

Overview and Scrutiny Committee



Forest Heath
District Council

Minutes of a meeting of the **Overview and Scrutiny Committee** held on **Thursday 14 March 2019** at **6.00 pm** in the **Council Chamber, District Offices**, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

Chairman Simon Cole
Vice Chairman Rona Burt

Chris Barker
John Bloodworth
Brian Harvey

Christine Mason
David Palmer
Nigel Roman

Also in attendance:

Andrew Appleby, Call-in member
John Burns
Victor Lukaniuk, Lead Call-in member
Lance Stanbury, Portfolio Holder for Planning and Growth

283. **Substitutes**

There were no substitutes declared for the meeting.

284. **Apologies for Absence**

Apologies for absence were received from Councillor Robert Nobbs.

285. **Minutes**

The minutes of the meeting of 10 January 2019 were confirmed as an accurate record, and signed by the Chairman.

286. **Public Participation**

There were no questions or statements from the public.

287. **Announcements from the Chairman regarding responses from the Joint Executive (Cabinet) Committee to reports of the Overview and Scrutiny Committee and any other updates from the Chairman**

The Chairman advised that he attended the Joint Executive (Cabinet) Committee on 22 January 2019 and presented the Committee's report on items it considered on 10 January 2019, which was noted.

288. **Annual Report by the Cabinet Member for Resources and Performance (Verbal)**

On 8 March 2018, the Committee received an update from the Cabinet Member for Resources and Performance, setting out responsibilities covered under the portfolio.

At this meeting, the Portfolio Holder for Resources and Performance had been invited to the meeting to provide his annual update on his portfolio.

Councillor Stephen Edwards opened his presentation by thanking the Committee for the invitation to address them on progress made within his Portfolio since March 2018. He then provided a brief update covering the following areas:

Elections: The Elections team was working hard in getting everything in place for the elections in May 2019. There were new polling stations due to the change of boundaries, and he was pleased to report there were no more caravans planned to be used as polling stations.

Human Resources: A new pay model had been agreed and would come into operation on 1 April 2019 for the new West Suffolk Council. It was hoped that the new model would help with recruitment and retention. The staff benefits package had been revised and now included financial advice and management. 12 members of staff had been trained as mental health first aiders to support the council's health and wellbeing agenda. Staff were being supported at the depot before their move to the new West Suffolk Operational Hub.

Finance: Delivered a two year balanced budget for the new West Suffolk Council. £90,000 in single council savings were made as a result of insurance and audit tenders, which was better than predicated in the business case. The Council had also recently changed Treasury Advisors to Arlingclose Limited.

Audit: The Annual Governance Statement was usually approved in July each year. However, this year it had to be produced and approved before becoming a Single Council. The Statement was approved by the Performance and Audit Scrutiny Committee on 31 January 2019, which was six months earlier than we would normally expect.

ICT: The ICT team was getting everything ready for Single Council. A lot of work was going on behind the scenes, to ensure a seamless transition.

The Committee asked a number of questions on the above, to which comprehensive responses were provided, in particular on:

- Apprenticeships and business learning on social media;
- TUPE of staff to West Suffolk Council; and
- Securing a balanced West Suffolk Council budget.

The Committee questioned whether employees at the Mildenhall Depot who were being relocated to the West Suffolk Operational Hub would be compensated for additional travel to work mileage, to which the Portfolio Holder agreed to provide a written response.

The Committee discussed the sharing of staff, which took place in 2015 under shared services, and questioned what the council's staff retention rate had been over the last four years, to which the Portfolio Holder agreed to provide a written response.

The Chairman of the Committee thanked the Portfolio Holder and Officers for attending the meeting.

There being no decision required, the Committee **noted** the contents of the verbal update.

289. LATE URGENT ITEM: Call-In - Future High Street Fund

[Councillors Christine Mason and David Palmer declared non-pecuniary interests as they lived in Brandon and remained in the meeting and the subsequent vote]

Prior to the Committee considering this late urgent item, the Chairman outlined the procedure for the conduct of the call-in, which was set out in Appendix 4 of the report, and sought the name of the member who would be the main spokesperson for the call-in, being Councillor Victor Lukaniuk.

The Committee received Report No: OAS/FH/19/006, which requested the Committee investigate the called-in decision relating to the Portfolio Holders Decision Notice regarding *"the submission of an expression of interest in round one of the Future High Street Fund*, published on 28 February 2019.

In line with the Overview and Scrutiny Committee Procedure Rules, as contained within Part 4 of the Forest Heath District Council Constitution, Councillor Victor Lukaniuk, with the support of Councillors Andrew Appleby, Christine Mason, David Palmer and Peter Ridgwell called-in the Portfolio Holders decision notice published on 28 February 2019. The call-in had been actioned under items 1 and 8 of the principles for decision making, as follows:

- We in Brandon were not given the opportunity to make a case for funding; and
- The process was flawed.

