

**SCRUTINY COMMISSION  
11TH NOVEMBER 2019**

PRESENT: The Chair (Councillor Rattray)  
The Vice Chair (Councillor Draycott)  
Councillors Bailey, Baines, Bolton, Hadji-Nikolaou  
and Parsons

Councillor Barkley (Deputy Leader of the Council  
and Cabinet Lead Member for Finance and  
Property Services)

Head of Planning and Regeneration  
Strategic Director of Corporate Services  
Head of Landlord Services  
Democratic Services Manager and Democratic  
Services Officer (NA)

APOLOGIES: Councillor Hunt (Cabinet Lead Member for  
Planning, Inward Investment & Tourism Strategy)

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.

60. MINUTES OF THE PREVIOUS MEETING

The Commission was advised that following the last meeting the Head of Strategic Support had been consulted regarding the selection of Chairs for the Scrutiny Panels. It was highlighted to the Commission that under the Council's Constitution it stated that only Chairs and Vice-chairs of the Scrutiny Committees could act as Chair for a Scrutiny Panel. The Commission was advised that although this was the case it had been agreed that the Chairs selected would remain but in future priority would be given to all Chairs and Vice-chairs from within the pool of the Scrutiny Committees before other Members were approached.

The minutes of the last meeting were then agreed.

61. DECLARATIONS OF PECUNIARY AND PERSONAL INTERESTS

No disclosures were made.

62. DECLARATIONS OF THE PARTY WHIP

No declarations were made.

63. QUESTIONS UNDER SCRUTINY COMMITTEE PROCEDURES 11.16

No questions were submitted.

64. STATUTORY GUIDANCE ON OVERVIEW AND SCRUTINY IN LOCAL AND COMBINED AUTHORITIES

A report of the Head of Strategic Support was considered by the Commission in relation to the guidance from the Ministry of Housing, Communities and Local Government, clarifying the role and benefits of scrutiny to local authorities (item 05 on the agenda filed with these minutes).

The Democratic Services Manager attended the meeting to assist with consideration of the item and gave the following responses to issues raised:

- (i) The guidance provided focused on culture, resourcing and the members in relation to scrutiny.
- (ii) It was thought that no changes would be necessary for the Council's constitution in relation to the publication of the guidance as it was felt that since the Centre for Public Scrutiny review took place a lot of the guidance was being followed or had been implemented.
- (iii) It was proposed that under 3(b) "Relationship between Cabinet and Scrutiny" three of the protocol items: (iv), (v) and (vi) be removed as they were no longer relevant. It was felt that the Commission had ample mechanisms to be able to communicate with Cabinet as well as to ensure that their views were taken into consideration.
- (iv) The Commission was interested in "Following the Council Pound" (page 29) that referred to contractors supplying information to scrutiny or appearing before the committee, where appropriate. This idea was welcomed by the Commission as they felt that scrutiny had a role to play in some situations.

**RESOLVED**

1. That items (iv), (v) and (vi) under 3(b) of the Scrutiny Protocol be removed.
2. That the Democratic Services Manager will speak to the Procurement Manager about including a statement in any relevant contracts for scrutiny to be involved in the procurement process.
3. That an update be provided to the Commission regarding involvement from scrutiny with external contracts when a new contract had been procured.

Reason

1. It was no longer relevant to the Council's scrutiny structure.
2. To provide best practice in relation to the new guidance.
3. To keep the Commission updated with any progress so far.

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

On this occasion there was one item of this nature on the Cabinet agenda for the Commission to consider (item 8b on the agenda filed with these minutes).

66. TENANCY SUPPORT POLICY 2019-2024

A Cabinet report of the Head of Landlord Services was considered to approve the Tenancy Support Policy 2019-2024 for pre-decision scrutiny (item 8a on the agenda filed with these minutes).

The Head of Landlord Services attended the meeting to assist with consideration of the item and gave the following responses:

- (i) The Commission praised the report as being very informative and showing how much work the team was doing.
- (ii) The Commission was given a reassurance about the level of resources available to administer the migration of more tenants over to Universal Credit (UC). A budget pressure had been submitted to extend the Universal Credit Officer post, and a new Tenancy Support Officer was being recruited for a fixed two-year period to provide further resilience in the team.
- (iii) The rent arrears were being monitored on a weekly basis to ensure that any changes were being identified.
- (iv) The Council was aware of its GDPR responsibilities in relation to vulnerable tenants and used the privacy notice and conditions of tenancy to set out how tenants' information would be used. Tenancy support risk assessments were undertaken pre-tenancy to identify any tenants who required extra support. If any issues arose into a tenancy additional support could be offered at any time to support the tenant to remain in their property.
- (v) It was believed that whilst rent arrears would initially rise due to the additional tenants on Universal Credit the level of rent arrears would ease off in the medium term and return to an expected level.

**RESOLVED**

That the Cabinet be informed that the Scrutiny Commission supports the recommendations as set out in the report of the Head of Landlord Services.

