

SCRUTINY PANEL

4 June 2024

Present: - Councillor Laws (Chair), Councillor Appleton,
Councillor Law, Councillor Rowe, Councillor
Willetts

Substitutions: - Councillor M. Spindler for Councillor Moffat,
Councillor Smalls for Councillor Scordis.

Also present: -

469. Have Your Say!

Ms Tassanum Sayed addressed the Panel, pursuant to the provisions of Meetings General Procedure Rule 5(1), to raise her views on the Council's community consultation process, and specifically where this might relate to the appointment of architects for projects. As a qualified architect, Ms Sayed informed the Panel that she had been invited to join the Council's Residents' Panel, and had been invited to speak on eight projects. Ms Sayed raised two of the projects, Colchester's Natural History Museum, and the Castle Park playground., and asked if the Council had a methodology for its consultations, dealing with different sections of society. Ms Sayed emphasised the importance of clear visual communications, noting the four display boards at the Natural History Museum. Ms Sayed asked why it was that the Council couldn't appoint a high-quality design team, to look at wider plans and engaging with the local communities. Ms Sayed picked out the opening of the Natural History Museum in 1958, and the later updating of the premises, with grants secured and a reopening in 2010. Ms Sayed stated that architects had been appointed who had not been local to the area, lacking local knowledge, and that funding had not been secured following that appointment.

The Chair noted that some of the regeneration of the City centre was being progressed as part of the Town Deal projects, and that consultations had been conducted on these projects. Some elected members had argued in favour of bigger and better hoardings and displays. The regeneration of historic buildings and important sites was highlighted as being worthy of advertisement. The Chair recommended that Ms Sayed raise her views with the Leader of the Council, as they related to Council assets.

Mr Nick Chilvers addressed the Panel, pursuant to the provisions of Meetings General Procedure Rule 5(1), to ask questions as to the overview and scrutiny arrangements relating to Colchester Commercial Holdings Limited [CCHL], the Council's wholly owned company. Mr Chilvers stated that there were five directors in 2023-24, meeting quarterly. There had been 25 directors since 2015 which, in his view, did not show evidence of much stability. The range of the company's work

seemed to be expanding, and Mr Chilvers asked who directed its work and workstreams. Mr Chilvers noted that a reference provided in a finance report recorded payments of £128k to one director, and asked which director this concerned. Mr Chilvers raised concerns about Council spokespeople talking of work with event operators regarding Castle Park maintenance and repairs, giving the view that it should be spokespeople from Amphora Events Company [a subsidiary of CCHL] who answered questions on such matters. Mr Chilvers called for greater transparency and information for the public, arguing that there appeared to be 'light touch' management and oversight. Mr Chilvers asked if the Scrutiny Panel had the powers to conduct proper scrutiny of CCHL.

The Chair laid out that the Council owned CCHL, and that there had been aspirations to make significant money through the company. The company served as a vehicle for events, and the Chair emphasised his view that there needed to be accountability if and when things went wrong. The company was described as an 'execution only' vehicle, with the Council's political Administration setting priorities, pricing, and other matters. The Chair suggested that the Panel would need to identify specific areas of operations on which to focus, if it were to be able to conduct effective scrutiny.

470. Items requested by members of the Panel and other Members

Councillor Willetts introduced his request for the Scrutiny Panel to add an item to its work programme, to allow scrutiny of the work being done to address the Climate Change Emergency, which had been declared previously by Full Council. Councillor Willetts noted that it had been five years since the Emergency had been formally declared, following a positive debate at Full Council, and that much good work had been conducted, with the past five years seeing a stream of activity and progress, with some work winning awards.

Councillor Willetts argued that there was, as with any project, an issue in that different specific parts of the project plan generated different levels of enthusiasm. The work relating to the Climate Emergency had seen enthusiasm put in to projects which were quick and relatively low-cost, whilst any projects requiring significant funds or changes in working practices saw a lack of progress and enthusiasm. The Fleet Management Strategy had taken five years to get to the stage of generating a decision report, now due to go to Cabinet, and containing detail as to transitioning to environmentally-friendly vehicle types.

Councillor Willetts expressed concern that there had been a lack of enthusiasm in action to follow the unanimous vote to approve the motion proposing the declaration of a climate change emergency. A number of examples of companies and countries transitioning to electric-powered forms of transport were given, and Councillor Willetts queried why the Council supposedly found it hard to move to such vehicles in the next three years. A better methodology was requested, to oversee harder, structural decisions on climate emergency projects. Councillor Willetts requested that the Panel examine what had been done and what should have been done by the Council to protect the environment.

