

OVERVIEW AND SCRUTINY BOARD

A meeting of the Overview and Scrutiny Board was held on 16 January 2018.

PRESENT: Councillors J Sharrocks (Chair), T Mawston (Vice-Chair), J Blyth, E Dryden, T Higgins, C Hobson (substitute for J Young), L Lewis, J McGee, L McGloin, D Rooney and M Storey

PRESENT BY INVITATION: Councillor J Rathmell - Presenting Call-In
Councillor B A Hubbard - Witness for the Call-In
Councillor C M Rooney - Deputy Mayor and Executive Member for City Centre Strategy and Chair of Executive Sub Committee for Property
Councillor N J Walker - Executive Member for Finance and Governance

OFFICERS: S Bonner, B Carr, L Henman, A Hoy, D Johnson and S Reynolds

APOLOGIES FOR ABSENCE: Councillor P Purvis, Councillor M Walters, Councillor J Young.

DECLARATIONS OF INTERESTS

Name of Member	Type of Interest	Item/Nature of Interest
Councillor E Dryden	Non-Pecuniary	Scheme in Ward
Councillor T Higgins	Non-Pecuniary	Scheme in Ward
Councillor T Mawston	Non-Pecuniary	Scheme in Ward
Councillor J McGee	Non-Pecuniary	Scheme in Ward
Councillor L McGloin	Non-Pecuniary	Scheme in Ward
Councillor C Rooney	Non-Pecuniary	Scheme in Ward
Councillor N Walker	Non-Pecuniary	Scheme in Ward

1 CALL-IN - MEMBERS SMALL SCHEME ALLOCATION

The Chair queried whether Councillor C Hobson had a Declaration of Interest as she had signed the Call-In. Councillor Hobson explained just because she had signed the Call-In, did not mean that she had a view either way. Councillor Hobson advised that she wanted the decision looking at again but she was considering the information with an open mind.

The Chair outlined the purpose of the meeting and the remit of the Board in terms of the Call-In.

The Democratic Services Officer submitted a report which detailed the:-

- decisions taken by the Executive Sub-Committee for Property on 20 December 2017;
- reasons for the Call In, as shown on the form submitted to the Council's Monitoring Officer in relation to decisions concerning the Members Small Scheme Allocation.
- Appended were the report considered by the Executive Sub-Committee for Property on 20 December 2017; the minutes of that meeting; Appendix 1- Impact Assessment Level: initial screening assessment and Appendix 2 - Overview and Scrutiny Board Call-In Procedure.

The decision of the Executive Sub-Committee for Property was:-

1. That Option 1 - To agree to fund all of the schemes totalling £121,000 through the current budget allocation of £106,000 and drawing down £15k from the 18/19 budget allocation (£60,000), be approved, if funding is required for next year's scheme, additional resources could be sought from the allocated capital funding.

2. That when parks/footpaths be installed, Environmental services be mindful of the budgets allocated to ensure the necessary repairs/updates are undertaken.

The decision was supported by the following reason:

The schemes submitted had been appraised and scored in accordance with the member's small scheme allocation and members to consider which schemes were to be approved in accordance with either Option 1 or Option 2.

The reasons for the call in, as submitted to the Council's Monitoring Officer, were as follows:

'The decision failed to follow process, procedural and governance guidance; in addition, the report is factually incorrect and misleading'.

Clarification was requested regarding the reasons for Call-in but no further information was forthcoming.

The Chair explained that in order to ensure that all parties had a fair opportunity to present their case to the Overview and Scrutiny Board, the usual procedure for a Call-In was that the relevant service department and Executive Member would explain the background to the decision first. However, in the case of this particular Call-In request, there was a lack of clarity with regard to why the decision had been called-in. As a consequence, the Chair requested that the Board agree to the member that had submitted the Call-in to present the reasons to the Board first, so that members could fully understand why the decision had been Called-in.

All members of the Board agreed to the request. The Chair queried whether everyone was in agreement with the order of proceedings being changed. There were no objections to the change of order.

The Chair outlined the procedure to be followed and invited Councillor Rathmell to present the case for Call-in.

Prior to the presentation of the case the following documentation was circulated to members of the Board:-

- Appendix 1 - 20 July 2017 - 13:37hrs - MS email
- Appendix 2 - 20 July 2017 - 13:51hrs - MS email
- Appendix 3 - 1 August 2017 - BH email
- Appendix 4 - 21 September 2017 - BH email
- Appendix 5 - 22 September 2017 - MS email
- Appendix 6 - 13 July 2016 - Executive Sub Committee for Property Report
- Appendix 7 - 20 December 2017 - Executive Sub Committee for Property Report.

