

**SCRUTINY COMMISSION
28TH JUNE 2021**

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

Councillor Mercer (Cabinet Lead Member for
Private Housing)

Head of Strategic and Private Sector Housing
Head of Cleansing and Open Spaces
Head of Strategic Support
Democratic Services officer (EB) and Democratic
Services Officer (SW)

APOLOGIES: Councillor Bolton

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.

7. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting of the Commission held on 7th June 2021 were approved.

8. DECLARATIONS OF PECUNIARY AND PERSONAL INTERESTS

The following disclosure was made:

- i. Councillor Hamilton – a personal interest in item 7a on the agenda (Nanpantan Cemetery) – the Ward that he represents is mentioned in the report.

9. DECLARATIONS OF THE PARTY WHIP

No declarations were made.

10. QUESTIONS UNDER SCRUTINY COMMITTEE PROCEDURES 11.16

No questions were submitted.

11. AUDIT COMMITTEE UPDATE

There had been no meeting of the Chairs and Vice Chairs of the Scrutiny Commission and Audit Committee and therefore there was no update to provide.

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

The following item was identified for pre-decision scrutiny from the Cabinet agenda for 1st July 2021:

13. NANPANTAN CEMETERY

A Cabinet report of the Head of Cleansing and Open Spaces to approve virements within the existing Capital Programme 2020-2023 to support the construction of the new cemetery adjacent to Nanpantan Road Sports Ground. As some of the virement exceed £50k this requires Cabinet approval (item 7a on the agenda filed with these minutes).

The Head of Cleansing and Open Spaces attended the meeting to assist with the consideration of this item. The following summarises the discussion:

- i. The £60k Capital virement identified to support the Nanpantan Cemetery project was from the Open Spaces Strategy within the most recent Capital Programme and this was intended to improve the open spaces assets within the Borough. £78k of the Capital virements identified was surplus to a previous Green Spaces Programme.
- ii. There had been an underspend of £23k from a completed project to resurface Park Road Car Park. This underspend had been identified to support the Nanpantan Cemetery project.
- iii. It was not anticipated that the progression of the Nanpantan Cemetery project would cause delays to other projects or services. Following Cabinet approval of the virements highlighted, the project would commence with a predicted completion date of March 2022.
- iv. If the project was not able to progress at this stage, this would cause a break in service and a situation whereby members of the public would be required to find alternative locations for burial.
- v. A total budget of £70k had been allocated for tree planting initiatives. £40k of this total amount was intended to support tree and shrub planting at the new cemetery. A residual amount of £30k would remain to support other tree planting initiatives.
- vi. The initial budget allocated to the Nanpantan Cemetery project was £950k as stated in the Capital Programme in October 2020. The budget for the project was informed by engaging with specialists and cost estimates. The increased budget as a result of the proposed virements was a result of further expenditure identified which had no been identified by advisors in the budget planning process.
- vii. There had been negotiations with contractors which had resulted in reducing the initial costs of the project and redesigning where appropriate.

- viii. It would not be financially reasonable to progress the project with a phased approach. There was a significant amount of infrastructure work to undertake initially, such as road construction and drainage and a large car park was required to support interments.
- ix. There had been a number of measures considered to to deter antisocial activities within the Cemetery spaces, including timed barriers and ball stop fencing.

RESOLVED that the Cabinet be informed that the Commission supports the recommendations as set out in the report of the Head of Cleansing and Open Spaces.

Reason

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

14. CABINET ITEMS FOR PRE-DECISION SCRUTINY

The following item was identified for pre-decision scrutiny from the Cabinet agenda for 1st July 2021:

15. ADDITIONAL AND SELECTIVE LICENSING SCHEME - LICENCE CONDITIONS

A Cabinet report of the Head of Strategic and Private Sector Housing to approve the licence conditions for the introduction of an Additional Licensing Scheme across the Borough and Selective Licensing Scheme in Hastings and Lemyngton wards (item 8a on the agenda filed with these minutes).

The Lead Member for Private Housing and the Head of Strategic and Private Sector Housing attended the meeting to assist with the consideration of this item. It was highlighted the start of the consideration of this item that there was an error in the representation of the survey responses on page 20 of the agenda. The report stated that 43% of respondents opposed the 'External Areas' condition and that 44% of respondents supported the 'Property Conditions' condition. These figures should read that 43% of respondents supported the 'External Areas' condition and that 44% of respondents opposed the 'Property Conditions' condition. The following summarises the discussion:

- i. It was emphasized that the proposed policies would improve the Southfields ward and that many residents within the Southfields ward would appreciate the policies.
- ii. In the event that the Licence Holder failed to ensure that any garden, forecourt, yard or passageway within the HMO's curtilage is kept in a reasonably clean and tidy condition, the Council could issue a notice and ultimately issue a civil penalty against the Licence Holder. The enforcement of the Council would depend on the individual situation. The Council was able to retain funds from the issuing of the civil penalties.

