

ASHFIELD DISTRICT COUNCIL



Council Offices,
Urban Road,
Kirkby in Ashfield
Nottingham
NG17 8DA

Agenda

Scrutiny Panel A

Date: **Thursday, 7th March, 2019**

Time: **7.00 pm**

Venue: **Committee Room, Council Offices, Urban Road,
Kirkby-in-Ashfield**

For any further information please contact:

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SCRUTINY PANEL A

Membership

Chairman: Councillor Rachel Madden
Vice-Chairman: Councillor Joanne Donnelly

Councillors:
Tony Brewer Don Davis
Lachlan Morrison Nicolle Ndiweni
Phil Rostance

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SUMMONS

You are hereby requested to attend a meeting of the Scrutiny Panel A to be held at the time/place and on the date mentioned above for the purpose of transacting the business set out below.



R. Mitchell
Chief Executive

AGENDA

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1. To receive apologies for absence, if any.
2. **Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.**
3. To receive the minutes of the meeting held on 22 January 2019 5 - 8
4. **Workplan Consultation and Scrutiny Improvement** 9 - 18

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SCRUTINY PANEL A

Meeting held in the Committee Room, Council Offices, Urban Road, Kirkby-in-Ashfield,

on Tuesday, 22nd January, 2019 at 7.00 pm

Present: Councillor Rachel Madden in the Chair;

Councillors Tony Brewer, Don Davis,
Lachlan Morrison, Nicolle Ndiweni and
Phil Rostance.

Officers Present: Martin Elliott, Jacqui Harvey, Mike Joy,
Phil Warrington and Shane Wright.

In Attendance: E Wood - Development Officer - Rural
Community Action Nottinghamshire

SA.11 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.

There were no declarations of interest.

SA.12 To receive the minutes of the meeting held on 13 November 2018

RESOLVED

That the Minutes of the meeting held on 13 November 2018, be received and approved as a correct record and signed by the Chairman.

SA.13 Scrutiny Consideration of Unauthorised Encampment Protocol

Pursuant to Minute No. SA.10 (2018/19) the Service Manager, Strategic Housing and Lettings and the Senior Environmental Health Officer attended the meeting to provide further information on the draft Unauthorised Encampment Policy as requested by the Panel at the meeting held on 13 November 2018.

The Scrutiny Research and Support Officer had submitted a report that provided the further information regarding unauthorised encampments that the Panel had requested, including:

- The number of unauthorised encampments in Ashfield in recent years
- Evidence of sufficient allocated Traveller sites within Ashfield
- Information on costs associated with unauthorised encampments under the existing protocol
- Estimations on potential costs associated with unauthorised

- encampments under the proposed new draft protocol
- Further information on the actions taken by the Council in the event of an unauthorised encampment on Council and/or privately owned land

The draft Unauthorised Encampment Protocol and the Ashfield Traveller Accommodation Needs Assessment (October 2015) were attached as appendices to the officer's report. The Senior Environmental Health Officer provided details of the number of unauthorised encampments on both Council owned and private land over recent years and also provided information on how this data had been collected and recorded.

Panel Members were informed that while the actual numbers of unauthorised encampments in Ashfield did seem lower than the number of encampments that residents perceived there had been, this could be due to the very high profile nature and media coverage of a small number of encampments, as well as encampments that had been set up near to the boundaries of Ashfield in local authority areas such as Gedling and Mansfield.

The Senior Environmental Health Officer also advised that there had been an increase in the number of unauthorised encampments county wide which may have led to the perception of higher numbers on encampments in Ashfield than the actual recorded figures showed.

The Service Manager, Strategic Housing and Lettings provided information on the procedures that officer's followed when an unauthorised encampment was reported and went through a summary of the steps that would be taken, and the approximate timescales for regaining possession of land under the proposed Unauthorised Encampment Protocol. Members were reassured that while the proposed Protocol detailed the legal steps that could be taken, that negotiation with the occupiers would continue to be used in parallel with any required and appropriate legal action.

During the discussion Members queried the potential costs that could be incurred by the Council in operating the proposed Protocol. The Service Manager advised that while the revised protocol could potentially result in fewer visits by officers to the sites of unauthorised encampments the cost of administering and utilising legal procedures at an earlier stage in the process would mean that the proposed Protocol could potentially incur increased costs for the Council.

The Panel were informed that under the proposed protocol, negotiation with the occupiers of unauthorised encampments would still be carried out on a daily basis as it was an essential tool in dealing with the encampments to ensure action was being taken while court orders were being obtained.

Members were also provided with information on how legal notices were served on the occupiers of unauthorised encampments and noted that it was important that careful consideration was given to how and when they were served, as they have the potential to enflame the situation on some encampments.

