

# Scrutiny Panel

Tuesday, 12 November 2019

**Attendees:** Councillor Kevin Bentley, Councillor Tina Bourne, Councillor Beverly Davies, Councillor Paul Dundas, Councillor Chris Hayter, Councillor Mike Hogg, Councillor Sam McCarthy, Councillor Lorcan Whitehead

**Apologies:**  
**Substitutes:**

## 235 Minutes of Previous Meeting

*RESOLVED* that the minutes of the meeting held on 6 August 2019 and 15 October 2019 be confirmed as a correct record.

It was noted that, regarding minute 224 from 6 August 2019, the Business Improvement District (BID) Manager had committed to invite Scrutiny Panel members to attend the BID's Annual Conference on 24 September 2019. Invitations had not been received and this would be followed up by the Panel when the BID Manager attends the Scrutiny Panel meeting on 17 March to discuss his organisation's progress.

## 236 Items requested by members of the Panel and other Members

The Chair notified the Panel that a request had been received from Councillor Mike Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety. This would be discussed as part of the Work Programme item for this meeting.

## 237 Brexit – governance and business continuity

**Councillor Bentley (by reason of being Chair of the Local Government Association's Brexit Taskforce, a member of the government's Brexit Local Government Delivery Board, a board member of the South-East Local Enterprise Partnership (SELEP) and Deputy Leader of Essex County Council) declared non-pecuniary interests in the following item pursuant to the provisions of Meetings General Procedure Rule 7 (5).**

**Councillor Davies (by reason of being responsible for a project receiving EU funding and seeking to receive support from future 'shared prosperity funds') declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7 (5).**

The report was presented by Dan Gascoyne, Chief Operating Officer, as an update on a report which had come to the Governance and Audit Committee in March 2019, with additional content added to detail further work carried out by the Council over the course of 2019-20. A number of risks and uncertainties had persisted, and assurance was given that the Council continued to plan for mitigating actions to address these,

should action be necessary in the future. Uncertainty regarding Brexit continued to be the primary source of concern regarding resilience matters.

The Council continued to work and plan for business continuity with its partner authorities and agencies, in particular those within the Essex Resilience Forum. The need for clear communications with residents, businesses and other parties likely to be affected by Brexit was stressed. Information regarding Brexit-related issues and risks would need to be communicated or signposted as necessary to those affected, using information provided by the Borough and County Councils and from central government and national organisations.

Training of staff continued and focused on the issues involved, resources affected and required, and the advice which was provided to residents and businesses, including signposting to advice regarding applications for settled status from non-UK EU nationals currently residing or working within Colchester Borough. The Chief Operating Officer informed the Panel that the Council had launched a new service which made it possible for applications for settled status to be carried out and submitted, with necessary scanned documents, at the Community Hub sited at Colchester Library on Trinity Square. Prior to this, it had been found that the closest location for this service had been listed by the Government as being in Canterbury.

Data relating to applications for settled status had been received from the Office for National Statistics, showing that the percentage of the Borough's electorate who were non-UK EU citizens was 3.8%, higher than the County-wide figure of 2.6%. The proportion of those non-UK EU citizens who had applied for settled status was currently 60%, which was slightly lower than the average of 62% for Essex. It was expected that the new application service at the Community Hub would assist many within the remaining 40% to lodge applications, especially those who were vulnerable or without the ability to apply from home. The Home Office had provided support for this work, and the Borough Council had worked with colleagues at Essex County Council to encourage applications, especially from those working in areas such as social care.

The Council's permanent Resilience Officer was on long-term leave, so a substitute had been recruited on a fixed contract, ensuring that planning for Brexit could continue unabated, that resilience capability was maintained and that the constant flow of communications with partners and with the Ministry for Housing, Communities and Local Government was not interrupted. This post was paid for from funds provided by central government to assist local authorities in preparing for Brexit.

The Panel praised the comprehensive nature of the report. Councillor Bentley indicated that he would share copies with colleagues from the Local Government Association as an exemplar of best practice.

A member of the Panel noted that citizens of EU nations had until December 2020 to register for settled status, requested clarification as to whether the Government had provided promised materials on promoting this and, if it had not, requested that officers sought more information on what was available.