- iii. In the event that antisocial behaviour had taken place, despite the terms of any tenancy or licence agreement including provisions concerning anti-social behaviour, the Council would assess each case on its work merits and the actions that had to be taken. The Council would be required to identify whether it was the landlord or the tenant at fault and would proceed in the appropriate manner. It was emphasized that antisocial behaviour was subjective and difficult to define, however the Council had a number of measures in place to identify antisocial behaviour. These included advising record-keeping, providing noise capturing equipment and collecting evidence.
- iv. The Council would monitor compliance with the proposed schemes and work with partners in order to ensure that the policies worked effectively.
- v. A structure to deliver the proposed schemes had been established and Cabinet had approved a budget to initially recruit two members of staff to implement the schemes. The number of staff members supporting the scheme could increase if service needs required.
- vi. Issues identified that related to bin allocations would be addressed by informing the Landlord of the appropriate action. This could include advice on what information to provide to tenants in relation to recycling and arranging additional bins or additional collections.
- vii. The proposed schemes were cost neutral. The licence fee could cover the costs of administering the licence process, inspections, granting licences and enforcement of licence conditions.
- viii. Landlords and Letting Agents were required to obtain references for prospective tenants. This was to ensure that tenants were more likely to comply with the licencing conditions within the proposed schemes.
- ix. Following the consultation period, the responses were analysed and amendments had been made to the Licence Conditions. This was the result of identifying conditions which were covered by the legislation and therefore did not need to be included as a Licence Condition.
- x. Condition 24 of the Houses in Multiple Occupation Licensing Scheme stated that Landlords were required to undertake training covering the law and any legal requirements relating to managing privately rented housing. A list of external training providers was detailed in Appendix 3 of the Houses in Multiple Occupation Licence Conditions.
- xi. Members acknowledged that substantial amount of work in developing the proposed licensing schemes and thanked the Officers and Lead Members involved. Members recognised that the schemes would make a significant positive difference to residents within the wards concerned.

RESOLVED that the Cabinet be informed that the Commission supports the recommendations as set out in the report of the Head of Strategic and Private Sector Housing.

Reason

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

16. 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).

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.

17. SCRUTINY WORK PROGRAMME WORKSHOP

A report of the Head of Strategic Support to outline suggestions made at the Scrutiny Work Programme Workshop held on 24th May 2021 regarding the Scrutiny Commission work programme, the Finance and Performance Scrutiny Committee work programme and scrutiny panels (item 10 on the agenda filed with these minutes).

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

- i. At the first meeting of the Finance and Performance Scrutiny Committee, it was recommended that a separate Budget Scrutiny Panel be established to scrutinise the Council's 2021-22 budget and that membership be decided in accordance with the Council's Constitution, but that the Committee wished the Budget Scrutiny Panel membership to be between 4-6 members and comprise of members from the Finance and Performance Scrutiny Committee and the Scrutiny Commission, with an emphasis on continuity of members from previous panels. The Commission felt that it would be beneficial for the Budget Scrutiny Panel to retain a membership of between 5-7 members for more thorough scrutiny. Regarding the membership of the Budget Scrutiny Panel, it was also suggested that priority be given to previous and existing members of the Budget Scrutiny Panel, members of the Finance and Performance Scrutiny Committee and members of the Scrutiny Commission. If seats remained available following this process, any non-executive member of the Council could express an interest in Budget Scrutiny Panel membership.
- ii. Regarding action (3) of the report, it was suggested that a record of savings made directly as a result of scrutiny committee and panel work not be included within the Scrutiny Work Programme as the aim of scrutiny work was not to save money.

RESOLVED

1. That the Scrutiny Commission approves the outcomes of the Scrutiny Work Programme Workshop in relation to the Finance and Performance Scrutiny Committee, as outlined in Annex A.
2. That the Scrutiny Commission approves the progression of the scrutiny panels as outlined in Annex B.
3. That the Scrutiny Commission does not maintain a record of savings made directly as a result of scrutiny committee and panel work.
4. That the Budget Scrutiny Panel membership for 2021/22 be comprised of 5-7 members, with priority be given to previous and existing members of the Budget Scrutiny Panel, members of the Finance and Performance Scrutiny Committee and members of the Scrutiny Commission.
5. That the Annual Scrutiny Report be considered by the Scrutiny Commission after the first Thursday in May each year.
6. That the Scrutiny Commission adds the Bulky Waste Collection Charges Review to its own work programme.

Reasons

- 1&6. To ensure the most relevant and significant matters be scrutinised effectively.
2. To ensure the most relevant topics affecting the Borough be scrutinised in the most efficient way.
3. To ensure scrutiny work did not focus on saving money.
4. To ensure the knowledge and experience of Budget Scrutiny Panel members be retained for consistently effective scrutiny and to ensure the budget is scrutinised more thoroughly.
5. To ensure pre-election periods are avoided.

