

OVERVIEW AND SCRUTINY COMMITTEE

THURSDAY, 25TH JULY 2019, 6.30 PM
COMMITTEE ROOM 1, TOWN HALL, CHORLEY

AGENDA

APOLOGIES

MINUTES

- 1 **MINUTES OF MEETING THURSDAY, 21 MARCH 2019 OF OVERVIEW AND SCRUTINY COMMITTEE** (Pages 5 - 8)

- 2 **MINUTES OF MEETING WEDNESDAY, 10 JULY 2019 OF OVERVIEW AND SCRUTINY PERFORMANCE PANEL (TO FOLLOW)**

- 3 **DECLARATIONS OF ANY INTERESTS**

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary interest you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

- 4 **PUBLIC QUESTIONS**

Members of the public who have requested the opportunity to ask a question(s) on an item on the agenda will be asked to put their question(s) to the Committee. Each member of the public will be allowed to ask one supplementary question within his/her allocated 3 minutes.

SCRUTINY OF THE EXECUTIVE CABINET

- 5 **EXECUTIVE CABINET MINUTES**

- A **MINUTES OF MEETING THURSDAY, 14 MARCH 2019 OF EXECUTIVE CABINET** (Pages 9 - 14)

To consider the Executive Cabinet minutes of the meeting held on 14 March 2019.

- B **MINUTES OF MEETING THURSDAY, 20 JUNE 2019 OF EXECUTIVE CABINET** (Pages 15 - 24)

To consider the Executive Cabinet minutes of the meeting held on 20 June 2019.

6 **NOTICE OF EXECUTIVE DECISIONS** (Pages 25 - 50)

To view the latest notice of Executive Decisions click here:

<https://democracy.chorley.gov.uk/mgListPlanItems.aspx?PlanId=897&RP=115>

The document is also attached and correct as of 17 July.

7 **GRT ENCAMPMENTS** (Pages 51 - 62)

To receive and consider the report of the Director (Early Intervention and Support).

8 **SCRUTINY REPORTING BACK: CHORLEY COUNCIL'S ANNUAL REPORT ON OVERVIEW AND SCRUTINY IN 2018/19** (Pages 63 - 74)

To receive and consider the Council's Annual Report on Overview and Scrutiny in 2018/19.

The report will be presented to Council in September.

9 **STATUTORY GUIDANCE ON OVERVIEW AND SCRUTINY IN LOCAL AND COMBINED AUTHORITIES** (Pages 75 - 106)

To receive and consider the statutory Overview and Scrutiny guidance published by the Ministry of Housing, Communities and Local Government in May 2019.

10 **OVERVIEW AND SCRUTINY WORK PROGRAMME** (Pages 107 - 108)

To consider the Scrutiny Work Programme for 2019/20.

11 **EXCLUSION OF THE PUBLIC AND PRESS**

To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

By Virtue of Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information)
Condition:

Information is not exempt if it is required to be registered under-
The Companies Act 1985

The Friendly Societies Act 1974

The Friendly Societies Act 1992

The Industrial and Provident Societies Acts 1965 to 1978

The Building Societies Act 1986 (recorded in the public file of any building society, within the meaning of the Act)

The Charities Act 1993

Information is exempt to the extent that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Information is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town & Country Planning General Regulations 1992(a).

(Pages 109 -
112)

12 **SYRIAN REFUGEE RESETTLEMENT PROGRAMME**

To receive and consider the report of the Director (Early Intervention and Support).

13 **ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR**

GARY HALL
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Overview and Scrutiny Committee Councillor John Walker (Chair), Councillor Roy Lees (Vice-Chair) and Councillors John Dalton, Peter Gabbott, Yvonne Hargreaves, Alex Hilton, Marion Lowe, Matthew Lynch, June Molyneaux, Steve Murfitt, Debra Platt, Gillian Sharples, Paul Sloan and Kim Snape.

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or chorley.gov.uk

To view the procedure for public questions/ speaking click here

<https://democracy.chorley.gov.uk/ecSDDisplay.aspx?NAME=SD852&id=852&rpId=0&sch=doc&cat=13021&path=13021>

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MINUTES OF OVERVIEW AND SCRUTINY COMMITTEE

MEETING DATE Thursday, 21 March 2019

MEMBERS PRESENT: Councillor John Walker (Chair), Councillor Alistair Morwood (Vice-Chair) and Councillors Steve Holgate, Matthew Lynch, June Molyneaux, Greg Morgan, Gillian Sharples and Kim Snape

OFFICERS: Mark Lester (Director (Business, Development and Growth)), Angela Barrago (Health and Wellbeing Manager), Fiona Hepburn (Housing Solutions Manager), Ruth Rimmington (Democratic and Member Services Team Leader) and Nina Neisser (Democratic and Member Services Officer)

APOLOGIES: Councillor Paul Clark, Yvonne Hargreaves, Paul Leadbetter and Debra Platt

19.OS.19 Minutes of meeting Thursday, 24 January 2019 of Overview and Scrutiny Committee

Decision: That the minutes of the Overview and Scrutiny Committee held on 24 January 2019 be approved as a correct record for signature by the Chair.

19.OS.20 Minutes of meeting Thursday, 7 March 2019 of Overview and Scrutiny Committee

Decision: That the minutes of the Overview and Scrutiny Committee held on 7 March 2019 be approved as a correct record for signature by the Chair.

19.OS.21 Declarations of Any Interests

Councillor Matthew Lynch declared a non-pecuniary interest in item 11: Task and Finish Group - Quality of housing provided by social landlords.

19.OS.22 Public Questions

There were no public questions for consideration.

19.OS.23 Executive Cabinet Minutes

Decision: That the minutes of the Executive Cabinet meeting held on 17 January, 14 February and 14 March 2019 be noted.

19.OS.24 Notice of Executive Decisions

Members considered the Notice of Executive Decisions and queried the progress with the development of the Cowling Farm site and the implementation of the Senior Management Review. A written response to both queries will be provided following the meeting.

The Chair requested advance notice of questions where an officer or Executive Member is required to answer in respect of items on the Notice.

Decision: That the Notice of Executive Decisions be noted.

19.OS.25 Update on the Syrian Refugee Resettlement Programme

The Chair advised that this item had been withdrawn from the agenda and will be presented in June.

19.OS.26 Monitoring Report of Inquiry Recommendations: Adoption of Estates Review

Mark Lester, Director of Business, Development and Growth, presented the report which updates Members on progress with the recommendations of the Task Group review into the Adoption of Estates.

Following the consideration of the Task Group's recommendations into the Adoption of Estates by the Executive Cabinet in 2013, all recommendations were agreed, and there have been three follow up progress reports, the last in January 2016.

This report updates the progress that has been made since the recommendations. Each Neighbourhood Area receives a report on the progress of adoptions including adoptions of roads and public open space for their Neighbourhood Area Meetings (NAMs) twice a year. The NAM reports list current information held on sites, progress and responds to queries received.

Members noted the difficulties faced by the Council due to the triangular relationship between LCC and developers. Issues of record keeping by LCC were discussed in relation to a number of cases. The Chair suggested that a representative from LCC be invited to a future meeting.

Decision: That the report be noted.

19.OS.27 Health Scrutiny

Councillor Alistair Morwood updated the meeting on the items considered by Lancashire County Council's Health Scrutiny Committee.

At the meeting on 5 February the Committee considered the Lancashire and South Cumbria - Integrated Care System update.

The Committee received an overview of the partnership in Lancashire and South Cumbria working as an Integrated Care System (ICS) which covered five local areas.

Concerns had been expressed in relation to recent issues in relation to mental health service provision in accident and emergency departments and the lack of baseline figures in the report necessary to evaluate the effectiveness and impact of expenditure.

An update on the Stroke Programme was also given. Stroke is not an older person's disease and disabilities are lifelong. Stroke is the fourth major cause of death and the principal cause of disability in the UK and lifestyle is a major contributing factor. A considerable number of patients are not being appropriately treated for Atrial Fibrillation and hypertension, and approximately 30% of patients are discharged from hospital with no plan.

Decision: That the update be noted.

Councillor Gillian Sharples left the meeting at 7.15pm.

19.OS.28 Reports from the Task and Finish Groups

Councillor Matthew Lynch, Chair of the Task Group, reported that in 2017 the Council had recognized the need for the issue of the quality of housing provided by social landlords to be investigated.

Funding had been secured by the Chair, Councillor Jane Fitzsimons, to undertake a survey of around two thirds of tenants. Following her appointment to the Executive Cabinet in May 2018 Councillor Lynch became the Chair. The Task Group have interviewed representatives from the two largest Registered Providers in Chorley, Chorley Community Housing and Places for People.

The recommendations put forward by the Task Group are in line with the Housing green paper. There are clear patterns in the results regarding the performance of social landlords within Chorley. The recommendations will be taken forward as the Council sets up a Housing Company.

Councillor Lynch thanked Councillors and officers for their contribution to the inquiry and advised that the report will be considered by Executive Cabinet in June.

Decision: That the update be noted.

19.OS.29 Overview and Scrutiny Work Programme

Members considered the work programme and noted that the arrangements for Neighbourhood areas following the implementation of the Electoral Review in 2020 and an update on the Syrian refugee settlement programme will be presented in June.

Decision: That the work programme be noted.

19.OS.30 Exclusion of the Public and Press

Decision: To exclude the press and public for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

19.OS.31 Leisure Contract Review

Angela Barrago, Health and Wellbeing Manager, presented the confidential report of the Director (Early Intervention and Support) which had been considered by Executive Cabinet on 14 March.

Members were pleased with the focus on encouraging residents to be healthy.

Decision: That the report be noted.

19.OS.32 Update on approach to Dealing with Unauthorised Encampments on Land not owned by Gypsy Travellers

Angela Barrago, Health and Wellbeing Manager, presented the confidential report of the Director (Early Intervention and Support) which updates Members on the plans to review the protocol for managing temporary Gypsy and Traveller encampments in the borough.

Decision: That the report be noted.

Chair

Date

**MINUTES OF****EXECUTIVE CABINET****MEETING DATE****Thursday, 14 March 2019****MEMBERS PRESENT:**

Councillor Alistair Bradley (Chair), Councillor Peter Wilson (Vice-Chair) and Councillors Beverley Murray, Jane Fitzsimons, Paul Walmsley and Adrian Lowe

OFFICERS:

Gary Hall (Chief Executive), Chris Sinnott (Director (Early Intervention and Support)), Asim Khan (Director (Customer and Digital)), Mark Lester (Director (Business, Economic and Growth)), Chris Moister (Head of Legal, Democratic & HR Services), Philippa Braithwaite (Democratic and Member Services Officer), Angela Barrago (Health and Wellbeing Manager), Tracy Brzozowski (Customer Services Manager (Enforcement)) and Bernie Heggarty (Neighbourhood Priorities Officer)

OTHER MEMBERS:

Councillors Eric Bell, Alan Cullens, Gordon France, Danny Gee, Yvonne Hargreaves, Marion Lowe, June Molyneaux, Greg Morgan, Alistair Morwood and John Walker

19.EC.100 Minutes of meeting Thursday, 14 February 2019 of Executive Cabinet

Decision: That the minutes of the Executive Cabinet meeting held on 14 February 2019 be confirmed as a correct record for signature by the Executive Leader.

19.EC.101 Declarations of Any Interests

There were no declarations of interests.

19.EC.102 Public Questions

There was one public question received from Mr Mohsin Patel in relation to a report later in the agenda, Allocation of Community Infrastructure Levy Funds.

“Although the committee is asked to approve funding of £572,250 for the purchase of St. Johns Club, has consideration been given by the council for the overall scheme capital costs? Information available on Chorley and South Ribble CCG website states that the anticipated capital build cost for the medical centre is £3.45 million. Thus a total outlay required by Chorley Council will be close to £4m.

Should the council not be seeking approval for the total scheme costs before they commit to buying some land?"

Councillor Peter Wilson, Executive Member (Resources), responded that the report on today's agenda was just seeking approval for the purchase of the site, not the entire project. He confirmed that consideration had been given to the forward plans but that details (including costings) were yet to be determined and would be presented to Council for decision when available. Gary Hall, Chief Executive, advised that discussions were being held with a number of stakeholders to consider the various options and challenges for the site but confirmed that no final scheme had been identified.

