PRESENT: Councillor Chris Aldred in the Chair. Councillors Philip Broadbank, Sam Gibbs, Michael Harrison, Steven Jackson, Sue Lumby, Pat Marsh, Nigel Middlemass, Victoria Oldham, Alex Raubitschek, Matt Scott and Norman Waller.

Late Arrivals: None.

Early Departures: Councillor Michael Harrison at 6.28 pm

12/19 – APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES:
Notification had been received that Councillor Oldham was to act as substitute for Councillor Windass, Councillor Jackson was to act as substitute for Councillor Brown, Councillor Scott was to act as substitute for Councillor Mann, Councillor Broadbank was to act as substitute for Councillor Watson and Councillor Raubitschek was to act as substitute for Councillor Bateman.

(5.31 pm)

13/19 – DECLARATIONS OF INTEREST:
There were no declarations of interest.

(5.31 pm)

14/19 – MINUTES:
The Minutes of the meeting of the Commission held on 3 June 2019 were approved as a correct record and signed by the Chair.

(Seven Members voted for the motion and there were five abstentions)

(5.31 pm – 5.32 pm)

15/19 – EXEMPT INFORMATION:
There were no declarations of interest.

(5.31 pm)

16/19 – PUBLIC ARRANGEMENTS- QUESTIONS:
There were no questions to consider under Standing Order 27.

(5.33 pm)

SCRUTINY MATTERS AND REVIEWS UNDERTAKEN BY THE COMMISSION

17/19 – OVERVIEW AND SCRUTINY FUTURE WORK PROGRAMME:
The Scrutiny, Governance and Risk Manager (SGRM) submitted a written report reviewing the outcomes of the informal prioritisation workshop held on 18 June 2019. Appendix A to the report provided a schedule of meetings outlining the Commissions existing commitments. Appendix B provided a summary of the outcomes to the prioritisation workshop. Appendix C to the report was an update with responses received relating to further information requested at the last meeting of the
Commission on 3 June 2019.

The Chair welcomed Mr Peter Lilley to the meeting, who addressed the commission on the future work programme. Mr Lilley’s comments are detailed below:

I want to make some comments about your future work programme. But I want to link that to the report Mr Codman is due to present later about the national symposium he attended on the Government’s new statutory guidelines to scrutiny committees.

It would have been useful if a written version of Mr Codman’s report had been made available before this meeting so that both committee members and public would be better able to question Mr Codman.

I believe what he will have learned at the symposium will conflict with what he told you about the guidelines at your June 3 meeting. These came across to me as both misleading and rather complacent. Mr Codman seemed to give impression it was up to you how you interpreted the guidelines and whether or not you implemented them.

So I made a point of following up Mr Codman’s presentation by writing to the Local Government Minister, Rishi Sunak MP. And through him I’ve now received a response from the Ministry of Housing, Communities & Local Government – which I shall take pleasure in forwarding to Mr Sampson.

It says quite clearly that although this committee does not have to follow the guidance in every detail, the guidance should be followed unless there is good reason not to. This includes the leadership of this committee (i.e. the Chairman and Vice-Chairman) being seen as being completely independent & impartial. The Ministry also suggests I approach the Chair to ask what measures he is taking to ensure that this committee “adopts the necessary independent mindset.”

I want to focus on that point of having an independent mindset in a moment - in relation to your future work programme. But before you review any other issue, I believe you should devote your next meeting to discussing the whole issue of scrutiny: what it’s about and what this committee wants to achieve - particularly in the light of these new guidelines.

How are you going to implement them? And how quickly? Are you content for this committee to basically be an arm of the Executive; to act as a cheerleader for the Leader of the Council and his Cabinet? Or are you going to start taking pride in being a vigorously independently committee which shows no fear or favour? That’s what residents expect you to be doing. (The people you claim to represent.) It’s also what the new guidelines say you should be doing: putting scrutiny at the very heart of everything this council does.

Some members of this committee keep talking about producing a serious piece of work. And yet I think I’m right in saying the only serious piece of work you produced last year was your review of the way Freedom of Information requests are handled – which was a proposal I brought to this committee. And although it produced a dozen recommendations as to how the system might be improved, it completely ignored the
key reason as to why I raised the matter. What sort of scrutiny committee does that?

I also note that the review was “amended” by the Cabinet. What sort of system is it whereby scrutiny committee reviews go to the Cabinet? They surely need to go direct to full council?

I note that at your June 18 workshop, of the 18 suggestions made about possible issues to review, 14 of these came from members, three from management and one from Mr Codman.