Councillor Rathmell referred to paragraph 7 of the Executive Sub Committee for Property Report dated 20 December 2017 which stated that on 27 July 2017, members were invited to submit bids by no later than 8 September 2017. Councillor Rathmell pointed out that members were invited to submit bids on 20 July rather than 27 July 2017(Appendix 1).

Councillor Rathmell also pointed out that the first email invited members to submit bids by the end of September 2017, but the follow up email stated that the closing date for bids was 8 September 2018. As a consequence, in his view the report regarding the Members Small Scheme Allocation should not have been submitted to the Executive Sub Committee for Property on 20 December 2017, as according to the follow-up email, the bidding process was still open. There had been no correction or follow up to that email.

Councillor Rathmell advised that he would like to question Councillor Hubbard about an email that he had sent on 1 August 2017 to an officer regarding a site meeting at Sedgebrook Gardens in relation to a potential Members Small Scheme Allocation bid with regard to why he had sent the email. Councillor Rathmell advised that he did not receive the email inviting members to submit bids to the Members Small Scheme Allocation as he was subject to a Communications Plan. The report stated that all members had received an invitation to submit bids but it was in fact all members except two.

Councillor Hubbard advised that Councillor Mohan had not received the email regarding the bidding process for the Members Small Scheme Allocation as she did not have access to IT equipment. Councillor Hubbard had advised Councillor Mohan of the scheme and had

emailed an officer in Transport and Design Services on 1 August 2017, on behalf of Councillor Mohan, to arrange a site meeting to look at additional parking space to the rear of Sedgebrook Gardens, with a view to Councillor Mohan submitting a Members Small Scheme Allocation application.

Councillor Rathmell stated that the report was detailed, it included a scoring matrix and made reference to site photographs and plans, however the site photographs and plans had been omitted when the report was submitted to the Executive Sub Committee for Property and he queried whether the members had studied the report.

Councillor Rathmell also indicated that the report stated that the schemes had been evaluated against the Mayors 2025 vision and he stated that he did not believe that this had happened. He referred to the part of the assessment form in relation to the Mayors Vision which referred to the 2020 vision rather than the 2025 Vision (Appendix 7). The Council had been subject to the Mayors Vision 2025 and had been for some time.

Reference was made to the Initial Screening Assessment included at Appendix 1 to the report which stated that the assessment had been completed on 21 March 2016 and the lifespan of the assessment was for 5 years and it was due to be reviewed in 2021. Councillor Rathmell stated that in his view, the appropriate assessments did not appear to have been carried out as the Initial Screening Form was copied from a document created in 2016/2017, which was dated 21 March 2016 and it had been signed by an officer who no longer worked for the Council. It appeared to have been copied and pasted from a previous report.

Councillor Rathmell stated that the report should have been referred back to the officer who had written the report for Committee for the report to be corrected.

Councillor Rathmell stated that there had been a number of failings in the process, and in his view, the bidding process was still open and would remain open for a further nine months.

The Chair invited questions from the Executive Members.

The Executive Member for Finance and Governance stated that Councillor Rathmell had made reference to Councillor Mohan and the fact that Councillor Hubbard had met with Councillor Mohan to discuss the Members Small Scheme Allocation. The Executive Member questioned Councillor Hubbard with regard to whether he thought the closing date for submission of bids was September 2017 or September 2018. Councillor Hubbard confirmed that he believed the closing date for submissions was September 2017.

The Executive Member for Finance and Governance queried if Councillor Hubbard was aware if Councillor Mohan had submitted a bid for the scheme. Councillor Hubbard advised that Councillor Mohan had not submitted a bid as she was advised when she tried to submit a bid on 21 September 2017 that it was out of time.

The Executive Member for Finance and Governance queried why Councillor Rathmell had not attended the Executive Sub Committee for Property on 20 December 2017. Councillor Rathmell advised that he was not aware of the meeting as he did not have access to the agenda system. He stated that there were a number of incompetencies arising from the Communication Plan. The Executive Member for Finance and Governance confirmed that the agenda system was available on the Council's external website. When questioned as to the reasons why Councillor Hubbard had not attended the meeting, Councillor Hubbard advised that he could not say why he had not attended the meeting.

The Chair of the Executive Sub Committee for Property queried whether it was usual for a bundle of evidence to be submitted at the meeting. Councillor Rathmell advised that it was in accordance with the Constitution. The reason for the meeting was to find out the evidence.

The Chair of the Executive Sub Committee for Property queried whether it was Councillor Rathmell's contention that no assessments had been carried out in respect of the submitted schemes. Councillor Rathmell stated that it appeared that there had been no assessments carried out in respect of the Mayor's Vision 2025, community cohesion equality, the

management change programme and human rights.

