

**SUPPLEMENTARY DOCUMENTS FOR
COUNCIL
7.30 pm on Thursday, 16th July, 2020
Zoom - Online**

The attached documents are due to be considered at the meeting listed above and were unavailable for circulation when the agenda for the meeting was published. The agenda items to which the documents relate is noted below.

AGENDA

11. References from Cabinet and Committees

- c) Referral from Scrutiny Committee - Review of Overview and Scrutiny - Final Report (Pages 2 - 24)

Scrutiny Committee recommended to Full Council that the Cabinet-Scrutiny Protocol (attached as Appendix A to the report), the revised Scrutiny Procedure Rules (attached as Appendix B to the report) and the revised Scrutiny Committee Terms of Reference (attached as Appendix C to the report) are adopted.

12. Reports from Officers

- a) Annual Reports from Councillors Appointed to Outside Bodies (Pages 25 - 27)

Reports in addition to those included on pages 55 - 60 of the main agenda pack.

13. Minutes of Cabinet and Committee Meetings

To note the following Cabinet and Committee minutes:

- j) Minutes of meeting Wednesday, 1 July 2020 of Development Management Committee (Pages 28 - 32)

REPORT TO: SCRUTINY COMMITTEE

DATE: 14 JULY 2020

TITLE: REVIEW OF OVERVIEW AND SCRUTINY – FINAL REPORT

LEAD OFFICER: SIMON HILL, HEAD OF GOVERNANCE
(01279) 446099

CONTRIBUTING OFFICER: ADAM REES, GOVERNANCE SUPPORT OFFICER
(01279) 446057

RECOMMENDED that the Committee:

- A** Recommends to Full Council that the Cabinet-Scrutiny Protocol (attached as Appendix A to the report), the revised Scrutiny Procedure Rules (attached as Appendix B to the report) and the revised Scrutiny Committee Terms of Reference (attached as Appendix C to the report) are adopted.
- B** Recommends to Cabinet that the Cabinet Overview Working Group is renamed the Cabinet Policy Development Group and the terms of reference are amended as set out in Appendix D to the report.
- C** Approves the Scrutiny Committee Review Submission Form (attached as Appendix E to the report).
- D** Agrees that training is procured to take place as soon as possible.

BACKGROUND

1. Under the Cabinet system the Council is required to establish a Scrutiny Committee. Its Terms of Reference are set out in Article 7, and its rules in Part 4 of the Constitution. The Committee can report on the discharge of any functions of the Council or Cabinet or any matter affecting the Council's area or inhabitants. Part of this Committee's function is also to enable decisions of the Cabinet to be called in. The Council's Scrutiny Committee has a Call In Sub Committee which fulfils this purpose.
2. The Ministry of Housing, Communities & Local Government (MHCLG) has published new statutory guidance on Overview and Scrutiny in Local and Combined Authorities (May 2019). This is statutory guidance of which the authority 'must have regard' to in exercising the functions.
3. In light of this guidance, on 15 October 2019, the Committee agreed to conduct a review of the Council's overview and scrutiny functions and established a Working Party for this purpose. The Working Party was given an end date of 31

March 2020 in order to allow any changes to take effect for the 2020/21 council year.

4. The Working Party has met on two occasions. The first meeting on 8 January 2020 looked at areas where the Council's scrutiny functions were strong and areas where the functions could be strengthened in order to meet the guidance. It also explored a number of potential solutions which would be developed in time for the second meeting.
5. The second meeting took place on 6 February 2020. This meeting agreed to recommend the proposals which are set out in the recommendations and detailed later in this report.

ISSUES/PROPOSALS

6. It was agreed that proposals would be framed in the context of the four goals set out in paragraph two of the guidance. These are:
 - a) Provide constructive 'critical friend' challenge;
 - b) Amplify the voices and concerns of the public;
 - c) Be led by independent people who take responsibility for their role; and
 - d) Drive improvement in public services.