19.EC.103 Allocation of Community Infrastructure Levy Funds

Councillor Peter Wilson, Executive Member (Resources), presented the report of the Director (Business, Development and Growth) which seeks approval for the allocation of Strategic CIL monies to purchase the St Johns Club, 239 Preston Road, Clayton-Le-Woods to support the delivery of the Clayton-Le-Woods General Practice surgery which is on the Regulation 123 List.

Members discussed the report, noting that there was no formal proposal for the project currently, and therefore there were no details available regarding timescales or facilities. Councillor Wilson advised that although discussions had been held with several stakeholders about the options available for developing the site, these were yet to be explored in detail and no formal proposals were available.

With regards to posts on social media, Councillor Wilson explained there was any formal partnership with any individual stakeholders and reiterated that no detailed plans or proposals were in place. It was suggested any alleged misinformation being circulated by councillors or parish councillors should be reported to the Monitoring Officer for investigation as a potential Standards matter. In response to a subsequent question, the Chief Executive advised that moving forwards the planning process would include usage of the existing community centre space.

Decision:

To approve the allocation of £572,250 capital infrastructure monies to the St John's Health Centre project for spend in 2019/20.

Reasons for Recommendation(s):

To allocate the CIL Infrastructure Fund in the way it is intended and ensure the methodology of how it is allocated is transparent.

Alternative Options Considered and Rejected:

None.

19.EC.104 Joint Procurement Strategy

Councillor Peter Wilson, Executive Member (Resources), presented the report of the Chief Executive which sets out the performance achieved against the 2015 - 2018 Chorley Borough and South Ribble Borough Councils Joint Procurement Strategy (JPS) and includes recommendations for a new refreshed 3-year JPS commencing 1 April 2019. Members noted that the Strategy had been presented to the Shared

Services Joint Committee in February, who had approved it being taken forward at both authorities.

Decision:

1. That the contents of this performance report are noted.
2. That the proposed refreshed Joint Procurement Strategy included at Appendix 3 of the report is adopted.

Reasons for Recommendation(s):

To set out procurement priorities and provide a clear framework, plan and direction on how to achieve these.

Alternative Options Considered and Rejected:

To not renew the Joint Procurement Strategy. This would mean that the Council would not have clearly defined procurement priorities and would not have a clear framework, plan and direction on how to achieve these.

19.EC.105 Revised Local Enforcement Plan

Councillor Paul Walmsley, Executive Member (Public Protection), presented the report of the Director (Customer and Digital) which seeks approval for changes to the Council's Local Enforcement Plan. It was noted that this plan would provide a more efficient and customer focused service and is based on best practice examples across the country.

Decision:

Approve the proposed changes to the Local Enforcement Plan.

Reasons for Recommendation(s):

To align the Council's Local Enforcement Plan with other best practice examples across the Country whilst ensuring it meets the specific needs of the local area.

Alternative Options Considered and Rejected:

Continuing with the existing plan which is not fit for purpose, for the reasons identified within the report.

19.EC.106 Neighbourhood Priorities 2019-20

Councillor Bev Murray, Executive Member (Early Intervention), presented the report of the Director (Early Intervention and Support) which presents the proposed neighbourhood priorities that have been agreed within each neighbourhood management group. Members discussed the future of Neighbourhood Area Meetings in light of the upcoming boundary changes and noted that, although a number of projects were still small-scale, the wider contextual information given in these meetings was starting to inform larger projects, attracting match-funding and partnership working.

Decision:

1. It is recommended that the neighbourhood priorities proposed within each neighbourhood management meeting are agreed.
2. It is recommended that when scoping out the detail and financial resources required for each priority, financial or in-kind contributions are sought from

partners within the neighbourhood including parish councils, Lancashire County Council, voluntary sector and other stakeholders.

3. Where a priority is subsequently scoped out as requiring increased financial resources, consideration will be made in consultation with the Executive Member (Early Intervention) for this neighbourhood priority to be carried out at additional cost beyond £2,000, phased, or developed further as an individual corporate project.

Reasons for Recommendation(s):

Neighbourhood working and associated projects is a key priority within the council's corporate strategy and encourages the improvement of environmental, health, and social features within the eight neighbourhoods of Chorley.

Alternative Options Considered and Rejected:

To not support the continuation and development of neighbourhood priorities across the borough and not make the £50,000 funding available.

19.EC.107 Exclusion of the Public and Press

Decision: To exclude the press and public for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

19.EC.108 Kem Mill Lane Playing Fields

Councillor Alistair Bradley, Executive Member (Economic Development and Public Service Reform), presented the confidential report of the Director (Business, Development and Growth) which provides an update on the Kem Mill Lane / Whittle-le-Woods Football Club playing field improvement project, seeks authorisation to allocate the project budget, submit a planning application and procure a competent contractor or contractors to deliver the works.

Decision:

1. To note the project update.
2. To allocate the sum of £53,962 for the delivery of the project from s106 and CIL receipts.
3. To agree to the improvement works proposed (comprising a proposed car park / revised access and pitch drainage / grading), to authorise the submission of a planning application and to further authorise the procurement of a competent contractor or contractors to deliver the work.
4. To approve that the contract awards be delegated to the Executive Member for Economic Development and Public Service Reform.

Reasons for Recommendation(s):

1. The sum of £53,962 needs to be spent or there is a risk of having to repay the S106 / commuted sum contributions to the developers.
2. The improvement to Whittle-le-Woods football club pitch drainage is identified in the Chorley Playing Pitch Strategy 2014-2019. The playing surface would benefit from the proposed pitch improvement works to regularise the pitch surface gradients and decrease the number of cancelled matches during inclement weather.

3. The playing pitch is in need of additional car parking facilities as on match days players and spectators are parking along Kem Mill Lane resulting in inconvenience to local residents. A number of new properties have also been built, further along Kem Mill Lane which is exacerbating the parking problem on match days.

Alternative Options Considered and Rejected:

To return the S106 to the developer and leave the playing pitch and its facilities as existing.

19.EC.109 Leisure Contract Review

Councillor Bev Murray, Executive Member (Early Intervention), presented the confidential report of the Director (Early Intervention and Support) which presents the work undertaken to review options for the management of the council's leisure centres, and seeks approval for commencing a procurement exercise.

Decision:

1. That the Executive Cabinet approve the commencement of a procurement exercise for the management of the indoor leisure contract, using Competitive Procurement with Negotiation.
2. That delegated authority be given to the Executive Member (Resources) to approve the strategy for procurement when it is developed.

Reasons for Recommendation(s):

The work undertaken indicates that the procurement exercise is the most likely to deliver best value for the council.

Alternative Options Considered and Rejected:

To extend the current contract, which was rejected on the basis that this would not provide the opportunity to test the market and secure best value.

Chair

Date

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**MINUTES OF****EXECUTIVE CABINET****MEETING DATE****Thursday, 20 June 2019****MEMBERS PRESENT:**

Councillor Alistair Bradley (Chair), Councillor Peter Wilson (Vice-Chair) and Councillors Beverley Murray, Graham Dunn, Alistair Morwood and Adrian Lowe

OFFICERS:

Gary Hall (Chief Executive), Rebecca Huddleston (Director (Policy and Governance)), Chris Moister (Head of Legal, Democratic & HR Services), Andrew Daniels (Communications and Events Manager) and Philippa Braithwaite (Democratic and Member Services Officer)

OTHER MEMBERS:

Councillors Aaron Beaver, Danny Gee, Tom Gray, Matthew Lynch, June Molyneaux, Julia Berry and John Walker

19.EC.110 Minutes of meeting Thursday, 14 March 2019 of Executive Cabinet

Decision: That the minutes of the Executive Cabinet meeting held on 14 March 2019 be confirmed as a correct record for signature by the Executive Leader.

19.EC.111 Declarations of Any Interests

There were no declarations of interests.

19.EC.112 Public Questions

There were no public questions received.

19.EC.113 Overview and Scrutiny Task and Finish Group - Quality of housing provided by social landlords

The Chair of the Overview and Scrutiny Committee, Councillor John Walker, presented the report.

The review had identified 31 recommendations which would be worked through by Councillor Graham Dunn, Interim Executive Member (Housing), for response.

Councillor Walker thanked the Chair, Councillor Matthew Lynch, members of the Task Group, and officers involved with the inquiry.

Decision: Approval granted that the report of the Overview and Scrutiny Task Group be received and accepted for consideration, with the Executive Cabinet's recommended response to the recommendations being reported to a future meeting.

19.EC.114 Shared Financial Services Staffing Review and Proposals

Councillor Alistair Bradley, Executive Member (Economic Development and Public Service Reform), presented the report of the Chief Finance Officer which briefs members on the review of, and amendments to, the existing shared services for finance and assurance between Chorley Borough Council and South Ribble Borough Council.

Members discussed the report, noting that the proposals had been endorsed by Shared Services Joint Committee and formally approved by South Ribble Borough Council at their Cabinet meeting earlier in the week.

Decision:

1. To approve the creation of two new posts in Shared Financial Services so that the service can meet its statutory closure of accounts requirements in 2019/20 and provide additional capacity and succession planning for procurement services.
2. To note the Shared Financial and Assurance Services Service Plan 2019/20 in Appendix 1 that was approved at Joint Committee on 3 June 2019.
3. To note that a more detailed review is to be brought back to the Shared Services Joint Committee to report progress and make further recommendations for approval at both councils.

Reasons for Recommendation(s):

The Shared Financial Services team has a responsibility to create the draft and final statement of accounts for both Chorley Borough Council and South Ribble Borough Council. A request for retirement has been made meaning for 2019/20 there will be no permanent staffing in place to provide the expertise to deliver both council's statement of accounts. This role is specialised and it is therefore imperative that the service looks to replace this post as soon as possible.

In addition, to provide the necessary staffing resources to close both sets of accounts it is proposed to create a new Senior Financial Accountant role.

The procurement service continues to work at full capacity and has been especially stretched in recent months due to a number of large-scale projects requiring procurement support. The report proposes creating a graduate trainee post within procurement to provide the required additional capacity as well as ensuring there is sufficient succession planning within the service.

Alternative Options Considered and Rejected:

Do nothing – the council would be at great risk of not meeting its statutory obligations, external agency could be brought in to cover vacant positions however this would be expensive and would not provide a permanent solution for the service.

19.EC.115 Provisional Revenue and Capital Outturn 2018/19

Councillor Peter Wilson, Executive Member (Resources), presented the report of the Chief Finance Officer which presents the provisional revenue outturn figures for the Council as compared against the budgets and efficiency savings targets set for the financial year 2018/19 and the provisional outturn figures for the 2018/19 capital programme. It also updates the capital programme for financial years 2019/20 to 2021/22 to take account of the re-phasing of expenditure from 2018/19 and other proposed budget changes.

The accounts are provisional at this stage and are also subject to final checking and scrutiny by the Council's external auditor. Members noted that, should there be any significant changes to the outturn as a result of this process, a further report will be submitted to Executive Cabinet.

Decision:

1. Note the full year outturn position for the 2018/19 revenue budget and capital investment programme.
2. Approve slippage requests outlined in Appendix 2 of the report to finance expenditure on specific items or projects in 2019/20.
3. Request Council approval for the contribution of £162,000 from in-year revenue underspends to the Change Management Reserve to finance one-off redundancy and pension strain costs arising from transformation and shared service strategies.
4. Request Council approval for the contribution of £71,000 from in-year revenue underspends to finance the National Graduate Development Programme (NGDP) in 2019/20 and 2020/21.
5. Request Council approval for £55,000 to fund architect fees relating to requests from tenant liaison meetings requests and the costs of clerk of works at Market Walk Extension.
6. Note the 2018/19 outturn position on the Council's reserves outlined in Appendix 4.
7. Note the impact of the final capital expenditure outturn and the re-phasing of capital budgets to 2019/20 and approve the additions to the capital programme outlined in paragraph 70.
8. Request Council approval of the financing of the 2018/19 capital programme to maximise the use of funding resources available to the Council.

Reasons for Recommendation(s):

To ensure the Council's budgetary targets are achieved.

Alternative Options Considered and Rejected:

None.

19.EC.116 Chorley Council Performance Monitoring – Fourth Quarter 2018/19

Councillor Peter Wilson, Executive Member (Resources), presented the report of the Director (Policy and Governance) which sets out the performance against the delivery of the Corporate Strategy and key performance indicators during the fourth quarter of 2018/19, 1 January to 31 March 2019.

Overall, performance of key projects is very good, with nine (75%) of the projects rated as green or scheduled to start in quarter one 2019/20. Three (25%) projects are

currently rated amber and the action plans for each of these projects are contained within the report.