During the debate, Members asked about the legal exemptions that applied to unauthorised encampments which meant that in certain circumstances the

encampments could not be moved on whilst the exemption still applied. The Senior Environmental Health Officer advised that these exceptions related to health and welfare issues relating to the occupiers, such as a child receiving ongoing medical treatment at a local hospital.

In considering the Protocol. Members expressed concern regarding potential costs associated with increased use of formal legal action such as court orders and the use of bailiffs, and also had the potential to increase confrontation at the sites of unauthorised encampments when such actions were implemented.

Members also enquired whether the issue of permanent traveller sites was being addressed county wide following concerns that with whatever processes were used, the problem of unauthorised encampments was effectively just moved elsewhere. The Senior Environmental Health Officer advised that the Council was part of the North Nottinghamshire Travellers Group where experience and best practice was shared, and noted that the group was currently looking at the potential for transient sites in Nottinghamshire where travellers could go after being moved on from an unauthorised encampment.

Ellie Wood, Delivery and Development Officer from Rural Community Action Nottinghamshire (RCAN), who was attending the meeting at the request of the Panel, noted that there was a need for formal enforcement action but that the main focus for dealing with unauthorised encampments should be on negotiation, as in RCAN's experience this had proven an effective tool in moving unauthorised encampments on.

Members noted the excellent work that was done by Council officers in working with the occupiers of unauthorised encampments to move them on with as little disturbance to neighbouring residents as possible. However, the Panel expressed the view that it was important that reaction to some isolated and high profile cases and a perception of the public regarding unauthorised encampments increasing, did not trigger immediate hard line processes to be adopted that could be both costly and counterproductive.

Members were in agreement that antisocial behaviour caused by the occupiers of some unauthorised encampments was totally unacceptable and should not be tolerated under any circumstances, but that negotiation, with the support of legal procedures, if required, was the most likely way for unauthorised encampments to be moved on swiftly and peacefully, rather than using an approach primarily based on formal legal procedures.

The Chairman enquired as to what preventive actions were taken to stop unauthorised encampments being set up on sites. The Senior Environmental Health Officer advised that a National Traveller survey conducted annually, which included an analysis of potential sites that travellers could potentially set up unauthorised encampments, enabled preventive action to be put in place to make sites inaccessible to travellers. It was also noted that information on traveller activity and of sites at risk was shared at the North Nottinghamshire Travellers Group.

Members, while recognising the need for formal legal action to be available as a tool for officers in dealing with unauthorised encampments were in agreement that negotiation and relationship building with the occupiers of

unauthorised encampments should be the primary method of action used by officers. Members were also in agreement that the proposed Protocol should be amended to include an alternative course of action, focussed on negotiation in addition to the proposed process that focussed on formal legal action, and that officers be given the discretion to use their professional judgement on which course of action to pursue on a case by case basis.

The Chairman and members of the Panel thanked the Service Manager, Strategic Housing and Lettings the Senior Environmental Health Officer and Ellie Wood of RACN for attending the meeting and answering their questions.

RESOLVED

that the following recommendations be submitted to the next available meeting of the Cabinet for consideration:

- a) the Panel welcomes the revised draft Unauthorised Encampment Protocol and notes that many positive additions have been made to procedures.
- b) officers be thanked for their work in drafting the Unauthorised Encampment Protocol.
- c) the Protocol be amended to include two potential processes of action for dealing with Unauthorised Encampments, the primary approach focussing on negotiation and the other focussing on formal enforcement action.
- d) officers be given the appropriate delegation to use their professional judgement and expertise, along with set criteria to assess which process to utilise on a case by case basis.
- e) the possibility of utilising the services of external delivery partners such as Rural Community Action Nottinghamshire via Service Level Agreements in supporting the actions of the Council to negotiate with the occupiers of Unauthorised Encampments be considered.
- f) officers continue to enhance their work with the North Nottinghamshire Travellers Group to ensure effective and constructive cooperation between the member Councils in identifying further sites within the County.
- g) the Unauthorised Encampments Protocol be reviewed in order to assess its effectiveness after 1 year of operation.

The meeting closed at 8.08 pm

Chairman.

Report To:	SCRUTINY PANEL A	Date:	7 MARCH 2019
Heading:	WORKPLAN CONSULTATION AND DELIVERY OF THE SCRUTINY FUNCTION 2019/20		
Portfolio Holder:			
Ward/s:	ALL		
Key Decision:	NO		
Subject to Call-In:	NO		

Purpose of Report

The Scrutiny Workplan is a standing item on the Overview and Scrutiny Agenda. Each year the Workplan is reviewed and refreshed. This report aims to focus Members on considering potential topics for 2019/20. Members are requested to consider and discuss potential topics that can be positively influenced by scrutiny involvement.