Provide constructive 'critical friend' challenge

7. One of the key roles of a scrutiny committee is to act as a critical friend to the Cabinet and external organisations. The Committee should be able to hold these groups to account, but should also be constructive and approachable.
8. The Council has a Call In Sub Committee which deals with executive decisions through a 'call in procedure.' This procedure is set out within the Constitution and provides an opportunity to hold the Cabinet to account. However, call in is only designed to be used when decisions have not been made in accordance with the principles of the Constitution and it does not allow for constructive input before a decision is made. Call in, therefore, provides an important but infrequent method of engaging with the Cabinet.
9. The Working Party suggested there was a need have procedure in place which enables the Committee to provide constructive 'critical friend' challenge to the Cabinet on a more frequent basis, which also provides an opportunity for input prior to a decision being made.
10. It is therefore proposed to create a process for pre-decision scrutiny of Cabinet matters. This would involve the Committee identifying upcoming decisions on the Cabinet's Forward Plan and aims within the Council's Corporate Plan which

the Committee can then conduct pre-decision scrutiny of. The process is set out in the Cabinet-Scrutiny Protocol, which is attached as Appendix A to the report.

11. The Protocol also sets out the expectations that the Committee and Cabinet should have of each other and creates a formal relationship between the two.
12. Acting as a critical friend extends to the Committee's relationship with external organisations. The Committee invited a number of organisations to attend its meetings over the past few years. The Working Party agreed that these have been effective and informative. It did however note the Committee's desire to have a greater level of preparation, particularly regarding the agreement of questions and aims. Paragraph 6 of the Protocol addresses these concerns.

Amplify the voices and concerns of the public

13. One of the main roles of a Councillor is to act as an advocate for the people they represent. The Committee has a wide remit and can look at most issues that affect the local area. This places it in a strong position to voice the concerns of the public.
14. The Committee, and Councillors as a whole, have a strong understanding of issues affecting the town. This, combined with the Committee's remit, provides a powerful platform for the Committee to drive improvement.
15. The Working Party considered ways in which the Committee could strengthen its processes to drive improvements effectively and efficiently. Whilst the Committee works effectively as a group and shares a large number of common aims, these need to be more focussed so the Committee looks to conduct scrutiny on the basis of one set of goals for each review.

Be led by independent people who take responsibility for their role

16. The Committee's independence is crucial in helping to demonstrate its value to the Council, other organisations and the town as a whole. The Committee has a good awareness of this and the Committee members work together well. It is important that this independent working culture continues. There is a risk that new Committee members, particularly if they are new Councillors, will not be aware of this need for independence. The Working Party recommended that training is organised for Councillors. This training would have a strong focus on the role of the Committee to ensure that its independent mind set continues.
17. Overview and scrutiny needs to ensure that it is not directed by Cabinet. The Scrutiny Committee achieves this and has the power to set its own work plan. Cabinet has established a Cabinet Overview Working Group (COWG) which is primarily focussed on developing policy for the Cabinet. It provides a means for opposition and backbench Councillors to have input into policy which is developed according to the Council's corporate priorities. The Working Party agreed that this needed protecting. The COWG is not independent from Cabinet, as the Cabinet decides its work plan. Whilst the COWG rarely conducts overview and scrutiny of the Cabinet, better defining what the Working Group

actually does and detangling it from overview and scrutiny is seen as beneficial. It is therefore proposed to change its name to the Cabinet Policy Development Working Group.