Members noted that performance of the Corporate Strategy indicators and key service delivery measures is also very good with 75% of Corporate Strategy measures and 89% of key service delivery measures performing on or above target or within the 5% threshold. Those indicators performing below target have action plans outlined with measures to improve performance.

Decision:

That the report be noted.

Reasons for Recommendation(s):

To facilitate the on-going analysis and management of the Council's performance in delivering the Corporate Strategy.

Alternative Options Considered and Rejected:

None.

a Funding outreach work at Inspire Youth Zone

Councillor Beverley Murray, Executive Member (Early Intervention and Support), presented the report of the Director (Early Intervention) which seeks approval for the provision of funding to Inspire Youth Zone for additional outreach work.

Members discussed the report, noting that although work has been undertaken to address some of the potential barriers to young people in outlying areas attending the Youth Zone, there is more work to be done to ensure that all young people in the borough are able to benefit from the facility.

Members discussed the problems regarding the provision of transport and noted that it is this would be one of the barriers to membership and/or attendance which will be examined in more detail as part of the consultation being proposed. It was noted that approximately 1200 young people attended the Youth Zone each week but that the report proposes outreach activities to take place in the identified areas as well as facilitating attendance on site. With regards to young people's mental health, it was noted that existing work with the Health Trust and Clinical Commissioning Group involving smaller projects could be built upon.

Decision:

That the Director (Early Intervention and Support) be given delegated authority to finalise agreement with Inspire Youth Zone for the undertaking of the outreach work project.

Reasons for Recommendation(s):

Inspire Youth Zone has seen significant success since it opened with support from Chorley Council in 2018. The outreach project enabled through the funding will ensure that all young people from across the borough are supported to access its facilities.

Alternative Options Considered and Rejected:

To not provide the funding. This was rejected as it would mean that young people in some wards would not have the same level of support and access as those in other areas.

19.EC.117 Exclusion of the Public and Press

Decision: To exclude the press and public for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

19.EC.118 Business Grants

Councillor Alistair Bradley, Executive Member (Economic Development and Public Service Reform), presented the confidential report of the Director (Business, Development and Growth) which seeks approval of revisions to the existing business grant eligibility and creation of two new business grants.

Decision:

To note and approve the attached revisions of the existing business grant eligibility and creation of proposed new grants: Strawberry Fields Digital Hub grant and Chorley Apprenticeship grant.

Reasons for Recommendation(s):

Revision to the existing business grant eligibility would make the uptake of the Chorley BIG and Choose Chorley grant more appealing to businesses and to encourage further applications.

Creation of two new business grants including a Strawberry Fields Digital Hub and Chorley Apprenticeship grant would incentivise businesses to locate/relocate to Strawberry Fields Digital Hub and encourage employers to create apprenticeship opportunities for 18-24 year olds, given the lack of support for this younger age bracket, nationally.

Alternative Options Considered and Rejected:

Not making the changes to these grants would result in fewer businesses in being able to apply for assistance from Chorley Council and investment in the borough not being made or going elsewhere. The impact of not creating the new apprenticeship grant would have the effect of potentially fewer job opportunities being created for 19-24 year olds within the borough. Where these opportunities are made as degree apprenticeships the result could be a young person leaving the area to continue their higher education and not return to the area to the detriment of the local economy.

19.EC.119 Bengal Street

Councillor Steve Holgate arrived at 7.08pm

Councillor Alistair Bradley, Executive Member (Economic Development and Public Service Reform), presented the confidential report of the Director (Business, Development and Growth) which advises Members on proposals for the development of the Bengal Street site and seeks approval to procure a consultant team to undertake intrusive site investigations, and complete a feasibility study and outline business plan for the development of the Bengal Street site and adjacent National Grid Gas holder site.

Decision:

1. To approve the procurement of a consultant team to progress site investigations and a feasibility study on the Bengal street site, to include the adjacent National Grid gas holder site.
2. Agree that tender submissions will be evaluated on a 60% price/40% quality matrix.
3. To agree that contract appointment for the feasibility assessment (all stages) will be delegated to the Executive Member (Resources).
4. To agree that the Consultant will be appointed under an existing compliant Framework.

Reasons for Recommendation(s):

To draw down on the funding from One Public Estate within the required timescales.

To ascertain the financial and commercial feasibility of any development at Bengal street, that will consider any constraints and funding opportunities.

To provide a number of options for the Bengal development that will be presented to the Members.

To improve the assets to provide excellent facilities for the residents of Chorley and encourage inward investment in the Borough.

To develop relationships with other public sector bodies and key stakeholders that will be beneficial for all.

Alternative Options Considered and Rejected:

Do nothing – rejected as this will not deliver the council's corporate objectives.

19.EC.120 Tatton Feasibility Study Procurement

Councillor Alistair Bradley, Executive Member (Economic Development and Public Service Reform), presented the confidential report of the Director (Business, Development and Growth) which provides an update on the proposed development feasibility for the former bus depot off Eaves Lane and the Tatton community centre, and seeks approval to appoint a consultant team to undertake a feasibility study and prepare a business case for development at Tatton.

Decision:

1. To approve the proposed feasibility works.
2. To approve the appointment under the NHS Shared Business Services Framework to support Officers in completing the feasibility study and business plan for the Tatton development.
3. To note the availability of One Public Estate Funding to complete the feasibility study and business case.
4. To approve the procurement of site investigations and preparatory works to be contained within the budget figure.
5. To approve appointment for additional works associated with investigations and preparatory works to be contained within the budget figure.

Reasons for Recommendation(s):

To ascertain the financial and commercial feasibility of any development at Tatton, that will consider any constraints, funding opportunities and feedback from the local residents.

To provide a number of options for the Tatton development that will be presented to the Members.

To improve the assets to provide excellent facilities for the local residents and encourage inward investment in the Borough.

To promote a reduction in anti-social behaviour within the area by developing a scheme that compliments the surrounding area.

To promote the use of the space by the community and contribute to the health and wellbeing of the community.

Alternative Options Considered and Rejected:

Do nothing – rejected as this will not deliver the councils corporate objectives.

19.EC.121 Whittle GP Surgery Procurement

Councillor Alistair Bradley, Executive Member (Economic Development and Public Service Reform), presented the confidential report of the Director (Business, Development and Growth) which provides an update on the purchase of the property on Preston Road, Clayton-Le-Woods and the proposed development, and outlines the proposed procurement for the delivery of the GP surgery.

Decision:

1. To make a direct appointment under the Perfect Circle (Scape) framework using an NEC3 Professional Services Contract (Option A) to prepare a Joint Contracts Tribunal (JCT) Pre Contract Service Agreement (PCSA).
2. To make a direct appointment under the Lancashire Regeneration Property Partnership (LRPP) Framework to act as Managing Contractor (subject to PCSA contract award).
3. That the PCSA contract award be delegated to the Executive Member (Resources).
4. That the contract award for the preparation of the JCT design and build Contract be delegated to Executive Member (Resources).

Reasons for Recommendation(s):

To ensure we deliver the GP surgery within the most efficient timescales, within a cost-effective budget.

To develop a financial business model for the development which will inform the future decision to progress with the development.

To improve the asset to provide excellent facilities for the local residents and encourage inward investment in the Borough.

Alternative Options Considered and Rejected:

To procure the works under a competitive tender process. The development programme for the GP Surgery is of high priority with earliest delivery essential. To procure competitively would extend the works programme significantly.

19.EC.122 Market Walk Lettings

Councillor Peter Wilson, Executive Member (Resources), presented the confidential report of the Director (Business, Development and Growth) which seeks approval for the proposed Heads of Terms for occupying a unit in the Market Walk Extension.

Decision:

1. To approve the proposed Heads of Terms for occupying a unit in the Market Walk Extension.
2. To authorise the Head of Legal Democratic and HR Services to prepare and complete an Agreement for Lease and Lease based on the agreed terms (Appendix A). That the Director of Business, Development and Growth have delegated authority to agree any minor changes to these Heads of Terms, such delegation to be exercised in consultation with the Executive Member for Resources.
3. To approve the additional expenditure in the contract sum for providing a 17-person passenger lift to the unit.

Reasons for Recommendation(s):

The Market Walk Extension was initially conceived as a retail led development with a cinema; however, during the period of bringing the scheme to delivery, the retail market has become increasingly challenging. The internal configuration of extension has since been adapted to take account of market forces and reduce the floorplan given over to retail whilst expanding that available/suitable for leisure and/or food & beverage operators.

This proposal will provide another permanent attraction to the town centre leisure offer, and the financial offer is a good one.

Alternative Options Considered and Rejected:

A less substantial financial offer was received from another company, but this would have required significant changes to the structure, concessions on parking on the Flat Iron and the creation of a 5,000 sqft inaccessible void at first floor. It would also duplicate an offer already available within close-proximity and not add anything new to the town centre. For these reasons it was not progressed any further.

19.EC.123 Insourcing Market Walk Security Contract

Councillor Peter Wilson, Executive Member (Resources), presented the confidential report of the Director (Business, Development and Growth) which seeks approval for bringing the Market Walk and Town Centre security provision in-house.

Decision:

1. That members approve:
 - a) the procurement of additional CCTV equipment which will enable the existing Market Walk, as well as the new extension, to be monitored remotely by the Town Centre CCTV team.

- b) the creation of new Market Walk & Town Centre Ambassador posts to patrol the town centre streets assisting in customer information/stewarding and reporting/supporting incidents.
 - c) the procurement of a security contractor for “event” style security for evening operational needs solely on the Market Walk extension.
 - d) increasing the resource in the central CCTV control room to monitor the increasing number of cameras being connected and specifically Market Walk and the Extension across all opening times.
2. That members approve that the existing security contract, for the existing Market Walk, is terminated in September 2019 (as current).
- a) that the existing employees are transferred to the ambassador posts and offered the CCTV vacancies so that they do not suffer any financial detriment as a result of the contract for Market Walk coming in house.
 - b) that any employees recently appointed be subject to any probationary period demanded by the existing security company or failing this our own 6-month probationary period.

Reasons for Recommendation(s):

The CCTV control room often rely on Market Walk camera positions to monitor incidents and currently this can only be achieved via verbal instruction and during staffed hours. By networking all the cameras together it provides uninterrupted and consistent monitoring/recording across extended hours of operation. Once being monitored remotely there is no need to monitor on site too.

By removing the CCTV monitoring from site, it enables more flexibility in the reconfiguration of the Market Walk management Suite space to enable the conversion to managed workspace.

There is a growing need for a uniformed presence within Market Walk and the Town Centre to deal with public nuisance issues such as beggars, unsociable behaviour and petty crime and a more proactive high-profile approach is required and better achieved under direct control.

The evening security requirement is an unknown and initially this will be best served through an “event” style crowd management guarding service supported by remote CCTV. Once the extension has been operating the service requirements can be reviewed to see if it can be better delivered through the expansion of Town Centre Ambassador hours instead.

A recent Counter Terrorism Vulnerability Survey carried out by the police identified a more proactive approach of surveillance across the Town Centre and Astley Park, especially around events. A visible Ambassador and increased CCTV monitoring capacity will help achieve this and mitigate against this risk.

Alternative Options Considered and Rejected:

To continue with the current security contract and extend the current static guard provision to cover the extension and extended operating hours. This was rejected due to continued poor service outside of our direct control.

To retender the full security contract for both sites. This wouldn't guarantee any better service nor any savings/efficiencies by consolidating with our other council services.

19.EC.124 Any urgent business previously agreed with the Chair

All officers except the Democratic Services Officer left the room for the discussion of this item.

Councillor Alistair Bradley, Executive Member (Economic Development and Public Service Reform), gave Members a confidential briefing.

