

# SCRUTINY PANEL

## 5 February 2020

*Present: -* Councillor Davies (Chairman), Councillor Bentley, Councillor Bourne, Councillor Dundas, Councillor Hayter, Councillor Hogg,

*Substitutions: -* None.

*Also present: -* Councillor Cory, Councillor King, Councillor Scordis, Councillor Warnes, Councillor J. Young

### **254. Minutes of Previous meeting**

The Chairman confirmed that there were no minutes to approve at this meeting.

### **255. Task and Finish Groups at Colchester Borough Council**

#### Environmental Sustainability Task and Finish Group

Councillor Cory, Leader of the Council and Chair of the Conservation and Environmental Sustainability Task and Finish Group, introduced the work of his group, which had been formed to propose actions to address the climate change emergency, as declared by Full Council. Its work had included exploration of carbon reduction methods, support for biodiversity and engagement with residents prior to producing an action plan for the Council.

Terms of Reference had been laid down in July 2019 and the Leader then laid out how the Group's work had progressed, including public engagement, consultation of the Carbon Trust and recent publication of a new Climate Change Action Plan.

Some work was still to be done to lay out how the Group's work would continue once the Group disbanded. The issues would continue to require consideration, but it was important for task and finish groups to have a clear end, report and then disband. The groups placed intensive demands on officer and members' time and resources. The Panel considered the merit of converting the Conservation and Environmental Sustainability Task and Finish Group into an ongoing formal panel or committee.

The Leader agreed that if the Group were to be replaced by a formal panel, that panel would need to be given delegated powers, but cautioned that there would also need to be Cabinet buy-in to its work. The Leader informed the Panel that chairing the Group had allowed it to push forward on the Cabinet's priorities, but that a successor panel would be expected to match the political make-up of the Council and would not necessarily be chaired by him, as Leader of the Council.

A Panel member raised concern that the Task and Finish Group may have experienced a conflict between recommending necessary actions, and the consideration of the political ramifications from those actions.

A suggestion came from another Panel member that a new panel could be set up as a sub-committee of Cabinet, and therefore still be chaired and led by the Leader.

The Scrutiny Panel requested, and was given, additional detail on the work of the Group and on the Action Plan it had produced. This included planned action to reduce the Council's direct carbon footprint, and to drive a reduction in the carbon footprint of its wholly-owned commercial companies and from other sources that the Council can influence. Actions laid out included incentivising businesses to lower emissions and setting more stringent licensing conditions. Actions to drive modal shift, such as reducing car use, were presented and it was confirmed that it would be important for the Borough and County Councils to work together on pursuing such actions. Use of the planning system and influencing of staff behaviours would be important elements of the Council's approach.

The Panel considered the resourcing and staffing of committees, panels and groups. It was queried what work was taken on by task and finish groups that could not be carried out by the existing formal committees and panels. The Leader explained that task and finish groups made it easier for full and frank discussions to be held without partisan political considerations stifling debate. Furthermore, these groups allowed for swifter consideration and action on issues. If the Environmental Sustainability Task and Finish Group was replaced by a formal panel or committee, the Leader suggested that the number of task and finish groups should in the future be limited to one at most, at any given time.

The Panel emphasised the need to ensure that environmental and climate change issues and actions are embedded throughout the Council and not just left to a single panel or committee to take on. The Leader agreed that this was an important consideration, and that changes had already begun to embed environmental considerations across the organisation. This was not a stand-alone subject and so must be widely embedded across the Council.

The Panel discussed the new requirement for environmental implications to be considered and listed in every formal report brought forward for decision. It was suggested that reports with major environmental implications could be sent to a new environment panel or committee for consideration. Rory Doyle, Assistant Director (Environment) informed the Panel that a tool was being produced to help officers identify and consider environmental implications. There was a great potential for environmental impacts and considerations to produce a high volume of work. The Leader emphasised that it would be important for the Scrutiny Panel to also consider scrutinising items with major environmental implications.