I see there’s no mention in Mr Codman’s report of this committee having previously thrown out three proposals made by a member of the public – all relating to governance and/or accountability. Including one which had already been agreed in principle by this committee but was dumped on the recommendation of a (then) substitute member with no previous involvement in the earlier discussion. Don’t you find that very odd?

And do you not reflect on the perception you create when you give priority to issues that councillors and officers deem to be important rather than proposals from members of the public – those people you claim to represent?

I’m happy to explain in detail why I have concerns about the issues you have identified as being High Priority Areas for review, but since I’ve only been allocated five minutes, I will confine myself to a couple of brief points.

The issues all strike me as being very general and lacking focus and clarity. I’m unclear as to the expected or desired outcome. And what appears to have been identified as THE most pressing issue, Local Bus Provision, I think I’m right in saying isn’t even a service that this Council is primarily responsible for providing?

What is really revealing to me are the issues you have identified as being low priority including the Harrogate Convention Centre - and Crescent Gardens.

I find this astonishing. Or actually, I don’t. I find it absolutely typical of this committee whereby you appear to reject proper investigation into any issue which might prove embarrassing for the Cabinet or senior officers - particularly the Chief Executive and Head of Legal & Governance.

It was only last month that this committee was told that the continued underperformance of HCC was having a negative impact on the economy of the whole district. And yet I can never recall this committee calling to account the previous HCC director Simon Kent. Nor have you insisted that the HCC chairman appears before you. Could that possibly be because the HCC chairman also happens to be the Leader of the Council – Coun Richard Cooper?

As for the bungled sell-off of Crescent Gardens to property developer Adam Thorpe: This was an absolute shambles. And yet Coun Marsh’s proposal that there should be an independent inquiry into the fiasco was rejected by Coun Cooper and Mr Sampson – the very two people who, presumably, any inquiry would most want to hear from?

So why isn’t the scrutiny committee asserting its independence and announcing that it plans to conduct its own review into Crescent Gardens? At the same time, it could
also investigate why the Council STILL refuses to reveal the final cost of these new offices.

I have several more suggestions as to important issues the scrutiny committee could review. And it’s worth saying that there’s no reason why every review should drag on for months.

Why not use your existing powers to each month call to this committee a Cabinet member and/or officer responsible for a particular area or project and then grill them for an hour with well-thought-out probing, searching, awkward questions rather than frittering your time away constantly putting parochial points to the police whose operations you don’t really have the power to influence?

The Chairman thanked Mr Lilley for his presentation.

It was noted that HCC performance was an item that had been considered a high priority by the Commission and that it had previously been agreed that the Director would report to the Commission at an appropriate time in the future.

Councillor Broadbank referenced the recent statutory guidance for Overview and Scrutiny and highlighted the importance of the ability to report to full Council.

The SGRM clarified that whilst the future items of work had been categorized into high, medium and low priorities this did not necessarily relate to the order in which the work would be carried out. The outcomes of the prioritisation workshop did not mean that other items of work could not be included at any time if agreed by the Commission. The Commissions future work programme was an item on every agenda and the SGRM and Scrutiny Officer would consider the prioritised items and identify potential timescales for them so that the Commission could agree its outline work programme

In response to comments about items of work that had not been prioritised or had been categorized as ‘low priority’ the SGRM gave details of the information provided to Councillors attending the prioritisation workshop to inform their suggestions. This included service plan details, the Annual Governance Statement, Strategic Risk Register and the corporate delivery plan and provided details of the process of prioritising that had been undertaken by the Members who attended. The SGRM explained that the Commissions work programme remained flexible to respond to important issues as and when they arose and that information relating to any of the items suggested could be brought to the Commission at a convenient time without it needing to undertake an in-depth review. Each issue would be considered individually.

Councillor Harrison stated that when considering suggestions for the work programme the challenge was to represent residents in a way that would make a real difference. It was therefore important to consider the potential outcomes of each piece of work and what influence the Commission could have. Councillor Harrison suggested the Commission could adopt the planned programme as summarised in the report so that work could commence on identifying work/timescales for review. This would also maintain the ability to adapt and amend the programme as required.

The Commission agreed the outcomes of the workshop as a starting point for a work
programme that would remain flexible and could extend to over one year. The Commission agreed that further work would be undertaken to add details around possible outcomes, how work could be undertaken and dates/timescales.

(5.33 pm – 6.12 pm)

18/19 – FEEDBACK FROM OTHER COMMITTEES AND EXTERNAL BODIES:
Councillor Gibbs reported back following his presentation of the Overview & Scrutiny Corporate Delivery Plan: Year End 2018/19 to Cabinet on the 26 June. The Executive Members enquired as to the Commissions future work programme and Councillor Gibbs provided a summary of the ‘high priority’ items identified at the workshop. Councillor Gibbs thanked the Scrutiny Governance and Risk Manager for producing the report.