Chair

Date

Chorley Council – Notice of Executive Decisions

1. This document gives 28 days notice of ‘key’ and other major decisions which the Executive Cabinet and Executive Members expect to take. The document is updated as required and is available to the public on the Council’s website at www.chorley.gov.uk or from the Town Hall, Market Street, Chorley, PR7 1DP.
2. A ‘Key’ Decision is defined as:
 - a) Any executive decision which is likely to result in the Council incurring significant expenditure or the making of savings where there is:
 - a change in service provision that impacts upon the service revenue budget by £100,000 or more; or
 - a contract worth £100,000 or more; or
 - a new or unprogrammed capital scheme of £100,000 or more.
 - b) Any executive decision which will have a significant impact in environmental, physical, social or economic terms on communities living or working in two or more electoral wards. This includes any plans or strategies which are not within the meaning of the Council’s Policy Framework set out in Article 4 of the Council’s Constitution.
 - c) Under the Access to Information Procedure Rules set out in the Council’s Constitution, a ‘Key’ Decision may not be taken, unless 28 days notice have been given in this document;
 - d) The law and the Council’s Constitution provide for urgent key decisions to be made, even though they have not been included in this document in accordance with General Exception and Special Urgency provisions.
3. The Executive Cabinet is made up of the Executive Leader, Deputy Leader and four Executive Members with the following portfolios:

Executive Leader and Executive Member (Economic Development and Public Service Reform)	Councillor Alistair Bradley
Deputy Executive Leader and Executive Member (Resources)	Councillor Peter Wilson
Executive Member (Early Intervention)	Councillor Beverley Murray
Acting Executive Member (Homes and Housing)	Councillor Graham Dunn
Executive Member (Public Protection)	Councillor Alistair Morwood
Executive Member (Customer, Advice and Streetscene Services)	Councillor Adrian Lowe
4. Copies of the Council’s Constitution and agenda and minutes for all meetings of the Council may be accessed on the Council’s website: www.chorley.gov.uk. If there are any queries, including objections to items being considered in private, please contact the Council on 01257 515151 or email contact@chorley.gov.uk. Please note representations should be received 14 days before the date the decision is due to be taken.

Gary Hall, Chief Executive

Last updated: 16 July 2019

Details of the Decision to be taken	Decision to be taken by	Relevant Portfolio Holder	Reason the decision is key	Earliest Date decision can be taken	Will the public be excluded?	Are there any background papers?	Documents to be considered by Decision taker
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Future meetings of the Executive Cabinet where there is an intention to hold part of a meeting in private: 1 August, 17 October, 14 November and 12 December 2019, 16 January, 13 February and 12 March 2020

August

Overview & Scrutiny Task Group - Social Housing Standards	Executive Cabinet	Acting Executive Member (Homes and Housing)		1 Aug 2019	No	Details can be found here: https://democracy.chorley.gov.uk/documents/99233/Final%20report%2021032019%20Overview%20and%20Scrutiny%20Committee.pdf	Report of the Director (Early Intervention and Support)
Quarter One Performance Report 2019/20	Executive Cabinet	Executive Member (Resources)		1 Aug 2019	No	No	Report of the Director (Policy and Governance)

Details of the Decision to be taken	Decision to be taken by	Relevant Portfolio Holder	Reason the decision is key	Earliest Date decision can be taken	Will the public be excluded?	Are there any background papers?	Documents to be considered by Decision taker
Cowling Farm Site	Executive Cabinet	Executive Member (Economic Development and Public Service Reform)	A new or unprogrammed capital scheme of £100,000 or more	1 Aug 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)
Alker Lane	Executive Cabinet	Executive Member (Economic Development and Public Service Reform)	A contract worth £100,000 or more	1 Aug 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)

Details of the Decision to be taken	Decision to be taken by	Relevant Portfolio Holder	Reason the decision is key	Earliest Date decision can be taken	Will the public be excluded?	Are there any background papers?	Documents to be considered by Decision taker
Westway Playing Fields Design Fix and Cost Plan	Executive Cabinet	Executive Member (Economic Development and Public Service Reform)	A new or unprogrammed capital scheme of £100,000 or more	1 Aug 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)
Westway Contractor Procurement	Executive Cabinet	Executive Member (Economic Development and Public Service Reform)	A contract worth £100,000 or more	1 Aug 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)
Future meetings							

Details of the Decision to be taken	Decision to be taken by	Relevant Portfolio Holder	Reason the decision is key	Earliest Date decision can be taken	Will the public be excluded?	Are there any background papers?	Documents to be considered by Decision taker
King George V Playing Fields, Adlington	Executive Cabinet	Executive Member (Economic Development and Public Service Reform)	A contract worth £100,000 or more	17 Oct 2019	No	No	Report of the Director (Business, Development and Growth)
Open Space, Sport & Recreation Strategy Summary and Action Plan	Executive Cabinet	Executive Member (Economic Development and Public Service Reform)		17 Oct 2019	No	No	Report of the Director (Business, Development and Growth)
Streetscene Modernisation Strategy 2019-2020	Executive Cabinet	Executive Member (Customer, Advice and Streetscene Services)		17 Oct 2019	No	No	Report of the Director (Customer and Digital)
Approval to Procure Grounds Maintenance Plant & Equipment	Executive Cabinet	Executive Member (Resources)	A contract worth £100,000 or more	17 Oct 2019	No	No	Report of the Director (Customer and Digital)

Details of the Decision to be taken	Decision to be taken by	Relevant Portfolio Holder	Reason the decision is key	Earliest Date decision can be taken	Will the public be excluded?	Are there any background papers?	Documents to be considered by Decision taker
Westway Contractor Appointment	Executive Cabinet	Executive Member (Economic Development and Public Service Reform)	A contract worth £100,000 or more	17 Oct 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)
Alker Lane Bridge	Executive Cabinet	Executive Member (Economic Development and Public Service Reform)	A change in service provision that impacts upon the service revenue budget by £100,000 or more	17 Oct 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)

Details of the Decision to be taken	Decision to be taken by	Relevant Portfolio Holder	Reason the decision is key	Earliest Date decision can be taken	Will the public be excluded?	Are there any background papers?	Documents to be considered by Decision taker
Alker Lane Development	Executive Cabinet	Executive Member (Economic Development and Public Service Reform)	A contract worth £100,000 or more	17 Oct 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)
Tatton Project	Executive Cabinet	Executive Member (Economic Development and Public Service Reform)	A contract worth £100,000 or more	17 Oct 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)

Details of the Decision to be taken	Decision to be taken by	Relevant Portfolio Holder	Reason the decision is key	Earliest Date decision can be taken	Will the public be excluded?	Are there any background papers?	Documents to be considered by Decision taker
Central Lancashire Local Plan Approval to Consult Issues and Options	Executive Cabinet	Executive Member (Economic Development and Public Service Reform)		17 Oct 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)
Executive Member Decisions							
Executive Leader and Executive Member (Economic Development and Public Services Reform)							
Kem Mill Lane Playing Fields Contract Award	Executive Member (Economic Development and Public Service Reform)	Executive Member (Economic Development and Public Service Reform)		July 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)

Details of the Decision to be taken	Decision to be taken by	Relevant Portfolio Holder	Reason the decision is key	Earliest Date decision can be taken	Will the public be excluded?	Are there any background papers?	Documents to be considered by Decision taker
King George V Playing Fields Project Scope	Executive Member (Economic Development and Public Service Reform)	Executive Member (Economic Development and Public Service Reform)		July 2019	Paragraph 1: Information relating to any individual. Paragraph 3: information relating to the financial or business affairs of any particular person including the authority holding that information	No	Report of the Director (Business, Development and Growth)

Details of the Decision to be taken	Decision to be taken by	Relevant Portfolio Holder	Reason the decision is key	Earliest Date decision can be taken	Will the public be excluded?	Are there any background papers?	Documents to be considered by Decision taker
Senior Management Restructure	Executive Member (Economic Development and Public Service Reform)	Executive Member (Economic Development and Public Service Reform)	A change in service provision that impacts upon the service revenue budget by £100,000 or more	July 2019	Paragraph 2: Information which is likely to reveal the identity of an individual. Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Chief Executive
Proposed Whittle Surgery, 239 Preston Rd, Clayton-Le-Woods	Executive Member (Economic Development and Public Service Reform)	Executive Member (Economic Development and Public Service Reform)		July 2019	Paragraph 3: information relating to the financial or business affairs of any particular person including the authority holding that information	No	Report of the Director (Business, Development and Growth)

Details of the Decision to be taken	Decision to be taken by	Relevant Portfolio Holder	Reason the decision is key	Earliest Date decision can be taken	Will the public be excluded?	Are there any background papers?	Documents to be considered by Decision taker
Bus services - funding for 2019/20	Executive Member (Economic Development and Public Service Reform)	Executive Member (Economic Development and Public Service Reform)		July 2019	No	Details can be found here: https://democracy.chorley.gov.uk/ieDecisionDetails.aspx?ID=7346	Report of the Director (Policy and Governance)
Milestone Meadow Play Area, Euxton	Executive Member (Economic Development and Public Service Reform)	Executive Member (Economic Development and Public Service Reform)		August 2019	No	No	Report of the Director (Business, Development and Growth)
Contract award for Phase 2 Yarrow Meadows	Executive Member (Economic Development and Public Service Reform)	Executive Member (Economic Development and Public Service Reform)		August 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)
Deputy Executive Leader and Executive Member (Resources)							

Details of the Decision to be taken	Decision to be taken by	Relevant Portfolio Holder	Reason the decision is key	Earliest Date decision can be taken	Will the public be excluded?	Are there any background papers?	Documents to be considered by Decision taker
Approval for the contact award procedure for the procurement of asset management software for streetscene services	Executive Member (Resources)	Executive Member (Resources)		July 2019	No	No	Report of the Director (Customer and Digital)
Harrisons Farm Adlington - Notification of United Utilities Works under S159 of the Water Industry Act 1991	Executive Member (Resources)	Executive Member (Resources)		July 2019	No	No	Report of the Director (Business, Development and Growth)
Communications and Events Restructure	Executive Member (Resources)	Executive Member (Resources)		July 2019	Paragraph 1: Information relating to any individual.	No	Report of the Director (Policy and Governance)

Details of the Decision to be taken	Decision to be taken by	Relevant Portfolio Holder	Reason the decision is key	Earliest Date decision can be taken	Will the public be excluded?	Are there any background papers?	Documents to be considered by Decision taker
Lease of Cafe Coach House Astley Park	Executive Member (Resources)	Executive Member (Resources)		July 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)
Croft Lodge, Lodge Bank, Brinscall - Fishing Lease	Executive Member (Resources)	Executive Member (Resources)		July 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)

Details of the Decision to be taken	Decision to be taken by	Relevant Portfolio Holder	Reason the decision is key	Earliest Date decision can be taken	Will the public be excluded?	Are there any background papers?	Documents to be considered by Decision taker
Proposed Lease of Land at Pear Tree Fields Euxton Lane Euxton	Executive Member (Resources)	Executive Member (Resources)		July 2019	Paragraph 3: information relating to the financial or business affairs of any particular person including the authority holding that information	No	Report of the Director (Business, Development and Growth)
Strategy for procurement of the leisure contract	Executive Member (Resources)	Executive Member (Resources)	A contract worth £100,000 or more	July 2019	No	No	Report of the Director (Early Intervention and Support)
Land /Common Bank Lane, off Ackhurst Road Chorley	Executive Member (Resources)	Executive Member (Resources)		July 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)

Details of the Decision to be taken	Decision to be taken by	Relevant Portfolio Holder	Reason the decision is key	Earliest Date decision can be taken	Will the public be excluded?	Are there any background papers?	Documents to be considered by Decision taker
Bengal Street - Appointment of Consultant to undertake Feasibility Study	Executive Member (Resources)	Executive Member (Resources)		July 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)
Unit 18 Market Walk Chorley	Executive Member (Resources)	Executive Member (Resources)		July 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)

Details of the Decision to be taken	Decision to be taken by	Relevant Portfolio Holder	Reason the decision is key	Earliest Date decision can be taken	Will the public be excluded?	Are there any background papers?	Documents to be considered by Decision taker
Grant of a Lease - 102A Market Street Chorley	Executive Member (Resources)	Executive Member (Resources)		July 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)
Disposal of 3 Parking Spaces at Farrington Street Car Park Chorley	Executive Member (Resources)	Executive Member (Resources)		July 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)
Mutual agreement	Executive Member (Resources)	Executive Member (Resources)		August 2019	Paragraph 1: Information relating to any individual.	No	Report of the Chief Executive

Details of the Decision to be taken	Decision to be taken by	Relevant Portfolio Holder	Reason the decision is key	Earliest Date decision can be taken	Will the public be excluded?	Are there any background papers?	Documents to be considered by Decision taker
Approval to Agree Heads of Terms for Unit 2, Market Walk Extension	Executive Member (Resources)	Executive Member (Resources)	A contract worth £100,000 or more	August 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)
Approval to Agree Heads of Terms for Unit 3, Market Walk Extension	Executive Member (Resources)	Executive Member (Resources)	A contract worth £100,000 or more	August 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)