The importance of providing comprehensive advice regarding the application scheme

was highlighted. Officers were asked whether, for business continuity purposes, efforts had been made to promote the scheme to those employees of the Council and its contractors who were eligible to apply for settled status, and to encourage applications. The Chief Operating Officer informed the Panel that the number of non-UK EU nationals employed by the Council was small. Information had however been shared on the intranet and provided to the Council's contractors.

Regarding Government pledges to replace or emulate EU Structural Funds which are due to cease in 2020, a Panel member sought information as to whether risks had been added to risk registers or considered relating to any partner organisations which currently received EU Structural Funds and the possibility that these may not be matched in the future by central government. The Panel were assured that the Council was involved in no schemes in the Borough that were soon to commence and that would be affected by the funding changes, and that the Government had pledged to consult over use of a future 'shared prosperity fund'.

Current levels of European Social Funding were discussed, with £80 million being provided in the 2014-2020 period for the South-East Local Enterprise Partnership (SELEP) area, mostly as part of matched-funding arrangements. This has covered mental health support, training and skills provision, back to work initiatives and a primary concern is to learn how any 'shared prosperity fund' will operate to replace this funding. A member of the Panel noted that the EU had provided £8.4 billion to UK local government, including £5.6 billion to local government in England. The importance of finding replacement funding was stressed.

Officers were asked whether the Council were working, or in contact, with Essex University, as an institution which had been the recipient of EU Funding. The Chief Operating Officer explained that current work with the University had not included joint working on responses to funding changes, but that he was happy to explore the potential for this.

The Essex Resilience Forum risk registers were raised, which contained much information, and which highlighted that any disruption to funding would be almost certain to hit vulnerable people. The Panel asked as to how it could be ensured that the right organisations make the right decisions at the right time, especially where functions are shared. The Chief Operating Officer highlighted the webpages which would give access to information on this and gave a brief description of the makeup, expertise and work of the Essex Resilience Forum. Senior officers from each partner organisation were involved in business continuity and scenario planning.

The first-call officer procedure was described, being one of the Council's emergency procedures. This procedure helped ensure swift responses to emergency situations.

Richard Block, Assistant Director (Environment), informed the Panel that the Council worked closely with Colchester Borough Homes to ensure that all, and especially vulnerable, tenants were protected. This work included ensuring fuel supplies and the continued resilience of services carrying out necessary repairs.

Members of the Panel discussed perceptions of the severity of risks relating to Brexit as detailed in the report, and the risk management processes and requirements for

local authorities. The need to maintain a proactive approach was highlighted as a key element of ensuring support is provided to residents when needed. Should the Council instead be reactive, it was argued that this would lead to greater risk of services becoming overwhelmed. The Panel again praised the degree of planning work carried out by the Council, and the report which had been provided.

## **238 Capital Monitor report, April 2019 – September 2019**

Paul Cook, Interim Head of Finance and 151 Officer, informed the Panel that, at the end of the second quarter of 2019-20, the Council was at 29% of projected spending for the year, with the phasing of some schemes having changed.

The Interim Head of Finance committed to confirming the progress and submission of planning applications for new build houses on garage sites (as mentioned in Appendix A) to the Panel. The Panel wished to know whether the planning applications mentioned in the report had been submitted.

It was confirmed that the £17,000 'Projector for Castle Museum' item under 'additional schemes' referred to the wall projector that had been in operation. It was not in current use as it had broken down and the repair/replacement costs were too high to allow for it to be repaired or replaced in the short term.

The Panel asked whether the drop in the number of Disabled Facilities Grant (DFG) works carried out in 2019-20, down to 62, reflected that more large-scale adaptation works had been carried out than in the previous year. The Portfolio Holder for Business and Resources confirmed that this was the case, and this had meant that the average time for installation work had increased. It was pointed out that a similar problem was reported every year and questions were asked as to whether the process for providing DFG adaptations needed significant overhaul. The Portfolio Holder indicated that he was happy to seek further information and provide an update and assurance on this subject to the Panel. The Panel discussed causes of difficulties in the work to carry out DFG adaptation, including finance, contractors withdrawing from contract and the lengthier process to adapt non-standard properties

An historic lack of qualified assessors for DFG requests had led to delays in assessment, however the Portfolio Holder for Business and Resources explained that the team had now been brought up to strength and the speed of assessment had increased. The delivery process is being tracked to ensure that work is done to time and within budget.