Reason

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

67. VIREMENT - PLANNING AND REGENERATION SERVICE

A Cabinet report of the Head of Planning and Regeneration was considered to seek approval for the virement of budget in cost centres in the Planning and Regeneration Service for pre-decision scrutiny (item 8b on the agenda filed with these minutes).

The Head of Planning and Regeneration attended the meeting to assist with consideration of the item and gave the following responses:

- (i) The virement of budget was to cover an underspend in salary which would be used to pay for agency staff to cover vacant posts. The virement had been requested for the past two years due to difficulties recruiting to specific posts due to the expert nature of the roles. It was hoped that the few remaining posts would eventually be filled.
- (ii) The Commission did feel that the focus of the service should be on recruiting permanent posts rather than paying for agency staff but understood the difficulties in recruiting to some posts.

## **RESOLVED**

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

### Reason

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

## 68. SCRUTINY COMMISSION PRE-DECISION SCRUTINY - CABINET RESPONSE

A report of the Cabinet was considered setting out its responses to the recommendations of the Commission on pre-decision scrutiny items (item 9 on the agenda filed with these minutes).

The Commission was informed that the Cabinet wanted to thank the members for their hard work and appreciated their input into the reports.

**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.

## 69. PROGRESS WITH PANEL WORK

A report of the of the Head of Strategic Support was received to review progress with Scrutiny Panels (item 10 on the agenda filed with these minutes).

The Commission was provided with an update on the Scrutiny Panels currently ongoing and their progress.

The Commission decided to make no further changes to any of the Panels.

## 70. SCRUTINY WORK PROGRAMME

A report of the Head of Strategic Support enabling the Commission to review and agree the scrutiny work programme (item 11 on the agenda filed with these minutes).

The Commission was given an update regarding the status of the Council's Local Plan. A report on the consultation responses was due to be presented to the Housing, Planning and Regeneration and Regulatory Services Scrutiny Committee on 10th December but the consultation was not to end until 16th December meaning that the report would not be available in time for the meeting. It was proposed that the report came to the Scrutiny Commission instead at their January meeting to ensure that scrutiny was involved in the consultation process.

## **RESOLVED**

1. that that the Scrutiny Work Programme set out in the Appendix to the report, and scheduled scrutiny of those matters, be noted, and that further items be scheduled for scrutiny as follows:
  - (i) Local Plan – Scrutiny Commission – 13th January 2020.
2. That the following items be removed from the Scrutiny Work Programme:
  - (i) Local Plan – Housing, Planning and Regeneration and Regulatory Services Scrutiny Committee – 10th December 2019.

## Reasons

1. To ensure timely and effective scrutiny. The Commission considered that it would be beneficial for the Scrutiny Commission to review the consultation responses received for the Local Plan to ensure scrutiny was involved in the consultation process.
2. The Commission considered that it would not add value for the Housing, Planning and Regeneration and Regulatory Services Scrutiny Committee to review the Local Plan at that time due to the delay in the consultation.

## 71. 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 12 on the agenda filed with these minutes).

## **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, and that further items be scheduled for scrutiny as follows:

- (i) A report of the Budget Scrutiny Panel detailing their recommendations be provided to the Commission at their January meeting.
  - (ii) Corporate Plan 2020-2024 – 13th January 2020.
  - (iii) Homelessness and Rough Sleepers Strategy – 9th December 2019.
  - (iv) An update on the Council's Air Quality Plan for 2019 – 13th January 2020.
2. that the Commission's current work programme be noted and updated following this meeting, in accordance with the decisions taken during consideration of this item and at this meeting and any items of pre-decision scrutiny that require changing due to their reprogramming by the Cabinet.

### Reasons

1. To ensure timely and effective scrutiny.
2. 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

## 72. EXEMPT INFORMATION

It was resolved that members of the public be excluded from the meeting during the consideration of this item on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, and the public interest in maintaining the exemption outweighed the public interest of disclosing the information.

*At this point in the meeting the sound recording was switched off.*

## 73. DISPOSAL OF LAND HOLDING KNOWN AS PLOT 5 WELDON ROAD, LOUGHBOROUGH

An exempt report of the Strategic Director for Corporate Services to approve the sale in the Council's land interest in Loughborough was considered for pre-decision scrutiny (item 14 on the agenda filed with these minutes).

The Lead Member for Finance and Property Services and the Strategic Director for Corporate Services attended the meeting to assist with consideration of the item.

A summary of the Group's discussion on this matter is provided in the exempt minute (Scrutiny Commission 73E 2019/20).

*At this point in the meeting the sound recording was switched back on.*

**RESOLVED** that the Cabinet be informed that the Commission supports the recommendations as set out in the report of the Strategic Director for Corporate Services.

### Reason

The Commission, having carefully considered and asked questions on the report felt Cabinet should approve the recommendations set out in the report.

NOTES:

1. No reference may be made to these minutes at the Council meeting on 20th January 2020 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.