Details of the Decision to be taken	Decision to be taken by	Relevant Portfolio Holder	Reason the decision is key	Earliest Date decision can be taken	Will the public be excluded?	Are there any background papers?	Documents to be considered by Decision taker
Approval to Agree Heads of Terms for Unit 4, Market Walk Extension	Executive Member (Resources)	Executive Member (Resources)	A contract worth £100,000 or more	August 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)
Approval to Agree Heads of Terms for Unit 5, Market Walk Extension	Executive Member (Resources)	Executive Member (Resources)	A contract worth £100,000 or more	August 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)

Details of the Decision to be taken	Decision to be taken by	Relevant Portfolio Holder	Reason the decision is key	Earliest Date decision can be taken	Will the public be excluded?	Are there any background papers?	Documents to be considered by Decision taker
Approval to Agree Heads of Terms for Unit 8, Market Walk Extension	Executive Member (Resources)	Executive Member (Resources)	A contract worth £100,000 or more	August 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)
Whittle GP Surgery - JCT PCSA Award	Executive Member (Resources)	Executive Member (Resources)	A contract worth £100,000 or more	August 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)

Details of the Decision to be taken	Decision to be taken by	Relevant Portfolio Holder	Reason the decision is key	Earliest Date decision can be taken	Will the public be excluded?	Are there any background papers?	Documents to be considered by Decision taker
Whittle Surgery Procurement	Executive Member (Resources)	Executive Member (Resources)	A new or unprogrammed capital scheme of £100,000 or more	August 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)
Grant of a Lease - Astley Farm House	Executive Member (Resources)	Executive Member (Resources)		August 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)

Details of the Decision to be taken	Decision to be taken by	Relevant Portfolio Holder	Reason the decision is key	Earliest Date decision can be taken	Will the public be excluded?	Are there any background papers?	Documents to be considered by Decision taker
Town Hall Boiler Replacement	Executive Member (Resources)	Executive Member (Resources)		August 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)
Unit 30 Market Walk - Lease Renewal - Game	Executive Member (Resources)	Executive Member (Resources)		August 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)

Details of the Decision to be taken	Decision to be taken by	Relevant Portfolio Holder	Reason the decision is key	Earliest Date decision can be taken	Will the public be excluded?	Are there any background papers?	Documents to be considered by Decision taker
Grant of a Lease - 37 New Market Street - First Floor Above Iceland - Market Walk	Executive Member (Resources)	Executive Member (Resources)		Before 16 Aug 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)
Disposal of land at Cunnery Meadow Clayton le Woods	Executive Member (Resources)	Executive Member (Resources)		August 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)

Details of the Decision to be taken	Decision to be taken by	Relevant Portfolio Holder	Reason the decision is key	Earliest Date decision can be taken	Will the public be excluded?	Are there any background papers?	Documents to be considered by Decision taker
90 Railway Road Adlington Chorley PR6 9RB	Executive Member (Resources)	Executive Member (Resources)		August 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)
Letting Arrangements - Hair Salon - Primrose Gardens	Executive Member (Resources)	Executive Member (Resources)		August 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)

Details of the Decision to be taken	Decision to be taken by	Relevant Portfolio Holder	Reason the decision is key	Earliest Date decision can be taken	Will the public be excluded?	Are there any background papers?	Documents to be considered by Decision taker
Grant of a Lease - Cafe - Primrose Gardens	Executive Member (Resources)	Executive Member (Resources)		September 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Business, Development and Growth)
Executive Member (Public Protection)							
Security Repairs to Chorley Football Club	Executive Member (Public Protection)	Executive Member (Public Protection)		July 2019	No	No	Report of the Director (Early Intervention and Support)
Executive Member (Early Intervention)							
Community Centre Hire Conditions and Banding Review 2019	Executive Member (Early Intervention)	Executive Member (Early Intervention)	A significant impact in environmental, social or physical terms in two or more wards	July 2019	No	No	Report of the Director (Early Intervention and Support)

Details of the Decision to be taken	Decision to be taken by	Relevant Portfolio Holder	Reason the decision is key	Earliest Date decision can be taken	Will the public be excluded?	Are there any background papers?	Documents to be considered by Decision taker
Social Prescribing	Leader and Deputy Leader/Director Briefing Executive Member (Early Intervention)	Executive Member (Early Intervention)		July 2019	No	No	Report of the Director (Early Intervention and Support)
Review of Pest Control Services	Executive Member (Early Intervention)	Executive Member (Early Intervention)		September 2019	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	No	Report of the Director (Early Intervention and Support)

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Report of	Meeting	Date
Director of Early Intervention and Support	Overview and Scrutiny Committee	25/7/19

GRT ENCAMPMENTS

PURPOSE OF REPORT

1. The update the Committee with the actions taken following the initial meeting in March 2019.

RECOMMENDATION(S)

2. The Committee note the actions taken.

EXECUTIVE SUMMARY OF REPORT

3. Earlier this year there were a number of unauthorised Gypsy-Romany-Traveller (GRT) Encampments that proceeded to move around the borough, between both Council owned and private land. These actions, to frequently move location, were undertaken to frustrate enforcement action taken by the Council.
4. An Overview and Scrutiny Committee was convened to review the procedures, the legal provisions, deterrents and the role of the Police in these incidents.
5. The GRT procedure has been updated to reflect the activities undertaken by all teams and partners.
6. Further legal advice has been sought which confirmed that the process and legal procedures followed by Chorley Council are appropriate and the most expedient use of legislation.
7. The Council have completed works to barriers of two town centre car parks and received quotes for further deterrents.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

8. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy homes and communities	X	An ambitious council that does more to meet the needs of residents and the local area	

BACKGROUND

9. Earlier this year there were a number of Gypsy-Romany-Traveller (GRT) Encampments that proceeded to move around the borough, between both Council owned and private land.
10. An Overview and Scrutiny Committee was convened to review the procedures, the legal provisions, deterrents and the role of the Police in these incidents.
11. Officers were able to provide information to the committee and there was a detailed discussion with our legal team and the police on the best approach.

UPDATE ON GRT PROCEDURE

12. It was identified that the current procedure for dealing with encampments did not truly reflect the work undertaken. The original procedure was linear and therefore did not demonstrate the process, particularly in relation to the repeated visits and continuing dynamic risk assessments being made by officers. It did not adequately include the work carried out with our legal team or the partnership work with the police, nor did it reflect the role of communications.
13. The procedure for dealing with encampments has been updated to reflect the processes followed, the involvement of other teams and partner agencies and provides a better guide for all involved.
14. The new procedure is attached as Appendix 1.

UPDATE ON LEGAL ADVICE

15. The Council's legal team sought further advice from Counsel following the previous meeting to clarify the use of alternative legislation, the following summarises the advice received:

Counsel does not think that the use of common law powers or CPW/CPNS would be an appropriate response. In particular that the use of CPWs through a general power would not be appropriate as there is a specific statutory power to deal with the removal of travellers (under section 77 of the Criminal Justice and Public Order Act 1994 currently used). Furthermore, a CPW could only be issued where the travellers have persistently moved around CBC owned land to the point that it could be considered unreasonable conduct having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality.

In the first instance we would therefore still have to serve a S77 direction and go through the current process until they are at the point of moving around different car parks for example. Thereafter the use of a CPW and CPN would not expediate the process of removing the encampment compared to the S77 route.

Counsel goes on to outline other available powers such as a possession proceedings and pre-emptive injunction. However, it appears that neither having any advantage over the current process.

16. The full response is attached as Appendix 2.

UPDATE ON DETERRENTS BEING IMPLEMENTED TO COUNCIL OWNED LAND (TARGET HARDENING)

17. Height barriers have been erected on Portland Street and Friday Street car parks following agreement from the Leader of the Council. Estimated costs for placing barriers at other sites have been identified. At this time the budget has not been agreed for this additional work.

IMPLICATIONS OF REPORT

18. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

19. Any additional budget requirements for works to car parks will be subject to the relevant decision making process.

COMMENTS OF THE MONITORING OFFICER

20. Legal comments are contained within the body of the report.

Chris Sinnott
 DEPUTY CHIEF EXECUTIVE/ DIRECTOR OF EARLY INTERVENTION AND SUPPORT

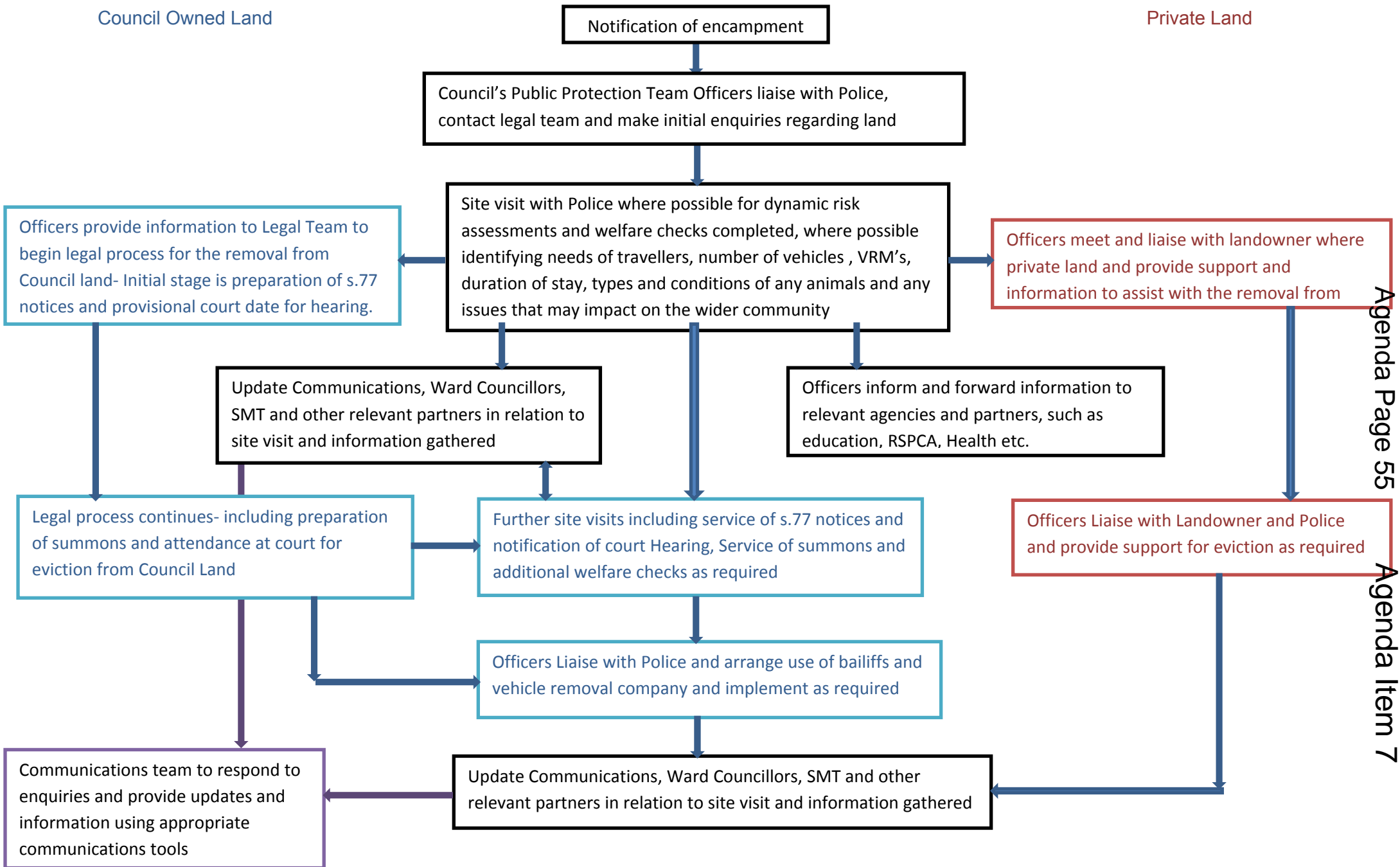
Report Author	Ext	Date
Lesley Miller	5299	18/6/19

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Appendix 1-Procedure for Responding to Unauthorised GRT Encampments

Council Owned Land

Private Land



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UNAUTHORISED TRAVELLER ENCAMPMENTS ON COUNCIL OWNED LAND
POWERS AVAILABLE TO LOCAL AUTHORITY

ADVICE

Introduction

1. I am asked in this case to advise Chorley Borough Council in relation to the powers available to it to deal with unauthorised traveller encampments on Council owned land.
2. The Council has recently encountered an increase in this problem in relation to Council owned land in Chorley town centre and, in particular, town centre car parks.
3. The Council's response to date has been to deal with the matter by undertaking a welfare assessment before giving the travellers a direction to leave the land under section 77 of the Criminal Justice and Public Order Act 1994 ("the 1994 Act"). This is then followed by seeking an order from the magistrates' court under section 78 requiring the removal of any vehicle or other property which is present on the land and any person residing in it.
4. The Council's experience has been that the travellers tend not to comply with the section 77 direction but that they usually vacate the land in question, or move to another piece of Council owned land, after the Council has resorted to the magistrates' court under section 78 but before the case is heard. If the travellers move to another piece of Council owned land, the process starts over again.
5. However, since January 2019 there have been two separate encampments within the town centre where the Council has obtained a court order pursuant to a complaint under section 78 of the 1994 Act and, following service of the same, the travellers have failed to vacate the land. The Council has therefore instructed bailiffs to enforce the order and the travellers have subsequently moved to a different piece of Council owned land.