Full reasons given for the call-in were set out in the Call-in Notice, attached at Appendix 1 to the report. Also attached to the report were a number of appendices, namely:

- Appendix 2: Portfolio Holder's Decisions Notice (28 February 2019)
- Appendix 3: Portfolio Holder's Report
- Appendix 4: Call-in meeting general guidance notes.

In line with the guidance note, the Chairman invited the lead call-in member, Councillor Victor Lukaniuk to outline to the Committee the reasons/concerns

in actioning the call-in, making reference to items 1 and 8 of the principles of decision making (below):

Principle 1: The decision was not reasonable within the common meaning of the word, i.e. it was not a rational decision based on sound judgement; and

Principle 8: When making a decision, a presumption in favour of openness was not applied and a clarity of aims and desired outcomes was not displayed.

Councillor Lukaniuk informed the Committee that he considered it was a poor decision, and the first he had heard about the Future High Street Fund Bid was on 19 February 2019, then on 28 February 2019 when the actual Portfolio Holder decision was published. As a result, he felt Brandon councillors we were not able to put forward a case for the Town to be the subject of the bid. He believed the Portfolio Holder should have made efforts to contact local members as otherwise they were excluded from the debate. He then referred to a quote in the Haverhill Echo from Councillor Susan Glossop, St Edmundsbury Borough Councils Portfolio Holder for Planning and Growth.

The Chairman invited the Forest Heath District Council Portfolio Holder for Planning and Growth, Councillor Lance Stanbury to respond to the points raised by Councillor Victor Lukaniuk, making reference to the above two principles of decision making.

Councillor Stanbury responded by stating there were a number of major towns in West Suffolk who would all be interested in winning several million pounds. He explained the timing of the decision and made reference to the constitutional process in publishing decisions. Central Government first announced the Future High Street Fund Bid on 26 December 2018, which was a national announcement. On 7 January 2019, all councillors were sent a weekly policy alert email with the link to the Governments press release. Officers and both Councils' Portfolio Holders for Planning and Growth looked at opportunities and held internal discussions. Following these discussions, a second email was sent to all councillors on 19 February 2019 setting out the intention to make a decision. Another email was sent to all councillors on 28 February 2019 when the Portfolio Holder Decision Notice was published. He expressed disappointment that at no time did the council receive any interest from any towns across West Suffolk in the funding bid, except from Haverhill Town Council. In response to a comment made by Councillor Lukaniuk, the council would not write to all residents informing them of the funding bid, as this was a public announcement made by Central Government. In summary, he felt all Councillors had the opportunity to advocate for their town.

In response Councillor Lukaniuk raised concern he had not received the email of 7 January 2019.

The Committee then questioned Councillor Lukaniuk, to which responses were provided.

In particular, the Chairman queried whether Brandon Town Council had advanced plans such as a masterplan, on how to move the Town forward, as was in place in Haverhill.

In response Councillor Lukaniuk emphasised that the District Council should have contacted Brandon Town Council/Brandon Ward members to engage in the funding bid process. Brandon was still a deprived area, and confirmed that Brandon Town Council did not have a vision plan or masterplan.

The Committee then questioned the Portfolio Holder, to which responses were provided.

In response to a question raised regarding face-to-face communications, the Portfolio Holder explained that there were no face-to-face meetings held in the short timeframe. However, the council was working with a number of agencies in all towns across West Suffolk. A critical analysis was carried out with officers using the bid criteria set by Central Government.

In response to a question raised as to whether Cabinet would have acted differently if there was a longer timeframe, the Portfolio Holder explained that the deadline for submitting the funding bid closed in 11 days. Central Government had set the deadline for submitting the funding bid.

In response to a question raised as to whether Cabinet on reflection felt the process was transparent, the Portfolio Holder reiterated the process carried out, in how councillors were made aware of the funding bid process, from when Central Government issued its press release through to the emails sent to councillors.

In response to a question raised as to whether other major towns in West Suffolk were considered as part of the funding bid options, the Portfolio Holder confirmed that all major towns were scored against the set criteria. The main reason why Haverhill was being put forward was because there was a long list of multi-agency projects that were well progressed such as the Town Centre Masterplan; One Haverhill Partnership; health and leisure hub and one public estate projects, many of which were in a position where they could be progressed quickly. However, Haverhill also had some disadvantages, such as the lack of a railway station, and transportation links which needed enhancing. The Government had indicated there would be a second round funding bid and it was recognised that it was important to ensure that all Towns in the area were well placed to be able to submit strong bids.

In response to a question raised regarding what more would Brandon need to do to be able to submit a funding bid in the second round, the Portfolio Holder explained there were a number of different opportunities, such as working closely with Brandon Town Council; working with other groups in the town; getting projects up to a good standard; and having a clear pattern of work. He explained he had written to Councillor Lukaniuk to look at how to address his concerns. The Committee recognised the need for the Town Council to be proactive in looking at the opportunities for the Town and developing associated plan.

At the conclusion of the questioning, the Chairman asked the Portfolio Holder and Councillor Lukaniuk to sum up their cases.

