Committee ahead of Cabinet and Council decision and the Annual Report which under the Council's Constitution the Chair must present to Full Council.
8. Attached as Appendix B is the Cabinet Forward Plan. This document is normally brought to each Committee meeting as a standing item to give Committee members the opportunity to consider whether any items due to go to Cabinet warrant pre-scrutiny.
9. The Ministry of Housing, Communities and Local Government's newly-published Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities contains recommendations on work planning. In addition to this, last year the council commissioned a report from the Centre for Public Scrutiny on Uttlesford's scrutiny practices and processes. This report made recommendations which are consistent with the guidance issued by the Ministry, including the need for an effective relationship between Scrutiny and Cabinet.
10. In formulating a work programme, the Scrutiny Committee must have regard to the statutory guidance and the Council's Memorandum of Understanding between Scrutiny and the Cabinet.
11. Key sections of the statutory guidance with regard to work planning include:
12. Paragraph 11b:

*Identifying a clear role and focus - authorities should take steps to ensure scrutiny has a clear role and focus within the organisation, ie a niche within which it can clearly demonstrate it adds value. Therefore, prioritisation is necessary to ensure the scrutiny function concentrates on delivering work that is of genuine value and relevance to the work of the wider authority – this is one of the most challenging parts of scrutiny, and a critical element to get right if it is to be recognised as a strategic function of the authority.*
13. This section also states the importance of ensuring clear division of responsibilities between the scrutiny function and the audit function.
14. Paragraph 47:

*Effective scrutiny should have a defined impact on the ground, with the committee making recommendations that will make a tangible difference to the work of the authority. To have that kind of impact, scrutiny committees need to plan their work programme, i.e. draw up a long-term agenda and consider making it flexible enough to accommodate any urgent, short-term issues that might arise during the year.*

15. Paragraph 49:

*Being clear about scrutiny's role – Scrutiny works best when it has a clear role and function. This provides focus and direction. While scrutiny has the power to look at anything which affects 'the area, or the area's inhabitants', authorities will often find it difficult to support a scrutiny function that carries out generalised oversight across the wide range of issues experienced by local people, particularly in the context of partnership working. Prioritisation is necessary, which means that here might be things that, despite being important, scrutiny will not be able to look at.*

16. The statutory guidance also provides the following advice on shortlisting topics:

17. *Approaches to shortlisting topics should reflect scrutiny's overall role in the authority. This will require the development of bespoke, local solutions, however when considering whether an item should be included in the work programme, the kind of questions a scrutiny committee should consider might include:*

- *Do we understand the benefits scrutiny would bring to this issue?*
- *How could we best carry out work on this subject?*
- *What would be the best outcome of this work?*
- *How would this work engage with the activity of the executive and other decision-makers, including partners?*

18. The Memorandum of Understanding places a responsibility on the Scrutiny and Executive functions to "meet regularly to ensure that each is aware of the work and priorities of the other, to discuss and develop the Scrutiny work programme and to facilitate its engagement with the Cabinet as a "critical friend".

19. It is therefore proposed that in order to prepare the work programme, the following steps should be taken:

20. Scrutiny Committee members consider potential topics for consideration (in the knowledge that it may not be possible to meet all requests) and feed their views back to the Chair of the Committee.

21. The Chair and Vice-Chair of the Committee meet the Leader and Deputy Leader of the Council, along with relevant officers, to discuss Corporate

priorities, the Cabinet forward plan and where the Scrutiny Committee can best add value.

22. The results of the above are collated and reported back to the July Scrutiny Committee meeting, where the work plan will be finalised. An update on progress can be brought to the next Scrutiny Committee meeting at the end of June.

### Risk Analysis

23.

Risk	Likelihood	Impact	Mitigating actions
The work programme becomes too busy to give proper consideration to items is too broad	2 – individual members will have their own views about the relative importance of certain matters	3 – focusing on too many matters may result in less effective scrutiny	The statutory guidance provides clear information about the importance of prioritising work
The Executive or Scrutiny may not work effectively together	2 – there are members on both sides new to local government	3- this would lead to less effective scrutiny	Training is being provided to all members; the MoU is in place to set out the expectations on both sides

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.