6. The Council is conscious of the strain on its resources in the persistent removal of travellers from its land and would wish to discourage illegal encampments in the future. The police are reluctant to use their powers to remove the traveller encampments given the demands on their resources. In light of the above the Council intends to review its response to traveller encampments dependent on the powers available.
7. Against that background I am asked three specific questions:
 - (1) Whether the Council is able to use common law powers to remove traveller encampments on its land using reasonable force if necessary.
 - (2) Whether the use of a community protection warning and subsequent community protection notice, pursuant to the Anti-social Behaviour, Crime and Policing Act 2014 (“the 2014 Act”) would be appropriate for the removal of traveller encampments.
 - (3) Aside from the current default position of issuing a complaint under section 78 of the 1994 Act and the options referred to at points 1 and 2 above, what other powers are available to the Council for the removal of travellers from its land and the merit in utilising such process, if any.

Common law powers

8. In Halsbury’s Laws of England it is stated that if a trespasser peaceably enters or is on land, the person who is in, or entitled to, possession may request him to leave, and if he refuses to leave may remove him from the land using no more force than is reasonably necessary and that, if a trespasser enters with force and violence, the person in possession may remove him without a previous request to depart¹. By contrast, in Clerk & Lindsell on Torts it is stated that it is unlikely that a landowner may use force to turn out a trespasser under his remedy of self-help².
9. No doubt the Council is faced with cases where travellers do not vacate the land simply on being asked to do so. In practice, the question would therefore come down to whether the Council could use reasonable force to expel the travellers. Given the differing views

¹ Volume 97, Tort, Trespass to Land, paragraph 588.

² 22nd edition, chapter 19 (trespass to land and dispossession), paragraph 19.20.

expressed in relevant texts, the legal basis for using reasonable force cannot be regarded as free from doubt.

10. Aside from that, the use of force as a self-help remedy is clearly inadvisable for all landowners. It is yet more inadvisable for a public authority landowner than others given (a) the requirements of public authorities to comply with human rights and equalities obligations and to take account of their welfare responsibilities and (b) the statutory powers that are conferred on authorities to deal with unauthorised encampments (such as under the 1994 Act).
11. The present government guidance document "*Dealing with illegal and unauthorised encampments - A summary of available powers*" (March 2015) does not mention self-help as a remedy available to local authorities. While this silence contrasts with the view expressed by the ODPM (as was) in its 2004 document "*Guidance on Managing Unauthorised Camping*" which stated in paragraph 6.5 that "*the Government believes that local authorities should always follow a route which requires a court order*", it certainly cannot be taken as any encouragement for local authorities to resort to self-help.
12. I do not think that it would be wise to consider self-help as an appropriate response.

Community protection warning and notices

13. I am far from convinced that a community protection warning and notice under Part 4, chapter 1 of the 2014 Act would be an appropriate power for the *removal* of unauthorised traveller encampments from Council owned land. Where a council has specific statutory powers to deal with a particular issue (such as under section 77 of the 1994 Act in the case of unauthorised encampments taking the form of residence in vehicles on land without consent) it would not be appropriate in my view to utilise a more general power. I also do not see that utilisation of the community protection warning and notice procedure would, even if it was otherwise appropriate to use it, yield any advantage to the Council in terms of the speed or efficacy of the removal process given the extra requirements (compared with section 77 of the 1994 Act) of this remedy, the need for a prior warning and the appeal procedure. I have not been able to find

anything in the relevant Home Office guidance (up-dated December 2017) on anti-social behaviour orders, including community protection notices, which contemplates their use in the removal of unauthorised traveller encampments.

14. I italicised the word “*removal*” in the preceding paragraph because that reflected the terms of the question asked but also in order to foreshadow the point that it could be that there is a role for a community protection notice where the same group of travellers has been removed from one site in the town centre but has thereafter persistently set up an unauthorised encampment at other different sites in the same area. That could then be regarded as unreasonable conduct having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality (section 43(1) of the 2014 Act) so that a notice could then be directed (section 43(2)) at stopping the further repetition of the same conduct. This would not apply if the problems that the Council is encountering are the same but the traveller groups in question differ.

Other powers³

15. As for other powers, an alternative to the use of sections 77 and 78 of the 1994 Act is the institution of possession proceedings in the county court under Part 55 of the Civil Procedure Rules 1998. I am not aware of this power having any particular advantage over the use of sections 77 and 78 of the 1994 Act. Most authorities use the procedure in the 1994 Act. A claim for possession still involves the preparation and institution of legal proceedings and its utility will be dependent on the speed of the court’s ability to consider the claim and the time needed for the legal procedures to be completed.
16. The Council could also seek a pre-emptive injunction in the courts. I dealt with this matter in detail in an advice to the Council of 4th August 2016, which covered both the legal principle and practical merits of such a remedy. I do not repeat here what I said there but attach my previous advice for convenience of reference⁴. I simply add that

³ The full range of powers is considered in “*Dealing with illegal and unauthorised encampments - A summary of available powers*” which I refer to in paragraph 11 above. The main text above deals with the principal powers which are of any real practical relevance to the Council in present circumstances.

⁴ Since my last advice further reported cases where an injunction has been granted include *Basingstoke and Deane BC v Loveridge* [2018] EWHC 2228 (QB) and *Rochdale MBC v Heron* [2018] EWHC 859 (QB).

seeking an injunction would be resource intensive, imposes quite a high evidential burden, may involve delay in court processes and cannot ensure success given the inherently discretionary nature of the court's jurisdiction in respect of injunctions.

17. I mention finally, although I am sure that the Council is already aware of this, that last month the Government published its response to the consultation it carried out in 2018 on powers for dealing with unauthorised development and encampments. Various measures are promised (such as stronger police powers, a package of support for local authorities and new good practice guidance to support them in their use of powers to deal with unauthorised encampments). If and when these initiatives are taken forward, they will need to be factored into the Council's review, or any further review, depending on the timing of matters.

18. I trust that I have now dealt with the questions raised in my instructions. If I can assist further, my Instructing Solicitor should not hesitate to contact me.

Kings Chambers
36 Young Street
Manchester M3 3FT

Alan Evans
18th March 2019

UNAUTHORISED TRAVELLER ENCAMPMENTS
ON COUNCIL OWNED LAND
POWERS AVAILABLE TO LOCAL AUTHORITY

ADVICE

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Chorley Borough Council
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Scrutiny Reporting Back

Chorley Council's Annual Report on Overview and Scrutiny in 2018/19



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2. Introduction by the Chair and Vice Chair of the Overview and Scrutiny Committee
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6. Challenging the Executive
7. Financial Scrutiny
8. Other topics considered
9. Conclusion and the year ahead

1. MEMBERSHIP OF OVERVIEW AND SCRUTINY COMMITTEE 2017/18



Councillor John Walker
Chair of Overview and Scrutiny Committee 2018/19



Councillor Alistair Morwood
Vice Chair of Overview and Scrutiny Committee 2018/19

Councillors Paul Clark, Chris France, Yvonne Hargreaves, Steve Holgate, Paul Leadbetter, Matthew Lynch, June Molyneaux, Greg Morgan, Steve Murfitt, Debra Platt, Gillian Sharples and Kim Snape

2 INTRODUCTION BY THE CHAIR AND VICE CHAIR OF OVERVIEW AND SCRUTINY COMMITTEE

The Overview and Scrutiny Committee has had a busy year undertaking a range of service areas and one task group review. Councillors John Walker and Alistair Morwood were appointed Chair and Vice Chair respectively. There were also several new members welcomed to the Committee.

The Overview and Scrutiny Performance Panel, consisting of six members met quarterly to monitor the Council's business planning and performance monitoring along with a focus on each of the Directorates in turn.

The task group review was "Quality of Housing provided by Social Landlords".

The Committee continued to receive six monthly monitoring reports following the Executive Cabinet's response on the implementation of outcomes and measured success from past scrutiny reviews, including;

Rollout of Superfast Broadband

In October we received a report updating us on the implementation of the recommendations made by the inquiry which reported to Executive Cabinet in August 2017.

The Council is investigating an online digital skills platform. We gave positive feedback on the training delivered by the Council's Digital Transformation Officer. There are now four digital hubs in Council owned community centres. An additional nine access points takes the total number across the Borough up to 26, including the more rural areas of Mawdesley and Charnock Richard.

We noted that the broadband is now considered the fourth utility that residents rely on. There is an officer who will be based at the Digital Office Park, to give advice to businesses.

Child Sexual Exploitation

Also in October, we received a report updating us on progress made in responding to the recommendations. We considered the action plan and noted that training is ongoing for officers and Members in relation to CSE. There is extensive work with partners on this issue.

Adoption of Estates

In March we noted that each Neighbourhood Area receives a report on the progress of adoptions including adoptions of roads and public open space for their Neighbourhood Area Meetings (NAMs) annually. The NAM reports list current information held on sites, progress and responds to queries received.

We noted the difficulties faced by the Council due to the triangular relationship between LCC and developers. Issues of record keeping by LCC were discussed in relation to a number of cases. We suggested that a representative from LCC be invited to a future meeting.

3 CHALLENGING PERFORMANCE

The Overview and Scrutiny Performance Panel focused on the performance elements of scrutiny and considered all monitoring information. Scrutinising performance is a key role for scrutiny and one of the benefits to the dedicated resources was that a smaller number of members were able to drill down to the detail in key areas and adopt some consistency in approach.

The panel for 2018/19 consisted of the following membership -

Councillor John Walker (Chair)
Councillor Alistair Morwood (Vice Chair)
Councillor Matthew Lynch
Councillor June Molyneaux
Councillor Greg Morgan
Councillor Kim Snape

The Panel met four times within the last twelve months, considering the Council's Corporate Strategy, key projects and monitoring that captured all the directorate and service level business improvement plans. The Panel also considered an additional performance focus, where different directorates are put under the spotlight.

Customer and Digital

In June Asim Khan (Director Customer and Digital) attended with Councillor Paul Walmsley, Executive Member (Public Protection).

Planning

We discussed the excellent performance in relation to Planning for 'Major', 'Minor' and 'Other' and staffing changes this year.

Enforcement

Enforcement services are now together under one Enforcement Team which will be in operation from July 2018 onwards. This will include Building Control, Licensing (including Long term empty properties), Planning Enforcement and Neighbourhood Officers (including dog fouling and fly-tipping).

Enforcement performance is mixed, with positive results against long term empty properties targets. For planning enforcement complaints during quarter two and three there has been a focus on working to close historic cases.

We noted the positive move in bringing enforcement officers together and the improvement in communication and service this should bring. We discussed the difficulties in securing convictions for dog fouling as enforcement officers have to catch perpetrators in the act.

ICT Strategy

In 2017 the Council agreed an ICT strategy to deliver improved and efficient digital services to the residents and businesses of Chorley. Staff, members and residents rely heavily on ICT for the provision of services.

We queried several points relating to the new data centre and network which will future proof the Council and enable use of cloud services. The fibre infrastructure within the town centre has been replaced, but it is planned that the redundant corporate network fibre will be reused for CCTV in the future. We noted the new devices will facilitate voice over IP.

The Council have won the SOCTIM Pioneer Challenge for innovation in embracing cloud technology. The funds received in relation to this will be used to test the disaster recovery plan.

Early Intervention and Support

In September Chris Sinnott (Director of Early Intervention and Support) attended with Councillor Bev Murray (Executive Member for Early Intervention).