Drive improvement in public services

18. The most fundamental aspect of the Council's role is to provide and improve public services. Councillors are at the core of this and the Committee provides a powerful opportunity to drive improvement, not just of the Council's own work but also of other organisations.
19. The Committee has limited resources, mainly surrounding its own time and that of Officers conducting reviews. These limit the Committee's ability to review all the matters it would like to and can place limits on the depth and breadth of the reviews it carries out. Careful prioritisation of reviews will help the Committee in producing a work plan that leads to positive outcomes which can improve Harlow.
20. Prioritisation can be complex as there are a wide range of factors to consider including: how urgent the issue is; the amount of work involved; which areas the review will scrutinise; and whether a positive outcome is likely.
21. The Committee needs to retain its flexibility when setting its work plan, whilst recognising the time resource constraints it faces.
22. The majority of the Committee's review topics for any given year are determined at its first meeting of the Council year, with new topics being added throughout the year. Topics can be raised without prior notice being given. This process is highly flexible, but can cause issues with planning items into the work plan.
23. The Cabinet-Scrutiny Protocol sets out a proposed process for setting the Committee's work plan. This retains the flexibility for Councillors to submit items throughout the year, and provides an opportunity for more open conversations about the scope of reviews and the time needed to carry them out.
24. The Committee retains the flexibility to determine the form of its review submission form. In the first instance it is recommended that the form attached as Appendix E to this report is used. This form largely mirrors the current scoping report. This enables Councillors to more fully capture the nature of the reviews they want to undertake, whilst giving the Committee the opportunity to discuss and amend the scope of a review to accommodate its other priorities.
25. The need to deliver outcomes is central to the Committee's work. Councillors want to deliver change and often succeed, but the processes surrounding the Committee can be strengthened to make outcomes a more central component within its reviews. The Protocol has a running theme of S.M.A.R.T (specific, measurable, achievable, realistic, and time-related) objectives and recommendations. This will assist the Committee in framing its work for a particular purpose and, following the conclusion of a review, whether the review

met its initial aims. The Committee can then evaluate its own effectiveness, looking at where it succeeded and where it could improve.

Summary

26. The Committee has a strong foundation in place which helps enable it to conduct effective scrutiny. There are, however, some areas where the Council does not meet the Government's guidance and the Council can look to strengthen other processes to make scrutiny as effective as possible.
27. The Cabinet-Scrutiny Protocol addresses the need for the Committee to act as a 'critical friend' to Cabinet. Additionally, it sets out a procedure for work planning which promotes open conversations about the Committee's priorities whilst retaining the flexibility necessary for the Committee to respond to emerging needs.
28. The Protocol also introduces processes which reinforce the desire of Councillors to achieve the best outcomes for Harlow and provide an opportunity for self-reflection.
29. There is a need to amend the Scrutiny Procedure Rules (attached as Appendix B to the report), the Scrutiny Committee Terms of Reference (attached as Appendix C to the report) and the Cabinet Overview Working Group Terms of Reference (attached as Appendix D to the report).
30. Finally, training will be procured to ensure that the independent mind set of the Committee continues whilst enhancing its existing skills.

IMPLICATIONS

Environment and Planning (Includes Sustainability)

None specific.

Author: Andrew Bramidge, Head of Environment and Planning

Finance (Includes ICT, and Property and Facilities)

None specific.

Author: Simon Freeman, Head of Finance and Deputy to the Chief Executive

Housing

As outlined in the report.

Author: Andrew Murray, Head of Housing

Community Wellbeing (Includes Equalities and Social Inclusion)

None specific.

Author: Jane Greer, Head of Community Wellbeing

Governance (Includes HR)

As contained within the report.

Author: Simon Hill, Head of Governance

Appendices

Appendix A – Cabinet-Scrutiny Protocol

Appendix B – Scrutiny Procedure Rules

Appendix C – Scrutiny Committee Terms of Reference

Appendix D – Cabinet Overview/Policy Development Working Group Terms of Reference

Appendix E – Scrutiny Committee Review Submission Form

Background Papers

Ministry of Housing, Communities & Local Government – ‘Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/800048/Statutory_Guidance_on_Overview_and_Scrutiny_in_Local_and_Combined_Authorities.pdf

Glossary of terms/abbreviations used

COWG – Cabinet Overview Working Group

MHCLG – Ministry of Housing, Communities & Local Government

Cabinet – Scrutiny Protocol

1 Introduction

- 1.1. This protocol sets out the relationship between the Council's Cabinet and its Scrutiny Committee. This includes the processes that both bodies follow, where they will interact with each other, and how they expect the other to conduct itself. The Protocol is in addition to requirements set out in the Council's Code of Conduct and the Officer/Councillor Protocol.
- 1.2. The Monitoring Officer will be responsible for overseeing compliance with this Protocol.