In considering such topics, the Panel is requested to take into account the reasons for any future review, potential value added, timescales and anticipated outcomes. The Workplan is a live document and ongoing consultation will continue to be undertaken with Service Directors, Third Tier Officers and Members.

This report also encourages Members to give consideration to how the Council's scrutiny function is carried out now, and how it can be enhanced for the future.

Finally, included in the report is a section on the upcoming Government statutory guidance on scrutiny, summarising some of the anticipated focusses of the guidance and how it will impact scrutiny at Ashfield District Council.

Recommendation(s)

Scrutiny Panel A Members are requested to:

- Discuss potential topics for the Scrutiny Workplan 2019/20.
- Evaluate Ashfield District Council's scrutiny function and consider areas for improvement within it.
- Discuss the potential impacts of the upcoming statutory scrutiny guidance.

Reasons for Recommendation(s)

Consulting, reviewing and agreeing items for the Scrutiny Workplan 2019/20 provides guidance and direction for the work undertaken by scrutiny in the coming year.

Alternative Options Considered

No alternative options have been considered. Consulting and agreeing upon the Scrutiny Workplan is part of the Overview and Scrutiny Procedure Rules within the Council's Constitution.

Detailed Information

What is the Scrutiny Workplan?

The Scrutiny Workplan outlines the areas of work which are expected to be scrutinised over the coming year by or on behalf of the Council's Overview and Scrutiny Committee and Scrutiny Panels A and B. Topics added to the Workplan should have expected outcomes to add value to the services delivered by the Council and its partners and/or improve the quality of life of Ashfield residents.

There is a need for flexibility in the Workplan to allow relevant issues to be dealt with as and when they arise. In order to effectively manage workload and ensure quality scrutiny reviews, it is advised that the number of items placed on the Workplan should be limited to no more than eight.

Sources of Workplan Ideas

Numerous sources of information can help to inform topic selection, including:

- Concerns raised by members of the public relating to services delivered by the Council
- Issues raised by reviews, audits or inspections
- Issues relating to Council outcomes, objectives, and priorities
- Consultations and interviews
- Underperformance
- Concerns raised by the Council's partners and service users
- Partnership objectives
- Cabinet Members, Chief Executive or Service Director presentations about pertinent issues emerging, and any opportunities or threats on the horizon
- Central Government priority changes
- Analysis of customer complaints
- Improvement plans
- Forward Plan
- Budgetary analysis

Scrutiny is also encouraged to consider external scrutiny and the monitoring of other public bodies. Consideration can also be given to how the Council's activities will engage partner organisations, the media, and the public.

Selecting a Workplan Topic

Members should use effective processes to select topics that will contribute towards the best possible Scrutiny Workplan. This means considering the numerous sources of information available and utilising them to choose worthwhile topics.

This involves:

- Drawing out and discussing what matters most to Councillors and the community
- Considering any relevant research that has been completed
- Assessing what the Council's scrutiny function has done before
- Considering what added value is expected as a result of scrutiny involvement
- Considering whether the topic is already being reviewed elsewhere
- Planning how to get the best from the Committee and Panel Meeting

It is also important to note that Overview and Scrutiny has limited time and resources, and therefore workplans need to be manageable. It is not possible to include every topic suggested in the Workplan. Effective scrutiny is about considering the right topic in an effective way, and Members will need to be selective, whilst also being able to demonstrate clear arguments in favour of including or excluding topics.

Risks

A common pitfall of workplan development can be the inclusion of topics on the Workplan that are unmanageable, of limited interest to the community, purely for informational purposes, have few outcomes, and fail to add value to the work of the Council or the wellbeing of the community.

As such, the selection and prioritisation of topics is critical to the effectiveness of Overview and Scrutiny and clear processes can ensure greater focus, particularly in poor or weak areas of performance or major issues of concern to the wider community.

Topics Considered During 2018/19

Topic	Panel/Committee
Digital Service Transformation	Overview and Scrutiny Committee
Council Tax Exemption for Care Leavers	Scrutiny Panel A
Unauthorised Encampments	Scrutiny Panel A
Syrian Refugee Resettlement Scheme	Scrutiny Panel B
Free Community Skips	Overview and Scrutiny Committee
CCTV	Scrutiny Panel B
Play Strategy for Rural Areas / Green Space Projects	Overview and Scrutiny Committee
Peer Challenge Outcomes	Overview and Scrutiny Committee

Standing Items

Topic	Panel/Committee
Performance	Overview and Scrutiny Committee
Budget	Overview and Scrutiny Committee
Crime and Disorder	Overview and Scrutiny Committee
Housing	Overview and Scrutiny Committee

A scrutiny topic suggestion template has been attached to this report as Appendix A.