Health and Wellbeing

Key areas of discussion included

- Neighbourhood Priorities and plans to work in a partnership approach with Parish Councils to make best use of any Community Infrastructure funding.
- Work relating to "barriers to employment".
- Apprenticeships and noted that money can be drawn down from the Government to assist with apprentices. Eric Wright and Wilmott Dixon both have apprenticeship schemes.
- Bed blocking and the positive impact the Disabled Facilities Grants (DFGs) can have. Officers have been able to utilise Occupational Therapists from within the Integrated Wellbeing Service to reduce waiting times for DFGs. DFG's can eliminate the need for a social care package as the person returns to their own home.

Housing Solutions

We queried the performance for "% rent collected at Cotswold Supported Housing" and noted that this relates to the timing of housing benefits payments.

Regulatory Services

We were advised that a "proactive housing inspection" occurs when the Council write to tenants (mainly housing benefit claimants) and ask if they would like their home to be inspected. This was a recommendation from an Overview and Scrutiny inquiry and aims to give tenants another option to address any issues, without having to go through their landlord. Councillors can request these inspections on behalf of tenants.

Integrated Wellbeing Service

The Service is a partnership between Chorley Council and Lancashire Care NHS Foundation Trust involving around 170 members of staff. The teams within the Early Intervention and Support directorate work alongside teams from LCFT including, Mindsmatter, Community Restart, Community Therapies, Learning Disabilities and the 0 to 19 service with an aim of changing how we deliver services to improve prevention and early intervention and reduce demand on public services.

There are no current performance indicators and it is difficult to measure the lack of future contact averted through early actions undertaken. We requested that performance indicators be developed for quarterly performance monitoring undertaken by Executive Cabinet.

There are plans to look at a refernet in the future – there is a need to look at the bigger picture in terms of helping vulnerable people, often with complex needs. The work done through PIVOT can greatly assist vulnerable people who have contact with a number of agencies.

Policy and Governance

In November Rebecca Huddleston (Director of Policy and Governance) attended with Councillor Peter Wilson (Deputy Executive Leader and Executive Member Resources).

We focused on increasing digital inclusion in line with the Digital Strategy, including

- Work undertaken with young people includes code clubs, developing websites and creating animations and actively encourages girls to invest in skills for future jobs within the digital sector.
- Residents are increasingly migrating onto digital channels when communicating with the Council, but that the contacts via face to face and the telephone have not reduced. Simon Charnock, Digital Transformation Officer, is working with Age UK to deliver training.
- The success of the Digital Hubs and the potential to increase these in the future if required.

We then discussed the improvement programme for Astley Hall and Park, including

- The plan in the event that the Heritage Lottery Fund (HLF) bid is unsuccessful and noted that some of the planned work will go ahead in phases.
- The spend on the Hall and Park is greater than other parks, such as Yarrow Valley, but Yarrow Valley has benefitted from improvement works to the car park and flood defences.
- Other play areas have also benefitted from improvement works, such as Coronation Rec and Harpers Lane Rec.

We queried the performance target for the annual target of visitors to the Hall. Events such as Astley Illuminated have proven to be extremely popular, not just with Chorley residents, but people outside of the Borough as well.

We noted poor performance against the target for payment of invoices within 10 days. This was due to issues with long term sickness within the team.

Business, Development and Growth

In March Mark Lester (Director of Business, Development and Growth) attended with Councillor Alistair Bradley (Executive Leader and Executive Member Economic Development and Public Service Reform).

We noted some of the corporate projects being delivered by the Directorate which included bringing forward key sites for development, the delivery of Primrose Gardens, the Market Walk extension and the Digital Office Park, amongst other projects.

Performance against two of the corporate strategy indicators was good, with the overall employment rate for Chorley continuing to increase, and the percentage of 16-17 year olds who are not in

education, employment or training continuing to decrease, meaning overall there are more people in employment across the Borough.

Unemployment was at 2.8% in Chorley, the second lowest rate across Lancashire. Performance was lower than anticipated for the number of projected jobs created through the council's support schemes (job grants, investments and direct business support) this quarter with 64 jobs created against a target of 90. This was due to the current offer for businesses (Choose Chorley grant and the BIG grant) having restrictive criteria. As a result, the criteria for grants would be reviewed.

There were four new measures for Property Services. Performance against three of the local indicators was good, with all three performing above target. The percentage of land ownership replied to within 3 working days was off target due to one enquiry exceeding the deadline.

Market Walk Extension

Every unit had received interest or an offer and there were lots of different negotiations and conditions to consider to ensure the best deal for Chorley.

Logistically, it was unlikely that all units would be signed up by the time the building work was complete, but assurances were given that M&S and REEL Cinema would be in the units for Christmas.

Primrose Gardens

Chorley Council Building Control had issued a practical completion certificate in time for the required Homes England, deadline. Following this, officers would be submitting a final grant claims to LCC and Homes England. The development had received a lot of interest.

Subsequent to the handover there would be snagging with increased resources to complete this in time. There were also a number of potential cost items still to be added at the site, such as additional mobility scooter charging points and additional signage.

Strawberry Fields Digital Office Hub

Construction was ahead of schedule and the majority of the building work was complete. There had been difficulties outside of the council's control, such as the delivery of the spine road and services to the site, however these had not significantly delayed progress of the development. Positive levels of interest had been received from businesses.

We queried the green performance rating at Cowling Farm and whether the project should have been further ahead at this stage. We were reassured that the masterplan criteria had been adhered to for quarter 3 and the main milestone for quarter 4 was the submission of a planning application. Homes England were reviewing their strategy on the submission of an application, however a joint application was of preference to the Council.

With regards to a Housing Company update, detailed analysis was taking place and a paper outlining the potential structures and a business case would be produced.

4 KEY MESSAGES FROM SCRUTINY TASK GROUPS

Quality of housing provided by social landlords – Chaired by Councillor Matthew Lynch

In 2017 the Council had recognised the need for the issue of the quality of housing provided by social landlords to be investigated.

Funding had been secured by the Chair, Councillor Jane Fitzsimons, to undertake a survey of around two thirds of tenants. Following her appointment to the Executive Cabinet in May 2018 Councillor Lynch became the Chair. The Task Group have interviewed representatives from the two largest Registered Providers in Chorley, Chorley Community Housing and Places for People.

The recommendations put forward by the Task Group are in line with the Housing green paper. There are clear patterns in the results regarding the performance of social landlords within Chorley. The recommendations will be taken forward as the Council sets up a Housing Company.

The report was due to be considered by Executive Cabinet in June.

5. CRIME AND DISORDER SCRUTINY

The Crime and Disorder (Overview and Scrutiny) Regulations 2009 state that “A crime and disorder committee shall meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions as the committee considers appropriate but no less than once in every twelve month period”.

In line with this the Committee invited Chief Inspector Gary Crowe to outline recent changes to the Neighbourhood Policing model and answer any questions from Members.

CI Crowe outlined the different functions of Lancashire Constabulary and that uniformed officers previously undertook emergency response or neighbourhood policing. Previously resources have been prioritised by risk and this has worked to a point. Resources are stretched and the police are becoming involved in cases outside of crime. Roughly 20% of resources are spent on crime and 80% on vulnerable people who slip through the cracks of other services. This means that emergency response has overflowed into neighbourhood policing.

This has impacted in neighbourhood policing and the Assistant Chief Constable has commissioned a review. As a result, some of the constables who had previously been engaged in neighbourhood policing have been moved to emergency response. There are no savings arising from the review, just a realigning of resources.

Over the last six months several Community Beat Managers (CBM) haven't been replaced and neighbourhood policing is now moving to a new model of six CBM's rather than 12. This has no impact on the PCSO's.

There has been an investment in an additional 50 call handlers and officers who undertake special investigations, for example, cybercrime. This includes assistant investigators who are not necessarily police officers. The amount of cybercrime had been greatly underestimated.

Key areas of discussion included

- PCSO's and Special Constables
- Solutions in place for visiting football fans
- The procedure when processing information received from the public
- The fear of knife crime
- The stop and search power
- The relationship with the Police and Crime Commissioner (PCC)
- The communication tool “intheknow” and support for Neighbourhood Watch
- Cross border burglaries
- The need to educate residents to lock their homes and cars to protect themselves

6 CHALLENGING THE EXECUTIVE

In addition to challenging the Executive Members through the Performance Panel, the Committee worked together positively with the Executive Leader and the Executive Cabinet in scrutinising their proposals.

In June 2018 we expressed concern about the ongoing dip in performance relating to staff absence. We noted the Attendance Policy is currently being reviewed and identified this as a potential future topic for scrutiny.

We noted the decision in relation to the lease of Duxbury Golf Course. The Chair requested that information be shared with him, as Chair of Overview and Scrutiny Committee, prior to the Executive Member Decision on the matter.

On the Quarter Four Performance Report considered by the Performance Panel we noted the action required in relation to the 'A strong local economy' priority has two projects rated amber: 'Bring forward key sites for development' and 'Market Walk Extension'. It was confirmed that Eric Wright Construction employ local people, including apprentices.

In October we noted that a report relating to the control of Invasive Non-Native Species would be considered at the meeting in November.

On the Chorley Council Performance Monitoring - Second Quarter 2018/19 considered by the Performance Panel we queried the target for the indicator relating "Number of projected jobs created through Chorley Council support or intervention", the Streetscene Modernisation project and the impact of the Youth Zone on the "The number of young people supported through council health and wellbeing opportunities".

In March we queried the progress with the development of the Cowling Farm site and the implementation of the Senior Management Review.

Later in March, we received a report relating to the Leisure Contract Review which had been considered by Executive Cabinet in March. We were pleased with the focus on encouraging residents to be healthy.

7 FINANCIAL SCRUTINY

In January 2018 we welcomed Councillor Peter Wilson, Executive Member (Resources) who presented the report which set out the budget position for 2019/20 including the forecast for the following two years to 2021/22, proposals for the use of forecast resources identified in 2019/20, and consultation on the Budget.

The Council has experienced and may continue to experience in the coming three years, large reductions in its major funding sources, in particular the Revenue Support Grant and income from Lancashire County Council.

A key influencing factor on the forthcoming budget is the effective management of the budget in the preceding financial year. To bridge the immediate budget gap the Executive Cabinet has achieved and identified proposals for immediate permanent budget savings of £1.484m in preparation for 2019/20. This is in addition to a total of £3.574m savings already achieved in prior years, including efficiency savings, reviews of contracts, base budgets and income streams.

Through savings achieved to date, additional income identified, a review of net financing and increases in council tax the Council is able to set a balanced budget in 2019/20 whilst still investing in corporate strategy priorities.

Despite the budget savings identified there remain large forecast budget deficits of £1.196m in 2020/21 and £1.672m in 2021/22. To achieve a sufficient reduction in net expenditure the Council's strategy will be:

1. To realise savings through the procurement of its contracts.
2. To identify the efficiencies through investment in infrastructure, ICT and through exploring alternative delivery models that will enable the Council to balance the budget whilst seeking to minimise the impact on front line service users.
3. To make the Council more financially self-sufficient with specific emphasis on creating investment that generates income. This includes identifying future resources to support income generating schemes.

Further changes to the capital programme include £1.3m for investment in council offices, at Union Street and the Town Hall, £1.750m investment in Astley Hall and Park and £2.7m investment in a new sports facility at West Way playing fields. Balances remain at £4m.

We raised queries on the Medium Term Financial Strategy (MTFS) and the investment in infrastructure and ICT. The investment enables customers to undertake more transactions electronically, but also increase the security of the Council's infrastructure.

We discussed the report and noted the following:

- Shared services will be taken forwards following the elections in May. South Ribble have all out elections this time.
- It is anticipated that the outcome of the Business Rates review and impact on the Council will be known before the Council meeting in February.
- The figures setting out the income generated from Market Walk are contained within the base budget.
- The figures relating to the income generation targets for the extension of Market Walk shopping centre are £125k net income in 2019/20 and £300k net income from 2020/21 onwards.
- Customers will be inconvenienced as little as possible during the works to Customer Services at Union Street.
- The Housing Company is a medium to long-term project. It is not anticipated that the Housing Revenue Account will be reopened, however as the housing stock numbers increase we will need to review all options.
- The Council is resisting pressure from central Government to continue to build houses at recent rates. This will have an impact on the amount of New Homes Bonus received by the Council.
- The Council has been able to borrow less than anticipated, due to the lower rates the Council is able to access.
- A bid has been made to the Football Foundation to fund the new sports facility at West Way playing fields.
- The acoustics of the Lancastrian will be considered during the proposed capital works to the Town Hall.

