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Resources and Services Overview and
Scrutiny Committee

29 July 2019

**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON MONDAY, 29TH JULY, 2019 AT 7.30 PM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors Scott (Vice-Chairman (in the Chair)), Allen, Barry, Bray, Codling, Griffiths and Miles
Also Present:	Councillor Ann Wiggins
In Attendance:	Keith Simmons (Head of Democratic Services and Elections), Richard Barrett (Head of Finance, Revenues and Benefits Services), Ian Taylor (Head of Public Realm), Trevor Mills (Open Space and Transport Manager), Charlotte Cooper (Committee Services Officer)

9. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for Absence were submitted on behalf of Councillors Stephenson (with Councillor Miles as a substitute), Morrison and Turner (with no substitutes).

In the Absence of the Chairman, the Chair was occupied by the Vice-Chairman,

10. MINUTES OF THE LAST MEETING

The minutes of the previous meeting held on 24 June 2019 were approved as a correct record and signed by the Vice-Chairman.

11. DECLARATIONS OF INTEREST

Councillors Allen and Scott each declared as a point of interest that they were members of the Planning Policy and Local Plan Committee.

Councillor Barry later declared that, with regards to consideration of agenda item 6 - Report of the Deputy Chief Executive, A.1 – Financial Outturn 2018/19 and Allocation of the General Fund Variance for the Year, he has a personal interest in respect of the Brightingsea Lido as there was a reference to funding in the report.

Councillors Allen and Miles later declared that with regards to agenda item 6 Report of the Deputy Chief Executive, A.1 – Financial Outturn 2018/19 and Allocation of the General Fund Variance for the Year, they each had a personal interest in respect of Walton Bowls Club which rented property from the Council as there was reference to rental income in the report.

12. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

13. RECOMMENDATIONS MONITORING REPORT

The Committee recalled that at its previous meeting it was agreed for a new agenda item to be added to all future meetings of the Committee (later called the Recommendations Monitoring Report) whereby a report will be presented outlining the recommendations this Committee has sent to Cabinet/Council and the response of Cabinet/Council to the recommendations.

The Committee had before it the current Recommendations Monitoring Report which set out one item for which this Committee had made recommendations to the Cabinet. The recommendations were from the Committee of 18 March 2019, and concerned the cost to the Council of two empty properties of the Council (Honeycroft and Spendells) and the allocation of funding in respect of costs of homelessness service.

In the discussion of the detail in the report, the following questions were raised concerning the response of the Portfolio Holder at Cabinet on 14 June 2019 (Minute 8 of that meeting refers) to the recommendations from this Committee as referenced above:

- (a) Another large building was mentioned for demolition together with the former Honeycroft sheltered housing scheme although the name of the other large building was not part of the response.
- (b) A proposal from a partner agency for the use of the former Spendells sheltered housing scheme building was mentioned although the name of the partner agency was not part of the response.

Officers agreed to seek answers to the other large property and the partner agency referred to above and to circulate those to Members of the Committee for information.

There was a desire for the Committee to examine the issue of homelessness by including such an item in its work programme. On this basis, Councillor Miles would be invited to attend the Committee's meeting.

The Committee noted the contents of the report.

It was then moved by Councillor Miles, seconded by Councillor Bray and **RESOLVED** to include in the Committee's work programme for 2019/20 the issue of maintenance arrangements for the portfolio of Council buildings.

[Note: Subsequent to the meeting, it was identified that the issue of scrutiny of homelessness was a matter for the Community Leadership Overview and Scrutiny Committee (as provided for by Article 6.02(i) of the Council's Constitution). As such homelessness was not added to the work programme of this Committee.]

14. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.1 - FINANCIAL OUTFURN 2018/19 AND ALLOCATION OF THE GENERAL FUND VARIANCE FOR THE YEAR

The Committee had before it the Report of the Deputy Chief Executive (A.1) which provided it with an overview of the Council's financial outturn for the year 2018/19 and the allocation of the associated General Fund Variance for the year.

It was reported that on 31 May 2019 the Leader considered the Financial Outturn 2018/19 and made the following decision:-

That the Leader of the Council, on behalf of the Finance and Corporate Resources Portfolio Holder:

- (a) Noted the financial outturn position for 2018/19 as set out in the report and appendices;
- (b) Approves the financing of General Fund capital expenditure for 2018/19 as detailed in Appendix D;
- (c) Approves the movement in uncommitted and earmarked General Fund reserves for 2018/19 set out in Appendix E;
- (d) Approves the qualifying carry forwards totalling £18.716m (£9.762m Revenue and £8.954m Capital) as set out in Appendix K;
- (e) Agrees that all other carry forwards totalling £0.790m requested by services be transferred to the relevant earmarked reserve pending consideration by Cabinet at its July 2019 Meeting
- (f) Approves, subject to the above, that the overall General Fund Outturn Variance for the year of £0.843m be transferred to the Revenue Commitments reserve until Cabinet formally considers the allocation of this funding at its July 2019 meeting.
- (g) Approves in respect of the HRA the movement on the HRA balances for 2018/19 including any commitments set out within Appendices H and I along with recharges to the HRA from the General Fund of £2.429m for the year and the financing of the HRA capital expenditure set out in Appendix I; and
- (h) Approves that the Council's Section 151 Officer, in consultation with the Finance and Corporate Resources Portfolio Holder, be authorised to adjust the outturn position for 2018/19 along with any corresponding adjustment to earmarked reserves as a direct result of any recommendations made by the Council's External Auditor during the course of their audit activities relating to the Council's 2018/19 accounts.

It was also reported that on 19 July 2019, Cabinet considered the Outturn 2018/19 and the Proposed Allocation of General Fund Variance for the Year and made the following decision:-

That Cabinet:

- (a) Agrees that of the total of £0.790m requested by services, £0.475m can be retained by them via the associated carry forward requests as set out in Appendix A.
- (b) Approves the allocation of the General Fund Variance for the year of £1.158m as set out in table 1 of the report, of which £0.150m be allocated to a climate emergency budget.

The two officer reports submitted to the Leader and Cabinet referred to above were attached as appendices for the Committee's consideration.

During the discussion of this matter, there was reference to the following in the key departmental variances:

- (a) There had been a lower than budgeted Income from Bring Bank Recycling income – what could be done to improve this and whether the Council's private

sector partner was aware that, it was said, Sweden was looking to import more waste to recycle. The volatile nature of the market in certain recycled materials was reflected to the Committee as a reason why in one year income from certain recycled material was lower than budgeted.

- (b) There had been additional income achieved in the year from that budgeted for in respect of off street car parks – it was therefore disappointing to note that investment in the Walton Car Park had not proceeded.
- (c) The net overspend on Leisure Facilities included a reference to £20k being paid to Brightlingsea Town Council in respect of the transfer of the Brightlingsea Pool – the note did not say what the costs to this Council would have been if the transfer had not occurred; which it was said would have been higher.
- (d) There had been an overspend in defending Planning Appeals – the total cost for defending such appeals in 2018/19 was some £242K and understanding how some of these costs could be avoided in the future was important.

In respect of General Fund Position as at the end of March 2019 in the report in respect of Corporate Services, and specifically ‘Rents Received’, it was noted that there had been income received in excess of the budget in 2018/19 and this drew a number of questions on the charging practices for organisations in Council properties that were providing services that were otherwise in the power of the Council to provide directly. In this respect the position concerning the Walton Heritage Centre was referred to.

Officers agreed to provide further information to Members of the Committee on the charges for Council owned properties. Members could also look at the overall charging policies as part of its review of the Budget preparation at its meeting on 16 December 2019. In the meantime, individual instances could be raised through the usual channels.

In relation to the Qualifying General Fund Carry Forwards (Capital) it was highlighted that £3.1m related to Disabilities Facilities Grants. The Committee was advised on the inter-dependency for these Grants to be awarded on the District and County Councils in respect of assessing and allocating those funds. The Committee was further advised on this Council’s decision to establish two posts to mitigate any resulting backlog that could arise. The value of an All Member Briefing on Disability Facilities Grants was stated by a number of Members.

The Committee also considered the allocation of the General Fund Variance from 2018/19. In respect of this element of the report:

- (a) In response to a question, the Committee was advised that several items of elections equipment were in need of replacement (including Polling Booths which were costing an increasing amount to repair). The costs in previous years for additional scanning equipment were more concerned with electoral registration following the introduction of Individual Electoral Registration for which central government grants had been secured and offset the cost to the Council.
- (b) The detailed proposals for the allocation of £0.525m to the Clacton Leisure Centre in respect of the investment in that Centre was to be considered by the Cabinet (potentially in September 2019). As such, with this Committee’s work programme item for the 16 September 2019 meeting being Leisure Centre

provision in the District, the detailed proposals for the investment in Clacton leisure Centre could be considered then.

It was **RESOLVED** that;

- (1) The Chief Executive be requested to consider the inclusion of a section on Disability Facilities Grants as part of a future All Member Briefing;
- (2) The Financial Outturn 2018/19 and Allocation of the General Fund Variance for the Year, the answers given to questions on the same and the requests for further information as outlined above be noted; and
- (3) Within its work programme for the year the detailed proposals for investment in the Clacton Leisure Centre item be included as part of the 16 September 2019 meeting item on Leisure Centre provision in the District generally.