2 Aims

- 2.1. To create a framework which enables effective scrutiny.
- 2.2. To empower the Committee's members, Portfolio Holders and Officers by setting out their roles, powers and responsibilities in relation to scrutiny.
- 2.3. To promote mutual respect between all three groups to ensure openness which will enable the Committee to work effectively.
- 2.4. To enable the Committee to act as a 'critical friend' to the Cabinet which provides constructive, non-partisan scrutiny of upcoming Cabinet decisions and corporate objectives.
- 2.5. To enable the Committee to effectively scrutinise third parties and to engage with relevant stakeholders.
- 2.6. To help align the Committee's work with the Council's Corporate Priorities.

3 Meeting Conduct

- 3.1. All Councillors will abide by the requirements set out in the Council's Code of Conduct and look to promote an atmosphere of openness and mutual respect.
- 3.2. Committee members should look to ask searching questions and offer constructive comments to help fulfil the Committee's role of being a 'critical friend.' In most cases, an initial set of questions will be sent to the Cabinet member.

- 3.3. Cabinet members will prepare answers for the questions sent to them in advance of the meeting. They will also look to anticipate further questions and will prepare for these appropriately. They will recognise the value of the Committee and will look to answer all questions as fully as possible.
- 3.4. Both the Committee and Cabinet members will respect the requirement for Cabinet members to avoid scrutinising their own decisions.
- 3.5. The Chair will always look to ensure that all attendees at the meeting are treated fairly and courteously.
- 3.6. The Chair, with the advice of Officers, will ensure that meetings are run in accordance with any requirements set out in the Constitution, and in line with any procedure agreed by the Committee.

4 The Scrutiny Committee Work Plan

4.1. Before the First Meeting of the Council Year

- a) Committee Members will submit any suggestions for items 28 days before the first meeting using the Review Submission Form. All the forms will be circulated to the Committee members the following day. If non-Committee members wish to submit items they should ensure they have the support of at least one Committee member.
- b) The review topics will be considered at the next SMB meeting, who will put together a draft Work Plan. This will be based on the review criteria set out in the review submission forms.
- c) Where SMB feel reviews can be improved by tightening the scope, or altering the format of the review it will discuss these with the Chair. This will be explained to the Committee. A Work Plan will also be developed in the context of these suggested alterations.
- d) Fourteen days before the meeting, Officers will meet with the Chair and Vice Chair to discuss the Work Plan. Any further changes to the proposed Work Plan will be made prior to the agenda's publication.

4.2. At the First Meeting of the Year

- a) Steps a-c of the Pre-Scrutiny of Cabinet Matters procedure (point 5.1 of this Protocol) will be followed.

- b) The Committee will agree its priorities for reviews carried out during the council year.
- c) The Committee will consider its Work Plan for the council year, with reference to the information obtained as part of point 4.1 above and in light of its priorities.

4.3. Additions/Changes to the Work Plan

- a) Committee Members can submit additional items throughout the year. If non-Committee members wish to submit items they should ensure they have the support of at least one Committee member. New items will be submitted to Corporate and Governance Support prior to the publication of the agenda. The relevant Head of Service will be consulted on the timescale of the review and possible changes to its scope. This information will be reported to the Committee who will then consider whether the review will be progressed further.
- b) The Committee will consider its Work Plan at each meeting.