8 OTHER TOPICS CONSIDERED

Youth Zone update

In June we welcomed Janine Blythe, Chief Executive of Inspire, who give an update on the first few weeks that the Youth Zone has been open.

Inspire Chorley Youth Zone is part of a Network of similar independent youth organisations that all share the same principles developed by the charity OnSide Youth Zones. Chorley Council are supporters of the Youth Zone and were instrumental in the facility being built in Chorley. The aims are to support the young people of Chorley and the purpose-built facility, for the borough's young people aged 8 – 19, and up to 25 for those with disabilities, opened on 5 May.

The Chorley Youth Zone is the first time OnSide have built a facility in a smaller area like Chorley. Usually they are in larger towns, like Blackburn and Wigan. Sessions will be adapted for young people with additional needs to enable anyone to access them; including young people with a variety of different needs from mild learning difficulties to more complex needs such as visual impairment and physical disabilities.

Over 15,000 young people aged 8-19 live in Chorley and, eight weeks in, 3,600 young people are members, which has exceeded the annual target for membership numbers. This exceeds the membership numbers at this point for other Youth Zones and proves that there is a need in Chorley for this type of facility. The town centre location means excellent transport links and neutral ground for the young people. In advance of the opening staff from the Youth Zone visited schools and

partners, such as Parish Councils, to raise awareness of the facility and explore barriers for young people. Young people from Adlington, Croston, Rufford and Lostock Hall have attended sessions. In the next few months staff will analyse attendance and target any pockets of areas with low attendance.

Around 30% of the young people registered have additional needs. Usually the figure is between 10 and 12%. This is a challenge as it is important for all young people to have a fantastic time at the facility. Each young person with additional needs has an orientation visit which lasts about an hour. Not all those registered with additional needs have had their orientation tour, but some additional staffing resources are being facilitated. There are plans to employ an inclusion worker and work is ongoing to access external funding to secure this.

Work is ongoing with public transport providers as young people are finding this mode of transport expensive. Staff have already been in touch with social services and the Police with safeguarding issues. The Police are in touch, but no issues have been reported. There is a firm and consistent approach to discipline which is proving effective.

Activities have been arranged in relation to the World Cup, Chorley in Bloom and holiday club for the summer break. A homework room is available – this was requested by young people.

Absence Policy

We noted that the target the Council has set itself is challenging and that Chorley is 6 out of 32 for the days lost per employee for 2017/18 across Councils in the surrounding area. Recent changes to the Policy have been made in consultation with Senior Management Team, the Union and staff. Staff have undertaken training on the revised Policy and positive feedback has been received. Monitoring information will be undertaken on a quarterly basis at Executive Cabinet.

The Absence Policy is used in conjunction with the Emotional Wellbeing Policy to assist in managing stress. This is a holistic approach and takes into account issues outside of work. Staff can be referred to Occupational Health for assistance and can also attend six funded counselling sessions. Cognitive Behaviour Therapy can also be accessed and the Big White Wall which is a support network for emotional health. It was clarified that industrial injuries are not be dealt with under this Policy.

The revised Policy was implemented in September and so it was too early to tell if the revisions were having a positive impact.

Impact of Garden Waste Charging

Also in October we were advised that a charge of £30 per bin was introduced on 1 May 2017 for residents who wished to participate in the council's garden waste collection service. Prior to that date collections had been free at point of use if residents wished to participate in the scheme.

There were 23,386 grey bin subscriptions generating an income of £702,616. Participation in the scheme for those properties with gardens is around 55%. The recycling rate has reduced by 5% since the change to garden waste collections, but that there has been no increase in fly tipping of garden waste following the introduction of a charge for this service.

The waste authority are monitoring the recycling figures and there is some work to be done to improve recycling rates. The new contractor for waste collection will be introducing WEE collections and bulky waste collections.

Review of communications with Councillors

In January we received a report updating us on the improvements made to communication mechanisms with Councillors following the review in March 2018.

We noted the different communication mechanisms utilised, including intheknow, Member Learning Sessions and briefings. The iPad is fundamental to the role of a Councillor, and to ensure Members are fully trained on their iPads the Member Support Working Group has agreed to offer all Members an iPad 121 as part of their Personal Development Plan review in the summer.

Following the feedback relating to My Account additional staff training has taken place in order to reduce the instances of service requests closed before work has been completed. ICT will work with the Member Support Working Group to identify and implement enhancements to My Account over the next twelve months. Investigations are also ongoing for an app to provide officer contact details, as requested by Member Support Working Group, within existing Office 365 functionality.

In the coming weeks the Council is rolling out Yammer (an internal social networking tool) across the organisation and Members will have the opportunity to be involved, following the trial by staff.

Update on Mobilisation for the New Waste and Recycling Collection Contract

In January we received a report updating us on progress with mobilisation for the new waste and recycling collection contract which starts on 1 April 2019. The award of the new contract has made a significant contribution to the Medium Term Financial Strategy.

We requested a copy of the risk register for the mobilisation and noted that the Council has a duty to collect clinical waste from households.

Approach to Dealing with Unauthorised Encampments on Land not owned by Gypsy Travellers

In March a special meeting of the Overview and Scrutiny Committee was requested by Councillor Marion Lowe.

Councillor Marion Lowe explained that she felt the current approach to dealing with unauthorised encampments on land not owned by Gypsy Travellers is in need of review. The time and costs required to remove unauthorised encampments were also a factor, especially for those residents affected. Delays have been experienced in the provision of a transient site.

Officers explained that the current approach involves different teams across the Council, including Environmental Health, Legal, Communications, Public Protection and Animal Welfare.

A great deal of interventions are actioned in the hours after notification is received that an unauthorised encampment is on Council land. This includes liaison with the Police, commencement of the legal processes, communication with all interested parties and welfare visits for the Gypsy Travellers and any animals they have. Experience has shown that it is best to positively engage with the Gypsy Travellers. The Council also give advice to private landowners when there are encampments on their property.

Chief Inspector Gary Crowe advised that Gypsy Travellers have the right to a family and to a private life under the Human Rights Act. The Police can act under specific circumstances, for example, if a private land owner has taken reasonable steps to request an unauthorised encampment to leave their land, and threats had been made or a crime committed. If an encampment is impeding a business the Police have powers to act. It is difficult when an encampment moves around several times within the same area.

We queried several points including the issues of Penalty Charge Notices when an encampment is on a car park, the case of the Thwaites brewery in Blackburn, planning for Bank Holidays, the need to communicate with the residents of Chorley, the potential to modify the entrances to Council car parks, and when it is appropriate to scan dogs for microchips.

Zoe Whiteside, Planning Policy, Housing and Open Space Strategy Manager, advised that the National Planning Policy Framework (NPPF) and the 2015 Planning Policy for Traveller Site (PPTS) require a local needs assessment and 'ensure that their Local Plan includes a fair, realistic and inclusive policies to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply'.

Zoe Whiteside gave an update on the development of Cowling Farm. The Council has been working in collaboration with Homes England on the master planning for the site as whole. This work has involved technical works and a period of consultation (with the public and LCC) to agree the access arrangements for the housing, employment and the Gypsy and Traveller allocation.

Updates on the Lancashire County Council Health Scrutiny Committee

In October Councillor Steve Holgate explained that a presentation had been given by the "Our Health Our Care" at Lancashire Teaching Hospitals NHS Foundation Trust. South Ribble Borough Council has invited Chorley and Preston Councils to be involved in a joint scrutiny of "Our Health Our Care".

In January Councillor Alistair Morwood advised the delayed transfers of care in Lancashire had been considered. Concerns had been raised about the increase in delayed transfers of care across the Trusts from April 2018 to August 2018. It was reported that the increase in delays was in part due to the long heatwave over the summer months.

Councillor Steve Holgate updated the Committee for the December meeting. The matter under consideration was the Transforming Care Partnership. Councillor Holgate raised his concerns about the proposed closure of Caulderstones in 2020 and whether new facilities would be open by that time.

In March Councillor Alistair Morwood advised the Committee that he had received an overview of the partnership in Lancashire and South Cumbria working as an Integrated Care System (ICS) which covered five local areas.

Concerns had been expressed with regards to recent issues in relation to mental health service provision in accident and emergency departments and the lack of baseline figures in the report necessary to evaluate the effectiveness and impact of expenditure.

An update on the Stroke Programme was also given. Stroke is not an older person's disease and disabilities are lifelong. Stroke is the fourth major cause of death and the principal cause of disability in the UK and lifestyle is a major contributing factor. A considerable number of patients are not being appropriately treated for Atrial Fibrillation and hypertension, and approximately 30% of patients are discharged from hospital with no plan.

9 CONCLUSION AND THE YEAR AHEAD

It has been an interesting year for scrutiny, resulting in some key recommendations on topics of concern to members and the public. Challenges ahead are to continue to scrutinise areas of interest for members and their constituents and to follow up on the implementations of scrutiny recommendations. We need to work effectively with our partners on scrutiny and to continue to challenge the Executive in a constructive way with recommendations that result in positive outcomes for the residents in Chorley.

The Council will hold four meetings of the Overview and Scrutiny Committee and four meetings of the Overview and Scrutiny Performance Panel in 2019/20. Councillor John Walker, will remain Chair and Councillor Roy Lees will replace Councillor Alistair Morwood as Vice Chair.

We also welcome some new members to the committee. The draft work programme will be considered at the first meeting of the Committee in July. This includes the monitoring of previous inquiry recommendations and potential future review topics.



Ministry of Housing,
Communities &
Local Government

Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities



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May 2019

ISBN: 978-1-4098-5458-6

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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.¹

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.

¹ 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 powers² 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.

² 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.

- 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,³ 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.

³ 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,⁴ 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 Scrutiny⁵.

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.⁶ 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.⁷ 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.

⁴ 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).

⁵ 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>

⁶ Section 9FA(3) of the Local Government Act 2000.

⁷ 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 relatives⁸. Combined authorities should note the legal requirements that apply to them where the Chair is an independent person⁹.
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 Chair¹⁰.

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.

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

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

¹⁰ 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 legislation¹¹. 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).

¹¹ 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 information¹². 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 decision¹³. 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.

¹² 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.

¹³ 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 member¹⁴. 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 questions¹⁵. It is the duty of members and officers to comply with such requests.¹⁶

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;

¹⁴ 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.

¹⁵ 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.

¹⁶ 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 Partnerships¹⁷; 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.

¹⁷ 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).

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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OVERVIEW AND SCUTINY COMMITTEE WORK PROGRAMME 2019/20

To be considered:	10 Jul	25 Jul	26 Sep	10 Oct	21 Nov	23 Jan	27 Feb	19 Mar
	OSPP	OSC	OSC	OSPP	OSPP	OSC	OSPP	OSC
Panel Meeting (OSPP) to consider Council and related performance in addition to scrutiny of key service areas	*			*	*		*	
	Customer and Digital			Early Intervention and Support	Policy and Governance		Business, Development and Growth	
Performance Report / Business Plans	Quarter Four			Business Plans	Quarter Two		Business Plans	
Overview and Scrutiny Performance Panel minutes		*	*			*		*
Executive Cabinet Minutes		*	*			*		*
Notice of Executive Decisions		*	*			*		*
Health Scrutiny		*	*			*		*
Overview and Scrutiny Work Programme		*	*			*		*
Annual Reporting Back		*						
Syrian Refugee Resettlement		*						
Budget Scrutiny						*		
Air Quality			*					
Adoption of Estates								*
Waste Management Contract			*					
Gypsy and Traveller Temporary Encampments		*						
Subsidised Bus Services			*					
Scrutiny Reviews								
Quality of housing provided by social landlords				R				
Roll out of Superfast Broadband by BT			M2					
Indoor Leisure Contract								
Crime and Disorder Scrutiny								
Focus for this year?								
Community Safety Partnership – Child Sexual Exploitation			M2					
Potential topics for future reviews								
Community Racial Integration								
Flooding								
Market Walk								
Neighbourhood Area Meetings & CIL (following the Electoral Review)								
Single-Use Plastics								

Key:

Task Group Reviews:

- S Scoping of the review
- C Collecting and considering evidence
- FR Final report of the review

- R Feedback/response from the Executive Cabinet
- M Monitoring Reports, 1 2 and 3 (if required)
- V Verbal update from the Chair

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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