## Work Programme 2019/20

Date	11 June	25 June	31 July (if required)	24 September	5 November	17 December	4 February	10 March
Standard agenda items	Responses of the Executive to reports of the Committee	Responses of the Executive to reports of the Committee	Responses of the Executive to reports of the Committee	<b>Responses of the Executive to reports of the Committee</b>	Responses of the Executive to reports of the Committee	Responses of the Executive to reports of the Committee	Responses of the Executive to reports of the Committee	Responses of the Executive to reports of the Committee
	Consideration of any matter referred to the Committee in relation to call in of a decision	Consideration of any matter referred to the Committee in relation to call in of a decision	Consideration of any matter referred to the Committee in relation to call in of a decision	Consideration of any matter referred to the Committee in relation to call in of a decision	Consideration of any matter referred to the Committee in relation to call in of a decision	Consideration of any matter referred to the Committee in relation to call in of a decision	Consideration of any matter referred to the Committee in relation to call in of a decision	Consideration of any matter referred to the Committee in relation to call in of a decision
	Invited reports from the Executive	Invited reports from the Executive	Invited reports from the Executive	Invited reports from the Executive	Invited reports from the Executive	Invited reports from the Executive	Invited reports from the Executive	Invited reports from the Executive
	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan
	Scrutiny Work Programme	Scrutiny Work Programme	Scrutiny Work Programme	Scrutiny Work Programme	Scrutiny Work Programme	Scrutiny Work Programme	Scrutiny Work Programme	Scrutiny Work Programme
Page 55  Agenda items	Reflections on training	CfPS review and action plan			LCTS 20/21 and consultation responses		Budget 20/21	Annual Report
	Statutory Guidance and Memorandum of Understanding	LCTS draft scheme 20/21			Budget Strategy 20/21 and consultation responses			
	Work Planning	Airport Parking update						
		Major Planning Applications Review update						

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## UTTLESFORD DISTRICT COUNCIL CABINET 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
Appointment to the Voluntary Support Grants Committee	Cabinet	13 Jun	To appoint members to the Voluntary Support Grants Committee	No	Open		Ben Ferguson, Principal Democratic Services Officer bferguson@uttlesford.gov.uk
Appointment to West Essex Wellbeing Joint Committee	Cabinet	13 Jun	To appoint two representatives to the West Essex Wellbeing Joint Committee	No	Open		Ben Ferguson, Principal Democratic Services Officer bferguson@uttlesford.gov.uk
Appointments to North Essex Parking Partnership	Cabinet	13 Jun	To appoint a substantive representative and a substitute member to the North Essex Parking Partnership.	No	Open		Ben Ferguson, Principal Democratic Services Officer bferguson@uttlesford.gov.uk
Appointments to Outside Bodies	Cabinet	13 Jun	To appoint representatives to outside bodies.	No	Open		Ben Ferguson, Principal Democratic Services Officer bferguson@uttlesford.gov.uk
Appointments to the Assets of Community Value and Local Heritage List Committee	Cabinet	13 Jun	To appoint three members to the Assets of Community Value and Local Heritage List Committee	No	Open		Ben Ferguson, Principal Democratic Services Officer bferguson@uttlesford.gov.uk

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
Asset of Community Value Nominations in Felsted	Cabinet	13 Jun	to decide nominations of the Swan Inn and Chequers PH Felsted as Assets of Community Value	No	Open		Sarah Nicholas, Senior Planning Officer snicholas@uttlesford.gov.uk
Aviation 2050: The future of UK aviation. A consultation	Cabinet	13 Jun	Aviation 2050: The future of UK aviation. A consultation	No	Open	Portfolio Holder for Business, Economy, Jobs, Investment and Strategy; Youth Services	Jeremy Pine, Planning Policy/Development Management Liaison Officer jpine@uttlesford.gov.uk
Cabinet Working Groups	Cabinet	13 Jun	To review and appoint membership of Cabinet Working Groups.	No	Open		Ben Ferguson, Principal Democratic Services Officer bferguson@uttlesford.gov.uk
Elmdon Village Design Statement		13 Jun	To consider the Elmdon Village Design Statement	No	Open		Sarah Nicholas, Senior Planning Officer snicholas@uttlesford.gov.uk

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
Garden Communities Delivery Member Governance Board Update September 2018 – May 2019	Cabinet	13 Jun	To receive an update from GCDMGB.	No	Open	Leader of the Council, Lead for Planning and the Local Plan	Adrian Webb, Director - Finance and Corporate Services awebb@uttlesford.gov.uk
Land and road at Parkers in Berden	Cabinet	13 Jun	Amendment of a restrictive covenant in respect of a recreation ground at the rear of Parkers in Berden and the acquisition of the access road to the Council owned properties at Parkers	No	Open	Portfolio Holder for Housing; Health and Wellbeing	Roz Millership, Assistant Director - Housing, Health and Communities rmillership@uttlesford.gov.uk
Sale of Land at Thaxted Road Saffron Walden	Cabinet	13 Jun	Sale of Land at Thaxted Road in Saffron Walden from General Fund to the Housing Revenue Account	Yes	Open	Portfolio Holder for Finance and Budget	Roz Millership, Assistant Director - Housing, Health and Communities rmillership@uttlesford.gov.uk
Budget Outturn - 2018/19	Cabinet	18 Jul	Actual budget spend for GF, HRA and Capital for 2018/19	No	Open	Portfolio Holder for Finance and Budget	Angela Knight, Assistant Director - Resources aknight@uttlesford.gov.uk