The Chair of the Executive Sub Committee for Property queried whether Councillor Rathmell was asserting that the member and officers had used information that related to other Members Small Scheme Allocation bids. Councillor Rathmell confirmed that according to the impact assessments, he believed this to be the case. The Chair of the Executive Sub Committee for Property stated that Councillor Rathmell had no proof or evidence to support this belief and he would like this fact noting in the minutes.

The Chair of the Executive Sub Committee for Property stated that Councillor Rathmell was challenging the paperwork that was submitted to the Committee rather than the actual decisions that had been made. The Executive Member stated that with regard to the report, 'copy and pasting' occasionally happened, as it appeared to in this case. However, the decision to approve the small scheme allocations was based on open and honest information, and the inaccuracies cited would not have affected the outcome of the bidding process.

Councillor Rathmell stated that in his view, the decision was based on incompetencies. The Chair of the Executive Sub Committee for Property advised that Councillor Rathmell had used the word 'incompetencies' on a number of occasions in relation to members and officers and he requested that the Councillor withdraw the comments with regard to officers and members.

The Executive Member for Finance and Governance asked what Councillor Rathmell would like to see as the outcome of the Call-In meeting.

Councillor Rathmell indicated that he would like the impact assessments to be done again so that the Executive Sub Committee for Property could make its decision based on correct paperwork.

The Executive Member for Finance and Governance stated that neither she nor the Chair of the Executive Sub Committee for Property knew who would be responding to the Call-In as they were unaware of the substance of the reasons for the Call-In and it was difficult to answer.

The Call-In reasons seemed to be based on the emails; in particular the email that stated the closing date was the end of September 2017 and the subsequent email that stated the closing date was 8 September 2018. The Executive Member for Finance and Governance stated that the first time she was made aware of the discrepancy was at this meeting. It was confirmed that there had been no representations regarding the email stating the closing date was 8 September 2018, as it appeared that everyone understood the closing date to be 8 September 2017. Councillor Hubbard had earlier confirmed that he understood the closing date to be September 2017.

The Executive Member for Finance and Governance confirmed that Councillor Mohan had submitted a bid and she was advised that it was out of time and she accepted this fact. The member was advised that the bid could be submitted when the next round of bidding was opened.

In terms of making the decision, the Executive Member for Finance and Governance stated that she had looked at each of the individual schemes and they had all appeared to be good worthwhile schemes and she congratulated the members that had submitted the schemes for the detail provided. There was enough funding available to agree all of the schemes that had been submitted and all those submitted had achieved reasonable evaluation scores. The Executive Member pointed out that had there been more schemes submitted and there was not enough funding to agree them all, each scheme would have been looked at more closely in order to prioritise them.

The Executive Member for Finance and Governance stated that she could not comment on an officer process in which she had no part. Members were advised that the impact appraisals had taken place and the schemes had been evaluated. The closing date for bids was not a material consideration when making the decision. The Executive Member commented The Executive Member for Finance and Governance stated that for officer's work to be scrutinised

in the manner presented to the Board was inappropriate.

Councillor Rathmell queried whether the scores were referred to when each bid was evaluated. The Executive Member stated that they relied on the reports and made a judgement on the basis that all the schemes could be funded and the officers had accepted that they were all good schemes. It was highlighted that 25% of members had submitted an application for a scheme. All the schemes had been unanimously agreed. The only people that had been affected by the Call-In of the decision were the people in the community. The Executive Member stated that she could not see any reason why the decision should be referred back.

The Chair of the Executive Sub Committee for Property stated that the Committee could not prove what did not take place and the main allegations were that something was not carried out in the correct way. The documentation that was presented to the Committee did not affect the Committee's decision.

Councillor Rathmell queried if the Chair of the Executive Sub Committee for Property considered the Mayor's Vision 2025, human rights and equality to be important. He queried whether all members and officers were required to sign to say that they had read the Mayors Vision. The Executive Member confirmed that he believed that this was the case. The Chair of the Executive Sub Committee for Property confirmed that he considered all of the above issues to be important and he considered them all when making his decision.

Councillor Rathmell queried whether the Chair of the Executive Sub Committee for Property was aware of when Mr Puntun left the Council and he confirmed that he was not aware of the date the officer had left the authority. Councillor Rathmell queried if the member considered that the completion of assessments in March 2016 in relation to the current round of bids was acceptable. The Chair of the Executive Sub Committee for Property stated that he did not believe that the assessments had been completed in 2016 as they could not have been completed until after the bids were received. Councillor Rathmell advised that the assessments were not attached to the report.