A Panel member agreed that the Council had to keep a focus on how it worked on this, including smaller scale projects, such as work on energy efficiency and insulation. The comment was made that some schemes were heavy with jargon, and the Panel member argued that it was important for them to be communicated clearly, by both officers and councillors.

Other Panel members voiced their agreement to the request, asking for the inclusion of actions taken which had been perceived as being green, but which might then be found not to be effective. One member recommended that any concerns voiced should be shared with the Chair of the Environment and Sustainability Panel, and recommended that the Scrutiny Panel avoid duplicating the work of that aforementioned Panel. A further Panel member asked for cost/benefit analyses to be provided for each relevant project, to show the value assigned to the environment by the Council.

The Chair suggested that the Chair of the Environment and Sustainability Panel, and relevant officers, could be invited to join the Scrutiny Panel's discussions on this matter. Issues such as the sources for battery materials could be examined. Duplication of work between Panels should be avoided, and could be discussed with the Chair of the Environment and Sustainability Panel and officers.

RESOLVED that the SCRUTINY PANEL approves the request by Councillor Willetts, for a work programme item to be added to allow the Panel to examine the work of the Council in response to the declared Climate Change Emergency.

471. Work Programme 2024-25

Owen Howell, Democratic Services Officer, notified the Panel that the Council's Deputy Head of Finance had requested that the Panel move its consideration of the Budget Strategy 2024-25 to its meeting on 9 July, to occur before Cabinet decides whether to approve it on 10 July 2024 [the item will be titled 'Financial Planning Framework 2025/26 to 2029/30'].

Lucie Breadman, Strategic Director, briefed the Panel that officers had requested that the Colchester Waste Strategy item be moved from the 9 July meeting, and deferred until October. This was linked to timing of the General Election in July and political nature of such a significant Strategy for the Council. The Essex Waste Strategy was still due to be considered at Cabinet on 10 July, subject to changes the County Council might make. A proposal was made to move The Colchester Waste Strategy to the Scrutiny Panel meeting to be held on 8 October, prior to it going to Cabinet later that month.

The Chair suggested that visiting councillors may wish to give views on the detail in the Council's proposed budget strategy. Councillor Sunnucks had indicated that he wished to gain access to appraisals in the Budget process. The Chair argued that all elected members should be given access to information, in confidential session if necessary.

The Strategic Director noted that the recent review of corporate governance had found that, if officers were given prior warning of important questions that members

wished to cover, for example at the Chair's briefing sessions, then officers could provide details requested and check any confidentiality issues in advance.

The Panel considered the access arrangements for information. One member ventured that, whilst the Panel could champion the making of decisions in the best possible way, it had to accept that some matters could not be considered in public session, with an example being the budgeting arrangements for work in the Capital Programme. The Panel would need to accept that, should it wish to examine the Capital Programme and related appraisals in detail, then it would need to accept the need for this to be done in confidential session, whilst seeking to minimise the disruption to public participation and viewing.

A Panel member stated that elected members often requested information, only to be told that they could not have access, due to confidentiality. The member requested that more faith be placed in elected members, as it would aid in decision-making. Another Panel member explained that the Scrutiny Panel did have a legal right to be given access to see any information relevant to items it was to consider, but that other elected members did not have an automatic right to be granted access to confidential information. Requests for access to confidential information could be legitimately refused in certain circumstances.

The Chair summarised the Panel's previous work on examining matters relating to Community 360, Middle Mill Weir and other issues, where the Panel had helped generate action. Further issues would likely arise over time for the Panel to examine. The Panel would need to consider how it could operate most effectively.

A Panel member summarised the Panel's examination of the use of Council assets by community groups. Colchester Commercial Holdings Limited [CCHL] had been instructed to sweat the Council's assets as hard as possible, however the member argued that this had made some costs prohibitive. The Scrutiny Panel had worked to push the Council to ensure that it maintained the correct balance between increasing income and ensuring that facilities were made available to charities, community groups, and youth groups at affordable rates. The Panel discussed whether the Panel could also look at the balance between events being held, whilst minimising the effects on the environment and local residents. The Chair suggested that this could be examined when the relevant Portfolio Holder presented their briefing to the Panel.

RESOLVED that the SCRUTINY PANEL approves its Work Programme for 2024-25, subject to the item on Financial Planning Framework 2025/26 to 2029/30 being moved to the 9 July 2024 meeting, the item on the Council's Waste Strategy being moved to the 8 October 2024 meeting, and the addition of an item on the Climate Emergency, to be considered at the 12 November 2024 meeting.