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
Budget Outturn 2019/20 - Qtr.1 Forecast	Cabinet	18 Jul	Predicted budget spend on GF, HRA and Capital	No	Open	Portfolio Holder for Finance and Budget	Angela Knight, Assistant Director - Resources aknight@uttlesford.gov.uk
Essex Coast Recreational Disturbance Avoidance & Mitigation Strategy (RAMS)	Cabinet	18 Jul	To gain member approval of RAMS Strategy Document (Technical Report and Mitigation Report) and to approve the Essex Coast Recreational Disturbance Avoidance & Mitigation Strategy (Essex RAMS) draft Supplementary Document for consultation	No	Open		Sarah Nicholas, Senior Planning Officer snicholas@uttlesford.gov.uk
Local Council Tax Support Scheme Proposals 2020/21	Cabinet	18 Jul	To propose the LCTS scheme contribution rate and any changes to discounts and premiums	Yes	Open	Portfolio Holder for Finance and Budget	Angela Knight, Assistant Director - Resources aknight@uttlesford.gov.uk
Members New Homes Bonus Scheme 2018/19	Cabinet	18 Jul	Report on the good causes supported during 2018/19	No	Open	Portfolio Holder for Finance and Budget	Adrian Webb, Director - Finance and Corporate Services awebb@uttlesford.gov.uk

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
Officers Write Off - 2018/19	Cabinet	18 Jul	annual report on officer write offs less than £10k	No	Open	Portfolio Holder for Finance and Budget	Angela Knight, Assistant Director - Resources aknight@uttlesford.gov.uk
Procurement Strategy - 2019/20	Cabinet	18 Jul	To set the strategy for financial year 2019/20	No	Open	Portfolio Holder for Finance and Budget	Angela Knight, Assistant Director - Resources aknight@uttlesford.gov.uk
Treasury Management Outturn 2018/19	Cabinet	18 Jul	Outturn for TM, investment and borrowing for 18/19	No	Open	Portfolio Holder for Finance and Budget	Angela Knight, Assistant Director - Resources aknight@uttlesford.gov.uk
Budget Outturn 2019/20 - Qtr. 1 Forecast	Cabinet	5 Sep	budget prediction for 19/20 - GF, HRA and Capital	No	Open	Portfolio Holder for Finance and Budget	Angela Knight, Assistant Director - Resources aknight@uttlesford.gov.uk
Shareholder report on the accounts for the Aspire companies	Cabinet	15 Oct		No	Open	Portfolio Holder for Finance and Budget	Adrian Webb, Director - Finance and Corporate Services awebb@uttlesford.gov.uk

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
Budget Outturn 2019/20 - Qtr. 2 Forecast	Cabinet	26 Nov	Predicted spend for 19/20 - GF, HRA and Capital	No	Open	Portfolio Holder for Finance and Budget	Angela Knight, Assistant Director - Resources aknight@uttlesford.gov.uk
Budget Strategy and Funding update 2020/21	Cabinet	26 Nov	To present the budget consultation responses and provide an update on the budget strategy for 20/21 including the outcomes of the central government funding reviews	No	Open	Portfolio Holder for Finance and Budget	Angela Knight, Assistant Director - Resources aknight@uttlesford.gov.uk
Capital Strategy Mid-Year Review	Cabinet	26 Nov	To update members on the capital financing position	No	Open	Portfolio Holder for Finance and Budget	Angela Knight, Assistant Director - Resources aknight@uttlesford.gov.uk
Investment Strategy Mid-Year Review	Cabinet	26 Nov	To update members on the status/progress of the non treasury investments	No	Open	Portfolio Holder for Finance and Budget	Angela Knight, Assistant Director - Resources aknight@uttlesford.gov.uk

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
Local Council Tax Support Scheme 2020/21 consultation responses	Cabinet	26 Nov	To present the responses of the consultation for the 20/21 LCTS scheme	Yes	Open	Portfolio Holder for Finance and Budget	Angela Knight, Assistant Director - Resources aknight@uttlesford.gov.uk
Treasury Management Mid-Year Review	Cabinet	26 Nov	To update members on the current investments and borrowing (cashflow not commercial)	No	Open	Portfolio Holder for Finance and Budget	Angela Knight, Assistant Director - Resources aknight@uttlesford.gov.uk
Budget Outturn 2019/20 - Qtr. 3 Forecast	Cabinet	13 Feb	Predicted budget spend for 19/20 - GF, HRA and Capital	No	Open	Portfolio Holder for Finance and Budget	Angela Knight, Assistant Director - Resources aknight@uttlesford.gov.uk
Medium Term Financial Strategy and Budget Proposals - 2020/21	Cabinet	13 Feb	MTFS, Section 25 report and proposals for 20/21 budget GF, HRA and Capital. To include Strategies for Treasury, Capital and investments	No	Open	Portfolio Holder for Finance and Budget	Angela Knight, Assistant Director - Resources aknight@uttlesford.gov.uk