5 Participation of Portfolio Holders and the Leader

5.1. Pre-Decision Scrutiny of Cabinet Matters

- a) At the first meeting of the Council year the Leader will give an overview of the reports which will be considered by Cabinet over the year. They will set out the Cabinet's priorities. This will be accompanied by the Cabinet Forward Plan and the Council's Corporate Plan.
- b) The Committee will consider which reports it would like to have pre-decision scrutiny of. These will be programmed into the Committee's work plan. The Committee will consider whether the matter will be considered at other meetings of the Council (such as the Audit and Standards Committee, or Housing Standards Board) and whether the Committee feels it can add value through pre-decision scrutiny.
- c) The Committee will develop lines of inquiry in respect of each identified item and establish S.M.A.R.T (specific, measurable, achievable, relevant and timely) objectives.
- d) The relevant Portfolio Holder and Head of Service will be made aware that the item will be subject to pre-decision scrutiny and the lines of inquiry.

- e) A report to the Committee will be prepared by Officers, in consultation with the relevant Cabinet member. This report will provide an update on progress of the item, address the lines of inquiry and, if appropriate, suggest other areas the Committee may wish to question.
- f) The Portfolio Holder will attend the meeting to present the report and answer questions from the Committee. The Head of Service will primarily answer technical questions.
- g) The Committee will consider areas that the Cabinet report will need to address and where the piece of work can be strengthened. These points will be addressed as part of the Cabinet report. It is expected that these will have arisen from the initially agreed lines of inquiry. Where the Committee's recommendations deviate from its initial lines of enquiry, it will monitor this as part of its outcome monitoring process.
- h) Cabinet will consider the report and the outcome will be referred back to the Committee for information. This will form part of an outcome monitoring report which will become a standard item on the Committee agenda.
- i) Following the first meeting of the Committee, Committee members can submit a request to pre-scrutinise a report. The request will be considered at the next meeting. Steps b-h above will then be followed.

5.2. Call In Sub Committee

- a) As set out in the Scrutiny Procedure Rules it is the duty of the Leader or relevant Portfolio Holder to attend a meeting of the Call In Sub Committee.
- b) The role of the Cabinet member will be to answer questions of fact. They should be mindful not to involve themselves in the debate and the Committee should not encourage them to do so. The Scrutiny Procedure Rules set out a requirement for Councillors to not be involved in scrutinising a decision they have been involved in and this must be respected.

5.3. Scrutiny Committee Reviews

- a) The Committee will consider the need for the relevant Cabinet member to attend. The Committee will provide sufficient notice and will provide a set of initial questions.
- b) Cabinet members will prepare answers for the questions sent to them in advance of the meeting. They will also look to anticipate further questions and will prepare for these appropriately. They will recognise the value of the Committee and will look to answer all questions as fully as possible.
- c) Where a Cabinet member has been invited to attend, it is expected that Officers will only answer technical questions.

5.4. Non attendance of Cabinet members

- a) The Committee will provide sufficient notice (as set out in the Scrutiny Procedure Rules) to Cabinet members so that they can attend.
- b) Except for attendance at the Call In sub Committee (where paragraph 13 of the Scrutiny Procedure Rules will apply) in instances where the relevant Portfolio Holder cannot attend, the Leader will attend. Where neither can attend the relevant Head of Service will attend.

6 Participation of Other Organisations

6.1. The Meeting before

- a) The Committee will agree its goals for the meeting. These will align with the S.M.A.R.T objectives agreed as part of the scoping process.
- b) Based upon these goals, the Committee will agree a list of initial questions.
- c) The Committee will agree on a format for the item to be considered at the next meeting. They may also consider whether the relevant Cabinet member will be invited to attend.

6.2. Before the meeting

- a) The Committee will provide organisations with advance notice of its initial questions.

6.3. At the meeting

- a) The meeting will follow the format agreed as part of paragraph 6.1(c) above.
- b) The Committee may ask follow up questions. These will be linked to the aims of the meeting.
- c) The Committee will consider whether it has achieved its goals for the meeting and will decide on a course of action, including the setting of S.M.A.R.T recommendations if appropriate.

7 Recommendations

7.1. As set out in the Constitution any referrals to the Cabinet will be considered at its next meeting.

7.2. Cabinet's decision will be noted at the next meeting of the Scrutiny Committee. Where the Cabinet has not accepted the recommendation of the Committee, the Leader or relevant Portfolio Holder/s will provide a written explanation to the Committee setting out why Cabinet has not accepted the recommendations.