**15. REPORT OF THE HEAD OF DEMOCRATIC SERVICES AND ELECTIONS - A.2 -
SCRUTINY OF THE NORTH ESSEX GARDEN COMMUNITIES BUSINESS PLAN
2018-19 AND BEYOND**

The Committee had before it the report of the Head of Democratic Services and Elections (A.2) which invited the Committee to consider the appropriate arrangements to be adopted for Scrutiny of the North Essex Garden Communities Interim Business Plan 2018-19 and the future Business Plans. This Committee's approved work programme envisaged scrutiny of the NEGC Business Plan at this meeting and this report sought to respect the wish to undertake this scrutiny, to establish a revised timeframe for this scrutiny and address the appropriate arrangements for that scrutiny.

It was reported that the Community Leadership Overview and Scrutiny Committee at its meeting on 3 December 2018 resolved that the NEGC Business plan become a regular item on its agenda and that Committee's work programme scheduled a review of the NEGC Business Plan for the 2 December 2019.

It was further reported that there is a legitimate rationale for both this Committee and the Community Leadership Overview and Scrutiny Committee to scrutinise the NEGC Business Plan however this may not be efficient nor effective and could unduly lead to a drain on capacity of Members of the two Committees and Officers in supporting those Committees if both operate separately on this matter. This report was therefore submitted to invite the Committee to consider whether there was value in establishing specific scrutiny arrangements for the NEGC Business Plan that span both Overview and Scrutiny Committees. The Corporate Director (Planning and Regeneration) has indicated that it would be entirely reasonable to accommodate a meeting within August/September on the basis that the arrangements have been settled upon.

The Committee was reminded that its members had been sent an email on 26 July 2019 advising that the NEGC Business Plan 2019-22 had not yet been received.

Councillor Griffiths stated;

"I note that the North East Essex Garden Communities business plan has not been received by the Council. However my view is that since the 30th January 2017 when the NEGC LTD was formally established, the business plan would be purely for noting, as it is not a council document, but business plan of a limited company, whose four directors have already outlined the direction of travel, for something that is to all in tense and

purposes, an independent company of which we as a council, in effect have a quarter of the shares.

It is still my view, that the shareholder to the board, should be an appointed portfolio holder, who reports both to Cabinet and the Council, but in the event of any votes, declares an interest and withdraws from the meeting.

It is still my view, that the councils commitment to funding the delivery vehicle to deliver the garden city communities, should be within the framework of a policy document, which outlines both the councils expectations, and has targets and priorities contained within the policy framework, which allow those engaged within the scrutiny process, to be able to form a considered opinion regarding both affordability and value for money

It is also my view, that the establishment or the exploration of the potential to set up a locally led development corporation, should also be seated within the framework of a policy document, which outlines both the councils expectations, targets and priorities, and that within the context of the establishment or exploration of any delivery corporation, a scoping document should be put before the council, which outlines the councils financial responsibilities, liabilities and potential ongoing financial costs, associated with the development corporations, and any subsequent companies, which may evolve, after the main developments and constructions have ceased.

Policy statements regarding support from the council to long term public sector funding in relation to enabling delivery should also be published along with the breakdown of the councils contributions to providing the finances to provide, project management, planning, programming and communications, and evolving work on operational readiness, set within a policy framework, which provides both targets and measureable milestones, and an indicator to provide scrutiny with the financial instruments to gauge if both the project and investment is achieving value for money should also be produced.

Publication of stewardship arrangements for the long term maintenance of public amenities need to be set within a framework and policy document, and set alongside progressing work on a financial model, which should also include initiating discussions with government, regarding long term funding, soft financial testing and testing financial and scheme funding parameters.

Consideration to preparing individual concept frameworks for each garden city community that sets out the vision and policies for each garden city community and outlines the council's financial responsibility to each community."

In view of the issues in the statement from Councillor Griffiths, the Committee considered it appropriate in all the circumstances to include the full statement in these Minutes.

The Committee **RESOLVED** that;

- (1) That this Committee believes that the value of scrutinising the NEGC is demonstrated as it will:
 - the topic is of high local importance and reflects the concerns of local people about the delivery of sustainable growth/development and protection of the identity of existing settlements in the District.
 - there is a commitment from Members to the time to conduct the review.
 - the findings from the scrutiny can realistically influence and shape delivery against the business plan and future business plans.
 - the issue is relevant to all or large parts of the local area