It was noted that the Scrutiny Panel could recommend that a dedicated formal environment committee or panel scrutinise certain reports or issues and form recommendations where technical environmental or conservation matters were prominent factors.

The duties, powers and remit of an environment panel would need to be set out in its terms of reference. The Leader welcomed the Scrutiny Panel's views on appropriate terms of reference for the proposed new panel or committee, once options are drafted up. Scrutiny of a range of possible options for terms of reference and

structure would be welcomed. The suggestion was again made that the panel should be set up as a Cabinet sub-committee, potentially reporting to Full Council and led by the Leader, to emphasise the importance of the subjects it would oversee.

The Revolving Investment Fund Committee (RIF) was discussed as an example of an existing Cabinet sub-committee. The RIF oversaw management of key projects and it was noted that a past request for its finance reports to be brought to the Scrutiny Panel had not yet been carried out. It was noted by a Panel member that the RIF had not been visible or well-publicised and argued that it would be better to form a full official environment panel or committee which could be publicised.

Councillor King, Portfolio Holder for Business and Resources, gave an overview of the RIF and explained that there were ways in which its operation could be improved. He pledged to ensure a report was presented to Scrutiny Panel on the RIF's operation, budget, oversight and works, covering what had been requested. He reiterated the need to embed environmental considerations fully in the Council's operations and acknowledged that local authorities were often slow to act, but that the Council needed to act now on this to ensure that this happened.

A member of the Panel expressed the wish to see a new panel set up to include climate change, but to have a wider remit to examine and make recommendations to tackle all forms of inequality, especially issues which primarily affect those suffering from deprivation. They voiced the concern that it was important to show environmental credentials, but that it was also important to tackle issues which affected residents in their day-to-day lives. The Leader gave assurance that the Cabinet maintained an approach to ensure that inequality was addressed through actions and services across the Council. Examples were provided.

The Panel considered whether it should examine approaches from other local authorities before making recommendations to Cabinet on how to proceed. It was decided that this was not needed and that, given the nature of the climate crisis, it was important to act swiftly. The Leader and Portfolio Holder for Business and Resources both agreed that action needed to be swift, but that a balanced approach was needed, to ensure that punitive measures against harmful behaviours were balanced by incentives for using 'green' alternatives. Such alternatives must be provided, and it was emphasised that the Council would need to avoid punishing residents who could not afford raised prices, or access green alternatives. It was stressed that additional panels and meetings must lead to action, otherwise they would be judged to be failures.

#### Heritage and Tourism Task and Finish Group

Councillor Lee Scordis, as Deputy Chair of the Group, presented the Group's origin, record of work and recommendations made. Outcomes included improvements to heritage lighting, action relating to Gosbecks Archaeological Park and improved signage to tourism assets. Councillor Scordis described the positive, cross-party nature of the Group's meetings, which were usually attended by the Portfolio Holder for Culture and Performance.

The Panel praised the outcomes which had come from the Group but stressed the importance of such groups being focused on their objectives and then concluding. A

Panel member noted that the topics discussed and actions resulting from the Group's work were all within the remit of the Portfolio Holder for Culture and Performance; it was asked why it was necessary for a task and finish to be operated in order to instigate such actions. Councillor Julie Young, Portfolio Holder for Culture and Performance and Deputy Leader, explained her view of the added value from the Group. This group arose from specific interests from a group of members, with the group formed to work with Cabinet to examine issues and options.

The Panel were informed that there remained work to do, including the need to draft a heritage strategy, which this task and finish group could focus upon. It was agreed that the Group had been unwieldy and could be improved, with problems which included vagueness about budgets to carry out recommendations which are accepted. The Panel considered whether task and finish groups should be given powers to direct and order actions rather than only make recommendations.

Lucie Breadman, Assistant Director – Communities, emphasised the need to set clear end dates for groups in order to focus minds and avoid ongoing, drawn out work which is resource intensive and delayed action. Worthwhile discussions had been held, but more focus would help ensure delivery and conclusion of the Group's work. The Panel agreed that it was necessary to be clear about goals and timeframes for group operations.