8 Outcome Monitoring

8.1. Final recommendations will be S.M.A.R.T so they can be effectively tracked and monitored. The Committee will consider how closely the recommendations align with the S.M.A.R.T objectives set as part of the scoping of the review.

8.2. The Committee will track reviews and choose an appropriate time to explore whether the S.M.A.R.T objectives and recommendations have been met.

Scrutiny Procedure Rules

1 Scrutiny

- 1.1. The Council will establish bodies which will perform scrutiny functions on behalf of the Council in exercise of the terms of reference set out in Article 7. Full Council will decide the number of Councillors on each body. Currently this comprises:
 - a) A Scrutiny Committee
 - b) A Call In Sub Committee of the Scrutiny Committee
- 1.2. The Call In Sub Committee is the forum for considering decisions of the Cabinet, Committees and Officers that are called in.

2 Membership of the Scrutiny Committee

- 2.1. Scrutiny Committee
 - a) All Councillors, except the Leader and Cabinet Members, may be members of the Scrutiny Committee. However, no Councillor may be involved in scrutinising a decision in which they have been directly involved.
- 2.2. Call In Sub Committee
 - a) Membership of the Call In Sub Committee will comprise of members of the Scrutiny Committee. The Chair will be the Vice Chair of the Scrutiny Committee.

3 Co-optees

- 3.1. The Scrutiny Committee may appoint non-voting co-optees to serve.

4 Meetings of the Scrutiny Committee

- 4.1. There will be at least six ordinary meetings of the Scrutiny Committee in each year. In addition, extraordinary meetings may be called when needed. A Scrutiny Committee meeting may be called by the Chair of the Committee, by any five (5) members of the Committee or by the Proper Officer if they consider it necessary.

5 Quorum

- 5.1. The quorum for meetings will be as set out for Committees in the Council Procedure Rules in Part 4 of the Constitution.

6 Who Chairs Scrutiny Committee Meetings?

- 6.1. The Chair and Vice Chair of the Scrutiny Committee will be drawn from among the Councillors sitting on the Scrutiny Committee and appointed by Full Council.

7 Scrutiny Committee Work Plan

- 7.1. The Scrutiny Committee will be responsible for setting its own work programme.

8 Agenda Items

- 8.1. Any member of the Scrutiny Committee will be entitled to give notice to the Chief Executive that they wish for an item to be included on the agenda for the next available meeting of the Committee or Sub Committee. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda. The Scrutiny Committee will determine the form of the notice request.
- 8.2. The Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council and the Cabinet to review particular areas of activity. The Scrutiny Committee shall report its findings and any recommendations back to the Cabinet or Council. The Council or the Cabinet will consider the report of the Scrutiny Committee at their next ordinary meeting.

9 Reports from the Scrutiny Committee

- 9.1. Once it has formed recommendations on proposals for development, the Scrutiny Committee will prepare a formal report and submit it to the Chief Executive to arrange for it to be considered by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or Full Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework)..
- 9.2. If the Scrutiny Committee cannot agree on a single final report to the Cabinet, then up to one minority report may be prepared and submitted for consideration by the Cabinet with the majority report.
- 9.3. The Cabinet will consider the report of the Scrutiny Committee at its next ordinary meeting.

10 Making Sure that Scrutiny Reports are Considered by the Cabinet

- 10.1. The agenda for Cabinet meetings will include an item entitled "Communications from Committees/Working Groups/Parties and Panels". The reports of the Scrutiny Committee referred to the Cabinet shall be

included at this point in the agenda (unless they have been previously considered on a substantive item on the agenda).

11 Rights of Scrutiny Councillors to Documents

11.1. In addition to their rights as Councillors, members of the Scrutiny Committee have the additional right to documents and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of the Constitution.