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- the review would be in the council's interests to ensure that the investment in the scheme is independently overseen.
- (2) To record that the broad range of the NEGC, spanning the responsibilities of both of the existing Overview and Scrutiny Committees and the impact of the proposed Garden Community in the District necessitates a joint approach, unfettered by considerations as to whether the issues are internal to the Council or its partnership working. The creation of a new Joint Scrutiny Panel with a Membership drawn from the existing Overview and Scrutiny Committees would avoid work duplication; a key consideration in good scrutiny.
 - (3) To seek the views of Community Leadership Overview and Scrutiny Committee on the above and, particularly, the proposal for a new joint NEGC Scrutiny Panel.
 - (4) That, if there is agreement to the establishment of a Joint NEGC Scrutiny Panel, this be established with a view to its first meeting being held within a month of the Community Leadership OSC meeting and that the Chairmen of the two Committees be authorised to determine the Membership of the Joint Panel on the basis of equality of representation on the Panel from the two Committees and a broadly proportionate political representation. Such decisions will be subject to ratification by the respective OSCs.
 - (5) That, further to (4) above, the view of this Committee is that the members of the Joint Panel would not normally also be a member of the Planning Policy and Local Plan Committee.
 - (6) That, subject to the establishment of a NEGC Joint Scrutiny Panel being approved:
 - a. the Chief Executive be requested to identify any necessary amendments to the Constitution to facilitate the above and to submit the necessary reports to achieve this.
 - b. The issues set out in the statement from Councillor Griffiths recorded above in the Minutes be referred to the Joint Scrutiny Panel to consider.

16. REPORT OF THE HEAD OF PUBLIC REALM - A.3 - GROUND MAINTENANCE (INCLUDING WEED SPRAYING) IN TENDRING

The Committee had before the Report of the Head of Public Realm – A.3 – Ground Maintenance (Including Weed Spraying) in Tendring, which presented to the Committee the Council's procedure on Ground Maintenance (Including Weed Spraying).

The Council's Head of Public Realm and the Open Space and Transport Manager attended the meeting to present the report to the Committee and answer any questions Members raised.

The advantages generally for the District, its residents and visitors of key gateway sites and routes being well maintained was a focus for discussion at the Committee. These sites included the vicinity of Railway Stations.

The Committee was advised that many areas of land adjacent to the highway were the responsibility of the Highways Agency, others were directly the responsibility of the Essex County Council and others were the responsibility of the Council under its agreement with the County Council. In broad terms, of the £100K received from Essex County Council and referenced in the report, £20k related to highway weed spraying, £40K for highway verge maintenance and £40 to highway tree maintenance.

The Committee also considered the role of a range of parish and Town Councils in the area who undertook measures to maintain open spaces.

The Committee commended the Officers for the report.

After some deliberation of the Committee it was moved by Councillor Miles, seconded by Griffiths and **RESOLVED** that the Committee **RECOMMENDS TO CABINET** that;

- £50,000 should be available for works to be carried out in the Tendring District's area to improve the look of the area for visitors and improve the quality of life for residents.
- Discussions be held with Town and Parish Councils in the District about opportunities to best achieve the stated aims.

17. **REPORT OF THE HEAD OF DEMOCRATIC SERVICES AND ELECTIONS - A.4 -
NEW STATUTORY GUIDANCE ON OVERVIEW AND SCRUTINY IN LOCAL AND
COMBINED AUTHORITIES**

The Committee had before it the report of the Head of Democratic Services and Elections (A.4) New Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities.

It was reported that on the 7 May 2019, the Government published new statutory guidance on overview and scrutiny in local and combined authorities. The guidance itself follows the report of the House of Commons' Communities and Local Government Committee of 15 December 2017 into the 'Effectiveness of Local Authority overview and scrutiny committees'. The Council's Constitution already sets out its compliance with statutory requirements for overview and scrutiny committees, the appointment of Members of those Committees, the appointment of Chairmen and Vice-Chairmen of the same, the procedures for such matters as call-in, and work programming, access to information for Members of the committees and Member-Officer protocols etc. Officers will consider the statutory guidance in their work, through the Monitoring Officer, to ensure that the constitution is kept up-to-date.

The Committee were also made aware that training for officers who present or write reports for Committees and Cabinet is being proposed for the autumn and it is intended that this training will also reference the new statutory guidance.

It was **RESOLVED** that;

- the Committee receives the report and notes its content and Officers be requested to consider further training to be provided to Members to support the aims of the Statutory Guidance in achieving good scrutiny.

- Those who sit on the proposed Joint Scrutiny Panel for the NEGC (Minute above refers) should be provided with training on their role with an expectation that they participate in that training.

18. SCRUTINY OF PROPOSED DECISIONS

Pursuant to the provisions of Overview and Scrutiny Procedure Rule 13, the Committee reviewed any new and/or amended published forthcoming decisions relevant to its terms of reference with a view to deciding whether it wished to enquire into any such decision before it was taken. The relevant forthcoming decisions were before the Committee.

In response to a question, Officers agreed to seek further information regarding the proposed decision identified as 'Terms of removal of a Restrictive Covenant over land to the rear of Wayside, Rectory Road, Great Holland' and to provide that information to Councillors Allen and Miles.

The Committee noted the submitted list of published forthcoming decisions.

The meeting was declared closed at 22:04

Chairman

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