Councillor Stanbury summed up by stating that the process and the constitution had been followed in making the Portfolio Holder decision, and members were publically notified of the interim decision and the actual decision. The criteria had been set by Central Government and the council wanted to submit the bid which had the best opportunity of being successful given potential levels of competition. He recognised there was a lot of work going on with various agencies across West Suffolk and if the bid was successful for Haverhill, then the council could then divert other monies to other towns, such as Brandon. Councillor Stanbury noted the passion shown by Councillor Lukaniuk and such passion was needed to support Brandon in future. The Council had made several investments over the last few years in Brandon, including the recent country park purchase; the leisure centre and investments in Omar Homes securing hundreds of jobs. He reiterated that councillors and Brandon Town Council needed to work proactively with the Council. Finally, Councillor Stanbury highlighted disappointment that ward members should have contacted him before the decision date, which they had every opportunity to do so.

Councillor Lukaniuk summed up by stating he felt there had been a lack of openness. He explained an urgent meeting was held with officers in Brandon on 5 March 2019 to brief Brandon members on the Future High Street Fund. No documentation had been produced to show the various options worked up by officers. Greater Anglia were about to invest in Brandon Railway Station, and he felt the Council was not prepared to invest in Brandon. An email sent by Councillor Stanbury responding to a number questions he had raised, received on 6 March 2019 stated that highways was not part of the funding bid, however he had a document from the Local Government Association stating otherwise. He felt that Councillor Stanbury had demonstrated that he had been in consultation with Haverhill, and did not contact Brandon.

The Committee considered the report, the call-in members and the Portfolio Holder's verbal representations in detail and in particular raised concerns whether all Councillors had received the email on 7 January 2019 informing of the High Street Fund. However, what mattered was whether the decision made was right, and whether the portfolio holders had been provided with enough information to enable him to reach that decision.

At the conclusion of the committee's discussions, the Chairman of the Committee suggested that the decision should be implemented without delay, and further suggested that the Portfolio Holder for Planning and Growth takes on board the following observations:

- 1) The Committee felt that Brandon was in great need and that the new West Suffolk Council should reach out and help Brandon Town Council in helping them secure monies through the second bid process; and
- 2) The ICT team be asked to check the email trail to members to see whether the policy alert email and other associated emails were sent and received.

Councillor Simon Cole then proposed the recommendation, this was duly seconded by Councillor John Bloodworth, and with the vote being 7 for and 1 against, it was

RESOLVED:

That the decision be implemented immediately following the Overview and Scrutiny Committee meeting (held on 14 March 2019).

290. Exclusion of Press and Public

As the next item on the agenda was exempt, it was proposed by Councillor Rona Burt, seconded by Councillor Brian Harvey, and with the vote being unanimous, it was

RESOLVED:

That the press and public be excluded during the consideration of the following item because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item, there would be disclosure to them of exempt categories of information as prescribed in Part 1 of Schedule 12 A of the Local Government Act 1972, and indicated against the item and, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

291. Home of Horseracing Project - Close Out Report for Construction Project

Prior to receiving the Exempt report, the Chairman informed the Committee that the Cabinet Member for Leisure and Culture had sent his apologies as he was unable to attend the meeting, and circulated an exempt statement in his absence.

The Committee was then reminded that in April 2018, it carried out a review of the main Home of Horseracing project, and the performance of the museum in its first 18 months. The Committee concluded that, whilst the museum still had much work to do in order to deliver its business plan, the Council's original objectives for the project were already being met. However, at that time, the capital project to rebuild Palace House and Stables as a museum had not been closed, and it was therefore agreed to defer scrutiny of that specific element until all information was available. Specifically, it was agreed to hold a second, internally focused, scrutiny session to look at any learning that could be applied to future Council projects.

The Committee received Exempt Report No: OAS/FH/19/005, which provided members with the requested assessment of the transferable learning, which the Council could take from the 2012-2018 capital project to create the

National Heritage Centre for Horseracing and Sporting Art, known as the Home of Horseracing project.

The report included information on the background, current project status, project governance and council involvement, project finances; construction phase, and lessons learned from construction project.

The Committee considered the exempt report in detail and asked a number of questions to which comprehensive responses were provided, including concern regarding the recent closure of the restaurant at the museum.

In particular the Committee discussed the main learning points, which were now been taken forward in future projects, such as the Mildenhall Hub, being:

- The importance of partnerships as strong as this in delivery projects;
- The structure and timing of procurement exercises;
- Managing the cash-flow situation created by pledges/grants being dependent on completion of works.

There being no decision required, the Committee **noted** the contents of the Exempt Report.

The Meeting concluded at 8.10pm

This was the last meeting of the Overview and Scrutiny Committee before it's dissolution on 6 May 2019. As a result, the minutes of the meeting remain as drafted following the meeting and cannot be confirmed by the Overview and Scrutiny Committee and signed by the Chair. This is consistent with all other dissolved committees and bodies.

Signed by:

Chairman