Councillor Scordis confirmed that difficulty had been caused by the need to replace the original Chair, that no end date had been set for the Group and that this was needed. It was currently more of a 'task and commencing' group with a goal that was seen to be vague and a danger of the group pursuing tangentially-related subjects. Positive points had included the absence of party politics from discussions and tangible improvements to the use of heritage assets. It was suggested by one member of the Panel that this had been more of an advisory panel than a task and finish group, as the subject matter was ongoing. It was further suggested that the Leader of the Council consider whether to succeed this group with an ongoing advisory body, which could continue to consider the issues and make recommendations, but which would be less resource intensive and therefore be less restricted by the limits of finite resources and time of officers and members.

The Panel considered the reasons for setting up task and finish groups and the need for scoping documents and terms of reference to clearly reflect the reasons for their formation. It was stated that the objective set for this particular group was open-ended and would never be completed, and so it did not seem to work effectively as a task and finish group.

The Portfolio Holder for Culture and Performance answered questions asked about the potential future for the Claudius Gateway, as discussed by the Group. The Portfolio Holder informed the Panel that the Council was working with the owners of the building, Flying Trade Group/Surya, to find a solution to make best use of the premises. The implications of the Council potentially moving its visitor centre from Hollytrees Museum to the site had been investigated, but this would not be sustainable as both sites would then need to be staffed. Another option was to increase museum ticket prices, but this had been ruled out as it would reduce visitor

numbers and reduce secondary spending on gifts. The Council had offered to help find a new tenant for the café premises but could take on the premises itself.

Questions about the Group and an associated budget were answered by the Assistant Director – Communities. The Administration had ring fenced an amount of New Homes Bonus money to fund heritage projects in general, which included but was not limited to recommendations from the Heritage and Tourism Task and Finish Group. This had now all been spent on tourism and heritage projects.

The Portfolio Holder for Business and Resources informed the Panel that the Council's new Strategic Priorities included one relating to heritage. The Task and Finish Group had been effective at generating ideas but needed a timeline and clear conclusion date. He stressed that the setting and timing of task and finish groups was of great importance, to ensure that the recommendations and/or conclusions of the group could be examined, and action timelines and budgets calculated as part of the Council's budget-setting process, within the annual budget cycle. This cycle could be used to guide how groups' timelines and end dates are scheduled.

#### Alternative Methods of Service Delivery Task and Finish Group

Councillor Martyn Warnes, Chair of the Task and Finish Group, set out the achievements of the Group and highlighted learning points, including the disparity between expectations of the Group and difficulties caused by under-resourcing and lack of budget, which prevented the commission of studies or consultancy.

The Group had been running for nearly two years, deciding to concentrate on 'social value' in its first year, building upon previous work at the Council, and this was followed by investigations into alternative service delivery.

The work of the Group on development of social value policies for the Council was described, with a range of social value indicators, based upon government guidance for setting such measures. This included use of the National TOMs Framework [Themes, Outcomes and Measures] which provides a way for purchasing organisations to measure social value outcomes in the procurement of contracts. The Group had sought a way to develop use of these through a social value online portal, however this had been put on hold awaiting the conclusion of a government review of the TOMs Framework. The 'Themes, Outcomes and Measures' drafted for Colchester were also being adapted to fit the evolving strategic priorities of the Council. Once live, the online portal would help the Council's contractors to deliver on social value commitments.

The Group had also investigated ways to improve the Council's funding of organisations providing social value, and ways to increase social value generated by housing, fleet management, adaption provision and waste services.

The Group had looked at options for the provision of Council services by mutual and co-operative organisations. This had led to a consideration of options for providing community transport services

Councillor Warnes recommended that any task and finish group set up be provided with sufficient resources and officer support to allow it to effectively operate, and

furthermore that care is taken to ensure some groups don't monopolise resources to the detriment of others. The Group had only been able to meet roughly every three months and only had one officer staffing it, for the most part. The Group had set its objectives to realistically match the resources at its disposal and concentrated on specific and manageable subjects.