Scrutiny Improvements

Members are requested to evaluate the effectiveness of scrutiny and give consideration to improvements that could be made to the scrutiny function over the coming year. Some potential areas for improvement are listed below:

- Engagement
 - Officer engagement
 - Member engagement
 - Public engagement
 - Third party engagement
- Workplan topic scoping/development
- Workplan management
- Outcome focussed scrutiny

National Scrutiny Guidance

In the coming months, statutory guidance on Overview and Scrutiny in local government will be released by Central Government.

The last statutory guidance from Government on scrutiny was issued in 2006. As the role of scrutiny has changed significantly since then,

The upcoming scrutiny guidance will focus on:

Culture

- Recognising scrutiny's legal and democratic legitimacy
- Identifying a clear role and focus
- Ensuring engagement between the executive and scrutiny
- Providing necessary support
- Ensuring impartial advice from officers
- Communicating scrutiny's role and purpose to the wider authority
- Communicating scrutiny's role to the public
- Ensuring scrutiny members are supported

Resourcing

This relates to the resources an authority allocates to the scrutiny function. Resourcing plays a pivotal role in determining how effective scrutiny as a function is, and the value it can add to an authority.

The statutory guidance sets out the models available for scrutiny and how authorities should consider their local needs when selecting a model.

Selecting Committee Members

This section focuses on scrutiny member training and needs. Consideration must also be given to the value of co-opted scrutiny members and technical advisers.

Powers to Access Information

This section focuses on how information should be obtained and managed by scrutiny members. The guidance outlines that scrutiny members should have access to a regularly available source of key information about the management of the authority; such as performance management and budgetary information.

The guidance also states that scrutiny members should have access and use of this information outside of committee meetings; reports should not be the only way this information is made available.

When requesting information from external organisations, scrutiny is advised to supplement any requests by providing helpful information to help the organisation respond appropriately, such as:

- Explaining the purpose of scrutiny
- Adopting an informal approach
- Encouraging compliance with the information request
- Approaching the appropriate organisations/people

Planning Work and Engaging the Public

This section focuses on the importance of clarity on scrutiny's role. Scrutiny can be most effective when it has a clear role and function. Authorities can find it difficult to support a scrutiny function that has a generalised oversight across a broad range of issues.

Evidence Sessions

This part of the guidance highlights the importance of evidence sessions, as part of a committee or task and finish group.

Three stages of developing recommendations and drafting reports are also identified:

- The development of a document setting out general findings which members can then discuss as they consider the overall structure and focus of the report and its recommendations
- The development of those findings, which will set out some areas on which recommendations can be made
- The drafting of the full report

The guidance recommends a small number of concise recommendations is preferable.

Implications

Corporate Plan:

The Scrutiny Workplan should include issues based on performance, priority objectives, and community concerns. Many of which contribute to the Council's priorities, vision, and outcomes contained in the Corporate Plan 2016 – 2019:

- Health and wellbeing of residents
- Economic regeneration
- Place and communities
- Organisational improvement
- Housing

Legal:

Consultation with Elected Members on items for the Scrutiny Workplan is in accordance with procedure rules set out in Ashfield District Council's Constitution.

Finance:

All topics approved for consideration by Scrutiny will seek appropriate participation and consultation with Finance as part of the development of the Terms of Reference and throughout the review.

Budget Area	Implication
General Fund – Revenue Budget	None.
General Fund – Capital Programme	None.
Housing Revenue Account – Revenue Budget	None.
Housing Revenue Account – Capital Programme	None.

Risk:

Risk	Mitigation
Without consulting or monitoring the Workplan, there is a risk that items added may not add value, fall outside of Scrutiny remit or become unmanageable.	The Scrutiny Workplan is a standing item on the Overview and Scrutiny Committee Agenda, this allows Members to monitor progress with reviews at each meeting.

The forthcoming new National Guidance on Scrutiny (due Feb 2019), will propose improvements to the delivery of outcomes, engagement and support. Not preparing for these changes poses a risk to the effectiveness of the function.	Planning for changes as a result of the National Guidance and ensuring the process continues to adapt, change and listen to new ways of working will ensure an effective and efficient Scrutiny Function.
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Human Resources:

Any HR implications identified through items agreed for the Scrutiny Workplan will be consulted upon and considered as part of the wider workforce planning and equalities agendas.

Equalities:

There are no immediate equalities implications arising from this report.

Other Implications:

None.

Reason(s) for Urgency

None.

Reason(s) for Exemption

None.

Background Papers

None.

Report Author and Contact Officer

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Scrutiny Topic Suggestion

Fill out the boxes below with your Scrutiny Workplan topic suggestion. Please return to Dem Services Office when completed. Alternatively, please feel free to contact me via email, telephone, or in person to discuss any topic suggestions.

Topic:

Reason for suggesting topic:

Anticipated outcomes of a review on this topic:

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