

**SCRUTINY COMMISSION
7TH FEBRUARY 2022**

PRESENT: The Chair (Councillor Seaton)
The Vice Chair (Councillor Ranson)
Councillors Brookes, Hamilton, Parton and
K. Harris

Councillor Morgan (Leader of the Council) and
Smidowicz (Cabinet Lead Member for Strategic
Support)

Head of Planning and Regeneration
Town Deal Project Manager
Head of Strategic Support
Democratic Services Officer (SW)

APOLOGIES: Councillor Popley attended the meeting virtually,
see notes at end of minutes.

The Chair stated that the meeting would be recorded and the sound recording subsequently made available via the Council's website. She also advised that, under the Openness of Local Government Bodies Regulations 2014, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

88. MINUTES OF THE PREVIOUS MEETING

Councillor Parton arrived at the meeting at 6:01pm.

The minutes of the meeting of the Commission held on 10th January 2022 were approved.

89. DECLARATIONS OF PECUNIARY AND PERSONAL INTERESTS

No disclosures were made.

90. DECLARATIONS OF THE PARTY WHIP

No declarations were made.

91. QUESTIONS UNDER SCRUTINY COMMITTEE PROCEDURES 11.16

No questions were submitted.

92. PRE-DECISION SCRUTINY OF ANY SPECIFIC FINANCIAL MATTERS TO BE CONSIDERED BY CABINET

There were no items of this nature on the Cabinet agenda for the Commission to consider.

93. CABINET ITEMS FOR PRE-DECISION SCRUTINY

94. LOUGHBOROUGH TOWN DEAL

A report of the Head of Planning and Regeneration to provide an overview of the Loughborough Town Deal and explain the Borough Council's role in its implementation. It seeks endorsement of the Council's continued support for the Town Deal (item 7a on the agenda filed with these minutes).

The Leader of the Council, the Head of Planning and Regeneration and the Loughborough Town Deal Project Manager assisted with the consideration of this item. The following summarises the discussion:

- i. The early proposals for a Developer Accelerator project had not been included in the approved Town Deal following consideration by the Town Deal Board and Ministry of Housing, Communities and Local Government. The Developer Accelerator concept had been to provide a substantial funding pot which could be used to pump-prime regeneration schemes in Loughborough. It would be a catalyst for schemes which were looking to progress but being affected by viability issues, such as land values. The Developer Accelerator would potentially have increased the pace of progression of regeneration schemes but complexities around identifying suitable development partners meant that the project concept was not advanced and refined enough to be suitable for inclusion within the Town Deal. The Town Deal had a value of £16.9 million and did not allow scope for an Accelerator of a scale originally intended and which would have significant impact.
- ii. New developments in the Loughborough town centre had been required to contribute financially to public realm improvements through planning obligations secured by S106 agreements. Some of the Loughborough Town Deal projects, such as Lanes and Links and Living Loughborough may be suitable to benefit from this funding.
- iii. The Loughborough Town Deal Board was responsible for decision-making associated with the programme and the Council was accountable for governance arrangements and funding. The Loughborough Town Deal Board had commissioned a Delivery Sub-Group which consisted of some of the independent members of the Board, in order to approve business cases and submissions to the Department of Levelling Up, Housing and Communities (DLUCH) and to monitor project delivery on behalf of the Board.
- iv. The process of progressing projects as part of the Loughborough Town Deal had included numerous evaluations by the Delivery Sub Group, the Town Deal Board and the government. Projects were only able to receive funding following the submission of a Project Initiation Document and a full Business Case. Business cases were checked against the HM Treasury 'Green Book' standard by an independent consultant and then approved by the Delivery Sub-Group

and the S151 Officer at the Council. The Department for Levelling Up, Housing and Communities (DLUHC) were then able to approve projects for the release of funding.

- v. The Loughborough Town Deal was a five-year programme, due for completion in 2025/26.
- vi. It was recognised that all projects involved some risk and therefore not all of the capacity funding provided by the Board had been allocated so as to provide contingency later in the programme in order to support the successful completion of projects.

RESOLVED that the Cabinet be informed that the Commission supports the recommendations as set out in the report of the Head of Planning and Regeneration.

Reason

The Commission, having carefully considered the report, felt the Cabinet should approve the recommendations set out.

Councillor Popley, attending virtually, confirmed that he would have voted in support of the recommendations set out in the report had he been physically present at the meeting and able to do so.

95. REGULATION OF INVESTIGATORY POWERS ACT: POLICY AND REVIEW OF USE IN 2021

A report of the Head of Strategic Support to approve a Regulation of Investigatory Powers Act (also known as RIPA, or the 2000 Act) Policy, and consider a summary of the use of RIPA during 2021 (item 7b on the agenda filed with these minutes).

The Cabinet Lead Member for Strategic Support and the Head of Strategic Support assisted with the consideration of this item. The following summarises the discussion:

- i. The RIPA procedure was complex and it was difficult to incorporate the process into a simple flow chart. The procedure was reviewed each year and the Head of Strategic Support stated it was possible to include best practice research as part of the next review in order to acknowledge the procedures of other Local Authorities and to identify any functional flow chart systems that the Council could adopt.
- ii. Officers were due to receive training on the RIPA procedure in the coming weeks and it was suggested that members received a briefing note to include the distinctions of when RIPA was required and the types of offences that RIPA was used for, such as licensing concerns or other areas that the Council was responsible for.