The Executive Member for Finance and Governance stated that given the sparse amount of information provided for the reasons for the Call-In she did not have any idea with regard to what might be raised at the meeting. If detailed reasons for the Call-In had been provided, prior to the meeting, she stated that she could have checked if the processes had taken place. The Executive Member stated that she did not believe that the assessments had been carried out in 2016, prior to the bids being received. If an old form had been completed it did not mean that the schemes had not been evaluated against the Mayors 2025 vision.

The Executive Member for Finance and Governance had been advised that all the appropriate processes had been followed. When considering each of the applications, the schemes were considered with regard to what the scheme involved; what it would achieve and whether it would add value and benefit to the town and its residents. The officer involved in co-ordinating the bids had worked very hard to assist members in ensuring the schemes fitted within the parameters or where the bid did not meet the requirements of the scheme, members were signposted to other avenues.

Councillor Rathmell pointed out that the impact assessments had been signed off by an officer who had already left the authority. The Executive Member for Finance and Governance advised that if the issue had been raised prior to the meeting of the Executive Sub Committee for Property this issue could have been considered by the Committee.

The Chair invited members of the Overview and Scrutiny Board to question all parties.

A member commented that the Executive Member for Finance and Governance had already stated that the error on the email with regard to the closing dates for bids would not have altered the decision made at the Executive Sub Committee for Property and it appeared that the Call-In was wasting time as it would cause a delay in the schemes being implemented. The Executive Member advised that the papers for the Committee were published five working days prior to the meeting so members had ample opportunity to raise the

administrative errors and they also had the opportunity to attend the meeting and raise the issues at that point.

Councillor Rathmell had advised that he did not receive communications to all Councillors. The Executive Member for Finance and Governance advised Councillor Rathmell that she was not aware that he was subject to a Communication Plan, and neither were all officers and therefore it was not the fault of the officer who sent the information out.

A member pointed out that Democratic Services had been reduced over the years and the Council had overworked staff that were making small mistakes. Councillor Rathmell pointed out the mistakes were not from democratic services. He stated that he wanted the decision to be referred back to provide the opportunity for the impact assessments to be carried out again. Examples of how this affected the bidding process included two Members who were unsuccessful in their bids

A member commented that she agreed accuracy was important but she highlighted that the support from officers was exemplary and the opportunity to submit further bids for the scheme was open to Councillors for the next round of submissions. The member stated that impact assessments were carried out for all Executive reports and the people in the town needed the support provided by the schemes as a matter of urgency. The Committee had heard from officers that the scoring of the schemes had been completed and that all the schemes had been evaluated. There was no benefit in delaying the implementation of the decision.

Councillor Rathmell pointed out that not all members had the opportunity to sit down with officers, this was at the discretion of the Chief Executive when a member was subject to a Communication Plan. He pointed out that Councillor Mohan did not have the opportunity to sit down with officers as she had not received the email. When she did submit her application she received the email saying that her application was out of time on 22 September 2017.

A member stated that he wished the Board had received prior notice of the full reasons for Call-In. He stated that his Ward was one of the recipients of the funding. Although his Ward was perceived to be a privileged Ward, the Ward actually existed on grants as they had no financial support from the Council. He stated that his bid was for the community centre and if the scheme was not allowed to proceed the play swings in the play area would not be replaced.

The member queried whether Councillor Rathmell required the process to be refined or for the forms to be completed again and re-submitted. He queried whether Councillor Rathmell disagreed with the schemes that had been approved.

Councillor Rathmell stated that he did not object to those schemes that had been granted there were a number of bids that had been submitted that were out of time. He expressed concern that two members had made speeches about schemes in their Ward when a decision was due to be taken. A number of members objected to the comments by Councillor Rathmell. The Chair of Overview and Scrutiny Board advised that those members that had spoken in support of the schemes located within their Ward had declared a non-pecuniary interest.

A member queried whether there was anything in the substance of the applications that Councillor Rathmell was objecting to and Councillor Rathmell confirmed that he was objecting because of the substance of the assessments and the presentation of the information to the Executive Sub Committee for Property.

A member commented that in light of the fact that Councillor Rathmell had called the decision in on the grounds of some typographical errors, he queried why the member had not notified the officers prior to the meeting or had attended the actual meeting to raise concerns. Councillor Rathmell stated that the information submitted was as a result of incompetence and the information was misleading. The member stated that if Councillor Rathmell had no issues with the substance of the bids, he failed to understand why the member had called the decision in.

Councillor Rathmell stated that he was not questioning the bids only the misleading

information as he believed that members had been misled.