18. PROGRESS WITH PANEL WORK

A report of the Head of Strategic Support to review and agree the suggested progression of scrutiny panels as discussed at the Scrutiny Work Programme Workshop on 24th May 2021 (item 11 on the agenda filed with these minutes).

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

- i. The Constitution stated that in order to Chair a Scrutiny Panel, a member must also be a Chair or a Vice-Chair of a Scrutiny Committee. Given the updated scrutiny structure which included two scrutiny committees, as opposed to four

- previously, this meant that there were only four members that would be eligible to Chair scrutiny panels. It was therefore suggested that the Scrutiny Commission approved a temporary suspension of this aspect of the Constitution, pending the next Constitution review.
- ii. It was suggested that the appointed Chair of the Budget Scrutiny Panel for the year 2021/22 was also a member of the Finance and Performance Scrutiny Committee, which would ensure the Finance and Performance Scrutiny Committee was kept updated on the Budget Scrutiny Panel.
 - iii. Proposed chairmanship of the scrutiny panels outlined were suggested as follows;
 - Budget Scrutiny Panel 2021/22 (formal) – Councillor Miah
 - Waste Services and Waste Management (formal) – Councillor Ward
 - Digitisation and Transformation of Services (formal) – Councillor Brookes
 - Combatting Loneliness (informal) – Councillor Parton
 - Promoting Tourism in Charnwood (informal) – Councillor Popley
 - Crime, ASB and Youth Crime (tbc) – Councillor Bolton
 - iv. The scrutiny panels identified for progression included three formal panels, two informal panels and one panel that was yet to be determined in terms of the type of panel. The Council allowed for four formal scrutiny panels to run at any one time and therefore, work on scrutiny panels may commence simultaneously.

RESOLVED

1. That the Scrutiny Commission reviewed and agreed the suggested progression of scrutiny panels as discussed at the Scrutiny Work Programme Workshop on 24th May 2021.
2. That the proposed Chairs identified for scrutiny panels as outlined be notified, and following this, Chairs may commence work on scrutiny panels.
3. That the Scrutiny Commission approves a temporary suspension of the aspect of the Constitution which states that members Chairing Scrutiny Panels must be a Chair or Vice Chair of a Scrutiny Committee be granted, pending the next Constitution review.

Reasons

1&2 To ensure timely and effective scrutiny of the matter/subject.

3. To enable the most appropriate members to Chair scrutiny panels and to increase the pool of eligible members for Chairing scrutiny panels.

19. SCRUTINY WORK PROGRAMME

A report of the Head of Strategic Support to enable the Commission to review and agree the Scrutiny Work Programme. This included reviewing the changes made by the Finance and Performance Scrutiny Committee and adding items to their work programme (item 12 on the agenda filed with these minutes).

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

It was highlighted that legislation required the Community Safety Partnership to be reviewed on an annual basis, as opposed to the bi-annual basis which had previously been adopted. It was agreed that the Finance and Performance Scrutiny Committee should make this change to their work programme.

RESOLVED

1. That the Commission reviewed and agreed the Finance and Performance Scrutiny Work Programme and make any amendments the Commission feel necessary.
2. That the Commission agreed that the Finance and Performance Scrutiny Work Programme be updated in accordance with the decisions taken during consideration of this item and any further decisions taken during this meeting:
 - That the Community Safety Partnership Review take place on an annual basis as required by legislation.

Reasons

1. To ensure timely and effective scrutiny of the matter/subject.
2. To ensure that the information contained within the Work Programme is up to date.

20. SCRUTINY COMMISSION WORK PROGRAMME

A report of the Head of Strategic Support to enable the Commission to review its own work programme, including considering the list of forthcoming Executive Key Decisions in order to schedule items for pre-decision scrutiny. (item 13 on the agenda filed with these minutes).

The Head of Strategic Support assisted with the consideration of this item. The Commission added the following items to the work programme:

- i. The Commission felt that an information report detailing previous and present successful Charnwood Grant applications would be beneficial in order for members to support future applications. It was agreed that a report containing this information be received by the Scrutiny Commission at their meeting in August or September 2021.
- ii. Pre-decision Scrutiny – Carbon Neutral Plan – 9th August 2021

- iii. Pre-decision scrutiny – Charnwood Grants – 15th November 2021
- iv. Pre-decision scrutiny – Charnwood Grants – Strategic Partners (2022/23 – 2023/24) – 10th January 2022
- v. Bulky Waste Collection Review – timing to be confirmed.

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 work programme be updated as follows;
 - Previous/present successful Charnwood Grant Applications (August/September 2021)
 - Pre-decision Scrutiny – Carbon Neutral Plan – 9th August 2021
 - Pre-decision scrutiny – Charnwood Grants – 15th November 2021
 - Pre-decision scrutiny – Charnwood Grants – Strategic Partners (2022/23 – 2023/24) – 10th January 2022
 - Bulky Waste Collection Review – timing to be confirmed.

Reasons

- 1&3 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.

NOTES:

1. No reference may be made to these minutes at the Council meeting on 6th September 2021 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.