- iii. It was highlighted that overt surveillance was permitted at any time and that RIPA was required for covert operations only. The requirement of RIPA was associated with the individual's right to privacy.

RESOLVED

1. That the Cabinet be informed that the Commission supports the recommendations as set out in the report of the Head of Strategic Support.
2. That the Head of Strategic support included best practice research as part of the next review of the RIPA procedure and consider any functional flow charts used by other Local Authorities.
3. That the Head of Strategic Support produce a briefing note for members outlining the RIPA procedure to include the distinctions of when RIPA was required and the types of offences that RIPA was used for, such as licensing concerns or other areas that the Council was responsible for.

Reasons

1. The Commission, having carefully considered the report, felt the Cabinet should approve the recommendations set out.
2. To ensure that the Council acknowledges best practice as part of the next review of the RIPA procedure.
3. To ensure that members understand the RIPA procedure.

Councillor Popley, attending virtually, confirmed that he would have voted in support of the recommendations set out in the report had he been physically present at the meeting and able to do so.

96. SCRUTINY COMMISSION PRE-DECISION SCRUTINY - LEADER RESPONSE

A report of the Cabinet was considered setting out its responses to the recommendations of the Commission on pre-decision scrutiny items (item 8 on the agenda filed with these minutes).

RESOLVED that the Cabinet's responses to the Commission's recommendations be noted.

Reason

The Commission was satisfied that it added value where appropriate and welcomed the Cabinet's consideration of the Commission's views and recommendations as part of its decision making process.

97. PROGRESS WITH PANEL WORK

A report of the Head of Strategic Support to review the progression of scrutiny panels was submitted (item 9 on the agenda files with these minutes).

The Head of Strategic Support assisted with the consideration of this item. The following summarises the discussion:

It was highlighted that there was currently an anti-social behaviour review taking place at the Council and the Chair of the Crime, Youth Crime and ASB scrutiny panel was due to meet with Officers to discuss how the panel could add value to the Council.

RESOLVED that the Scrutiny Commission reviewed the progression of scrutiny panels.

Reason

To ensure timely and effective scrutiny of the matter and subject.

98. SCRUTINY WORK PROGRAMME

A report of the Head of Strategic Support to enable the Commission to review and agree the Scrutiny Work Programme. This includes reviewing the changes made by the Finance and Performance Scrutiny Committee and adding items to their work programme (item 10 on the agenda filed with these minutes).

The Head of Strategic Support assisted with the consideration of this item.

It was highlighted that the Scrutiny Commission was required to discuss the placement of the Community Safety Partnership Review to coincide with the annual review of the Constitution. It was recognised that while the work programme of the Finance and Performance Scrutiny Committee was substantial, the Community Safety Partnership Review was focussed on performance and would logically be reviewed by that committee. The Chair of the Scrutiny Commission stated that she would meet with the Chair of the Finance and Performance Scrutiny Committee to discuss this further and report back to the Scrutiny Commission at the next meeting.

RESOLVED that the Scrutiny Commission reviewed the Finance and Performance Scrutiny Work Programme.

Reason

To ensure timely and effective scrutiny of the matter/subject.

99. SCRUTINY COMMISSION WORK PROGRAMME

A report of the Head of Strategic Support was considered, to enable the Commission to consider its work programme and forthcoming Key Decisions and decisions to be taken in private by the Cabinet in order to schedule items for pre-decision scrutiny (item 11 on the agenda filed with these minutes).

The Head of Strategic Support explained that the Local Development Scheme report previously identified for pre-decision scrutiny from the Key Decisions Notice would consist of a timetable for the preparation of planning documents and that there would be limited value in the scrutiny of this item. As a result, it was agreed by the Scrutiny Commission that this item be removed from the work programme.

RESOLVED

1. That forthcoming Executive Key Decisions or decisions to be taken in private by the Executive, set out in Appendix 2 to the report, and scheduled scrutiny of those matters, be noted.
2. That the Commission's current work programme be noted.
3. That the Local Development Scheme report scheduled for pre-decision scrutiny at the meeting of the Scrutiny Commission on 7th March 2022 be removed from the work programme.

Reasons

1. To ensure effective and timely scrutiny, either to provide Cabinet with advice prior to it taking a decision or to ensure that the Council and external public service providers and partners were operating effectively for the benefit of the Borough.
2. To ensure effective and timely scrutiny.
3. The Scrutiny Commission did not feel there would be value in scrutinising this item following advice from the Head of Strategic Support.

NOTES:

1. No reference may be made to these minutes at the Council meeting on 21st February 2022 unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on the fifth working day following publication of these minutes.
2. These minutes are subject to confirmation as a correct record at the next meeting of the Scrutiny Commission.
3. Councillor Popley attended the meeting virtually. This was due to the position with Covid-19. Votes were taken from members physically present in the meeting.
4. The following officers and Lead Members listed as present attended the meeting virtually; The Leader of the Council, the Lead Member for Strategic Support, The Head of Planning and Regeneration and the Loughborough Town Deal Project Manager. The remaining officers listed were physically present in the meeting.