*RESOLVED* that: -

- a) The Scrutiny Panel had considered the Capital Monitor report for April 2019 – September 2019.
- b) The Work Programme for 2020-21 to include an item for Scrutiny of the Disabled Facilities Grant adaptations/work carried out by the Council.

## **239 Financial Monitoring Report – April to September 2019**

The Panel were informed that the current forecast overspend of £336k was not

satisfactory, but that there was every expectation that the Council would be within budget by year end.

A Panel member questioned why income from sport and leisure was significantly lower than that forecast. Reasons were given, including the continued large-scale roadworks in the St Andrew's Avenue area and changing patterns of customer behaviour. The Portfolio Holder for Business and Resources posited that there was a need for the Council to re-evaluate the attractiveness of the services offered, the marketing efforts made and the potential for incentives to be considered. He confirmed that he had already held conversations to this effect with the Chief Executive of the Council and that this would continue.

Panel members noted that not all the services offered around the site of Leisure World (such as Aqua Springs) had suffered, and that it would have been expected that all would suffer, had the nearby roadworks been a significant factor in reducing the number of people using Leisure World and its pool. Additional possible explanations were considered, such as a drift in the population centre of town caused by residential development and expansion of suburbs, and changes in demand for different services and levels of quality.

The Portfolio Holder for Business and Resources agreed that it would be necessary to consider whether the Council's facilities are of a high-enough quality and whether there was a need for improvements, updating and renovation. Funds continued to be released in order to maintain quality of current facilities, but new and different services and additions to facilities would be considered.

*RESOLVED* that the Scrutiny Panel had considered the Financial Monitoring report.

## **240 Scrutiny Panel Work Programme 2019-20**

The Chair summarised the proposed amendments and additions to the Panel's Work Programme, including the proposal to hold an additional Panel meeting on 5 February 2020, and to schedule the requested additional Crime and Disorder Committee meeting for 23 March 2020.

The Chair informed the Panel that a request had been received from Councillor Mike Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety, for the Panel to conduct pre-decision scrutiny of a Parking Policy being drafted by the Council.

Panel members emphasised the importance of considering the overall strategic implications of the reports from the Conservation and Environmental Sustainability Task and Finish Group and the draft Council Parking Policy together at the same meeting on 28 January, given their inextricable natures and content. The Panel was informed that it would not be possible to reschedule any items from the January meeting to 5 February, due to the need for these to be considered by the Panel prior to them receiving consideration by Cabinet. It was however felt by members of the Panel that it would be possible to conduct much of the pre-decision scrutiny work on the budget at the Panel's meeting on 10 December, where the Chief Operating Officer would be presenting an item on the Budget Strategy for 2020-21, which would include greater detail than had previously been given for this annual item. This would allow

more time in January for consideration of the Parking Policy and reports from the Conservation and Environmental Sustainability Task and Finish Group. It was also felt that December training on Treasury Management would allow for succinct and directed scrutiny of the Treasury Management Investment Strategy in January, with less need for officers to detail the principles of treasury management, again allowing more time for other items to be discussed.

The Panel considered, but rejected, an alternative possibility of an additional meeting earlier in January 2020 on the grounds that an additional meeting had already been scheduled for 5 February, and that deleterious pressure would be placed on officers' and members' commitments and resources should further additional meetings be scheduled in close proximity to those already proposed.

*RESOLVED* that: -

(a) The Work Programme be amended to include the following additional meetings:

- Scrutiny Panel on Wednesday 5 February 2020
- Crime & Disorder Committee on Monday 23 March 2020

(b) The Work Programme be amended to schedule the following items for the Scrutiny Panel meeting due to occur on 28 January 2020:

- Pre-scrutiny of the Environmental Sustainability Task and Finish Group reports to Council and Cabinet
- Pre-decision scrutiny of the Council's draft Parking Policy
- Colchester Borough Homes: Key Performance Indicator Targets for 2020-21

(c) The Work Programme be amended to schedule the item 'Scrutiny of Task and Finish Groups' for the Scrutiny Panel meeting now due to occur on 5 February

(d) The duly amended Work Programme 2019-20 be noted.