Councillor Warnes also recommended that task and finish groups should always set in place a work programme to set the direction of the group and lay out the deadlines to meet regarding the reporting of conclusions and recommendations.

A Panel member noted the difference between this group and the other task and finish groups in operation and asked if the Group would achieve what it aimed to achieve by the end of 2019-20. Councillor Warnes explained that much had been done, especially regarding the examination of social value indicators. It was now for officers to progress and embed what the Group had laid out. The Group had looked at a number of options for alternative service provision and contracts, but Cabinet had indicated that they did not want a further review and changes in certain areas, on top of earlier changes which had already been made. The Group, therefore, decided to focus on investigation of ways to provide community transport services.

A Panel member noted that the feedback from Group members posited the view that the Group had done good work but had been set up without specificity or clarity of purpose, or the resources necessary for its work, and without clear and deliverable terms of reference. The Panel drew attention to a lack of visibility, amongst elected members, of the Group and its work. A suggestion was put forward that all task and finish groups should be advertised to all member, and for all members to be permitted to attend their meetings as guests.

Dan Gascoyne, Chief Operating Officer, thanked the Panel for the points made and agreed that clarity of aims was vital for task and finish groups. More resources would have helped this particular group, but further useful recommendations and conclusions are expected to be produced before the Group is dissolved.

The Panel cited the issues raised as evidence of the need for task and finish groups to be planned effectively, with all key details and information laid out before they start to operate. It was suggested that the Leader of the Council should consider whether the Alternative Methods of Service Delivery Task and Finish Group might be replaced by an advisory panel on improving service delivery. The Portfolio Holder for Business and Resources cautioned that the Group had made important progress but that its work shouldn't be extended if it had reached a natural conclusion. A Panel member then requested that thought be given as to how any innovative new ways of working identified could be spread to all parts of the Council and also be adopted by Colchester Commercial Holdings Limited (CCHL).

The Panel considered whether elements of this task and finish group's work could be taken up for consideration by the Council's Policy and Public Initiatives Panel, but it was felt that this work was more focused on operational delivery of services, rather than on policy.

The Panel highlighted the need to improve the way in which future task and finish groups are designed and commenced. Members expressed a preference for the idea of the Council adopting a protocol for scoping and setting up groups, as shown in the example protocols provided as background documents. In particular the scoping documents used by Stratford Upon Avon and [check other] were highlighted as examples of good practice. It was argued that, currently, some task and finish groups did not have clear terms of reference and suffered from vital questions not being asked and answered at their outset.

The Panel discussed whether members wished to formally recommend that the Council only operate a maximum of one task and finish group at any given time. It was confirmed that, currently, all formal committees and panels, as well as Full Council, could constitute ad-hoc groups (such as task and finish groups).

*RECOMMENDED* to CABINET that:

- (a) A thorough protocol and scoping document be introduced to be followed when future task and finish groups are established, following the style of example protocols from Stratford-on-Avon and Somerset Councils.
- (b) A maximum limit of one task and finish group to be in operation at any given time within the Council.
- (c) A firm finish date be set for the Heritage and Tourism Task and Finish Group, and the Portfolio Holder for Culture and Performance to consider how the advisory elements of the Panel's work could be delivered in future.
- (d) The Conservation and Environmental Sustainability Task and Finish Group be succeeded by a sub-committee or panel of Cabinet, and further consideration be given to the terms of reference, membership and reporting arrangements of such a Panel.
- (e) The recommendations and conclusions of the Alternative Methods of Service Delivery Task and Finish Group to be added to the work of a panel, to explore and consider implementation and delivery options.
- (f) Sufficient resources, officer support and budget are provided to any new task and finish group so as to allow it to effectively achieve its objectives.
- (g) Future Task and Finish Groups be focused on delivery and their work be timetabled to fit in with the Council's decision making and budget timescales.
- (h) The meetings and output of all task and finish groups should be publicised to all members of the Council, and for all members of the Council to be invited to attend and observe the meetings of all such groups.

## **256. Work Programme.**

*RESOLVED* that the Work Programme for 2019/20 be noted and approved.