A member commented that the Call-In process was due to be reviewed and a report was due to be submitted to the Constitution and Members Development Committee in the next few days.

A member commented that Councillor Rathmell had not explained why he had not raised the administrative errors before calling the decision in. Councillor Rathmell advised that he was not available at the time to look at the report. He stated that he noticed the errors later and thought they would have been picked up at the Committee.

A member queried whether Councillor Mohan had been provided with any support regarding the process of the Members Small Scheme Allocation by the other Ward Councillor. Councillor Hubbard advised that he had brought the scheme to Councillor Mohan's attention and made an appointment with an officer to provide Councillor Mohan with the opportunity to discuss a potential scheme. A discussion on whether Councillor Mohan had been made aware of the scheme ensued and a member moved progress.

A member commented that the schemes that had been approved were very important and the typographical errors could have been rectified without having to hold a Call-In meeting.

Councillor Rathmell advised that the Members Small Scheme Allocation process happened on a yearly basis without any errors but this year there had been a number of administrative errors.

A member commented that by calling the decision in, members of the community could be deprived of the schemes and she queried why Councillor had not applied to the scheme. Councillor Rathmell advised that since July 2017, he had been unable to contact officers either directly or indirectly.

A member stated that the procedure needed to be tightened up going forward to ensure that this situation did not happen again. The member stated that officers should ensure that Councillor Rathmell received the appropriate information for the next round of bids.

The Executive Members were provided with the opportunity to sum up their position.

The Executive Member for Finance and Governance stated that Councillor Rathmell was not present at the Executive Sub Committee for Property to witness the decision making process for the Members Small Allocation Scheme. The Executive Member also believed that Members had not been misled when asked to consider the bids.

The Executive Member also stated there was no evidence to suggest the Member for Park End and Beckfield Ward, while unsuccessful in her bid as a result of submitting it late, was disadvantaged as a result, because she would have the opportunity to submit her bid when the next round of submissions was opened. The member concerned had thanked officers and queried when the next round of bidding was due to take place. The process surrounding the Members Small Scheme Allocation bids was an officer process.

The Executive Member highlighted that the Council had over the past few years made a number of reductions in staff and it was understandable that on occasion, mistakes may be made. Despite some errors being present in the report, it had no bearing on the Committee's decision and as a consequence, the Executive Member did not think the decision should be referred back to the Executive Sub Committee for Property.

Councillor Rathmell was provided with the opportunity to sum up the Call-In members position.

Councillor Rathmell apologised for the fact that Councillor Mohan was not present at the meeting, as she had been unable to get time off from her work. He pointed out that Councillor Mohan did not receive the information on the Members Small Scheme Allocation when it was originally circulated, as she did not have access to I.T. at that time. The information was not

forwarded to her personal email address because of Data Protection implications.

Councillor Rathmell pointed out the following:

- The date members were advised of the scheme was 20 July 2017 and not 27 July 2017 as stated in the officer's report;
- Not all members were aware that they had the opportunity to submit a bid;
- The impact assessments were incorrect and this was a serious error;
- An officer had advised the Executive Sub Committee for Property that the impact assessments had been carried out, but there was no evidence to show that this had been done;
- Councillor Rathmell stated that he was unable to raise concerns through the usual channels, which was why he had raised his concerns with the auditors;
- The reason for the Call-In was the misleading information contained in the report and the late bids by two members;
- The Call-In process would not cause damage to the people who were the beneficiaries of the scheme as the schemes would only be delayed for one month;
- The Council needed to be seen as following processes and ticking the boxes;
- Officers should be given the opportunity to rectify the mistakes and all members should be provided with the opportunity to submit bids;
- The photographs and site plans referred to in the report had been omitted;
- Assessments had been signed off by a Director who no longer worked for the authority;
- The assessments were a carbon copy of the previous year's assessments;
- The Call-In was not about whether the schemes were acceptable, it was with regard to the governance processes.

The Executive Member for Finance and Governance requested permission to correct a factual inaccuracy. The Chair of Overview and Scrutiny Board stated that she would allow it. The Executive Member highlighted that Councillor McTigue had not submitted a bid.

Following closing submissions, the Board discussed the evidence received and voted on its decision.

ORDERED:

- a) That the decision taken by the Executive Sub-Committee for Property on 20 December 2017 in relation to the Members Small Scheme Allocation, be endorsed.
- b) That the decision be not referred back to the Executive.

Following the meeting, the Chair of Overview and Scrutiny Board expressed concern about the typographical errors contained within the report and recommended that officers establish a robust checking procedure prior to reports being submitted to Committee meetings.