The Chairman thanked Councillor Gibbs for his feedback.

Councillor Middlemass had attended the NYCC Scrutiny of Health Committee on 21 June 2019 in his capacity as the Council’s representative. Councillor Harrison declared an interest due to his position as an executive member at NYCC, however the nature of the discussion did not require him to leave the room. Councillor Middlemass provided an update to the Commission stating that items on the agenda were not specific to the Harrogate district as discussions concerned issues with staff recruitment at hospitals in Northallerton and Scarborough. One issue discussed that particularly affected rural areas, was the proposed withdrawal of funding for minor injury clinics currently available at some GP surgeries, however planned changes would not affect any GP in the Harrogate District. This service would be withdrawn if they are within 25 miles of a hospital. Councillor Harrison was able to provide further details in his role as executive member for Adult Service & Health Integration at NYCC explaining that this change was due to the fact that one North Yorkshire Clinical Commissioning Group currently paid a premium to GPs to provide this service but had identified that in practice where the GP was located close to a hospital evidence showed that the public were attending hospitals for the treatment. Forthcoming changes were therefore intended to remove instances where funding was in practice being paid twice (once to the hospital, and once to the GP) and improve services offered. He confirmed that this was not something that impacted any GP in the Harrogate District.

The Chair thanked Councillor Middlemass for the update and stated that it was a demonstration of the benefits of having a representative from the Commission on the NYCC Scrutiny of Health Committee.

(6.12 pm – 6.20 pm)

19/19 – GOVERNMENT SCRUTINY GUIDANCE SYMPOSIUM/EFFECTIVE SCRUTINY:
The Scrutiny Governance and Risk Manager (SGRM) gave a presentation encompassing feedback, ideas and comments arising from his attendance at a national symposium event hosted by the Centre for Public Scrutiny in Holburn on 20 June 2019. Areas covered were:

- The role of scrutiny (both within an organisation and on behalf of the public,
clarification of the role of the char & committee members including Role/Job Descriptions)
- Work programming – emphasis on outcomes
- Contracts – external scrutiny built into council contracts/holding to account/performance
- Statutory Scrutiny Officer – new guidance does not make this mandatory for lower tier authorities
- Full Council – O&S encouraged to report to full Council
- Secret Ballot – mentioned as an ‘ideal’ option for selection of Chair and adopted by some authorities (not just for O&S)
- Effective questioning – questions ahead of meetings, questioning styles at meetings
- Recommendations – best practice
- Creative approaches to scrutiny, undertaken by Commission members

Councillor Marsh supported the proposal for Scrutiny to report to full Council rather than Cabinet, Councillor Marsh also supported increasing public participation at meetings and questioned whether it was necessary to have a cut off of 48 hours before the meeting for a member of the public to submit a question. In response the SGRM informed the Commission that whilst Harrogate Borough Councils O&S procedure rules permitted members of the public to speak on an item on an agenda for 5 minutes most authorities did not do this. In addition other authorities did not permit members of the public to propose suggestions for items of work. Councillor Middlemass stated that the public need to be made aware of what scrutiny did and did not do (e.g. it was not a body that deals with individual complaints). Public questions were considered and Councillor Scott stated that one of the benefits of requiring 48 hours’ notice for public questions was that it allowed for adequate answers to be provided. This made it more beneficial to a member of the public attending a meeting to ask the question.

The Chair stated that the Commission would work together on a report encompassing recommendations for Harrogate Borough Councils scrutiny arrangements based on the new statutory guidance for Councils issued in May 2019.

(6.20 pm – 6.49 pm)

MATTERS HOLDING EXECUTIVE/PARTNERS TO ACCOUNT

20/19 – FORWARD PLAN OF KEY DECISIONS:
Members noted the key decisions currently on the forward plan.

The Scrutiny Governance and Risk Manager (SGRM) suggested that at future meetings the Forward Plan of Key Decisions item and Future Items of Work be the first substantive items on each agenda to ensure adequate consideration. This was agreed.

Councillor Marsh expressed an interest in the nursery review item listed on the forward plan. The Director of Community was in attendance and provided the committee with a brief update, as follows:
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- A report was due in December 2019
- The nursery and depot were being looked at together to maximise possible economies of scale
- Procedures were being looked at including the benefits of buying versus growing plants
- The nursery review formed part of a larger project ‘One Public Estate’ project administered through NYCC
- Unlikely to be complete within the 2019/20 financial year due to the link with the larger scheme

(6.49 - 6.52 pm)