12 Councillors and Officers Giving Account to the Call In Sub Committee

12.1. The Call In Sub Committee scrutinises and reviews decisions which have called in through the Council's call in procedures.. As well as reviewing documentation, it may require any member of the Cabinet, the Chief Executive or any senior Officer to attend before it to explain:

- a) any particular decision or series of decisions
- b) the extent to which the actions taken implement Council policy
- c) their performance

12.2. It is the duty of those persons to attend if so required.

12.3. Where any Councillor or Officer is required to attend the Call In Sub Committee under this provision, the Chair will inform the Chief Executive. The Chief Executive will inform the Councillor or Officer in writing giving at least five clear working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to give account and whether any papers are required to be produced for the Sub Committee. Where the account to be given needs a report, the Councillor or Officer concerned will be given sufficient notice to allow them to prepare the document.

12.4. Where, in exceptional circumstances, the Councillor or Officer is unable to attend on the required date, the Call In Sub Committee shall, in consultation with the Councillor or Officer, arrange an alternative date. The re-arranged date will be within 28 days from the date of the original request.

13 Attendance by Others at Call In Sub Committee

13.1. Individuals, representatives or organisations may be invited other than those referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions.

13.2. Attendance is optional but desirable.

14 Call In

- 14.1. Call in should only be used in exceptional circumstances. These are where members of the Call In Sub Committee have evidence which suggests that the Cabinet did not take the decision in accordance with the principles set out in Article 12 of the Constitution.
- 14.2. When a decision is made by the Cabinet, Leader or Portfolio Holder or under joint arrangements, the decision shall be published electronically and shall be available at the main offices of the Council normally within five working days of being made.
- 14.3. The decision notice will have the date it was published and will specify that the decision will come into force and may then be implemented, five clear working days after the publication of the decision unless it is subject to call-in for consideration by the Call In Sub Committee.
- 14.4. During the period stated above any two Members of the Call In Sub Committee may give written notice to the Chief Executive, identifying the decision to be called-in, supported by reasons. This notice must be received before 5pm on the fifth day (4.30pm if it is a Friday). The Proper Officer shall then notify the decision-taker of the call-in request and will call a meeting of the Sub Committee on such date as they may determine in consultation with the Chair (or Vice-Chair) of the Sub Committee and in any case within ten (10) working days of the receipt of the call in request.
- 14.5. No further action may be taken to implement the decision until the call in process has been completed.
- 14.6. The decision making body or person may amend the draft minute of the decision or action called in in consultation with relevant Officers if in their opinion it is inaccurate.
- 14.7. If a decision has been called in and the Sub Committee does not meet in the period set out above the decision will take effect following that period. If the Sub Committee does meet during that period but does not refer the matter back to the decision making person or body, the decision will take effect on the date of the Call In Sub Committee meeting.
- 14.8. If, having considered the decision, the Call In Sub Committee is still concerned about it, it may refer it back to the decision making person or body for reconsideration. The Call In Sub Committee will set out in writing the nature of its concerns or refer the matter to the Scrutiny Committee. If referred to the decision maker they will reconsider it within a further ten clear working days and make a final decision on the route of action they propose.
- 14.9. If the matter was referred to Full Council and it does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below.

However, if the Council does object, it can only make decisions on matters which are outside of the current policy framework or budget. If a decision is consistent with the framework or budget, the Council will refer the decision back to the decision maker. The decision maker will decide whether to amend the decision before implementing it. The decision maker will reconsider the decision within ten clear working days of the Council request.

- 14.10. If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is earlier.

15 Call In Exceptions

15.1. In order to ensure that call in is not abused or causes unreasonable delay, certain limitations are placed on its use. Consequently the following decisions shall not be subject to call in:

- a) a decision that stands as a recommendation to Full Council
- b) a decision to implement a decision approved in principle by Council within the preceding six months
- c) a decision taken in circumstances where the decision making body or person in question has resolved that the matter is urgent where any delay that may result from call in may be prejudicial to the interests of the Council or any third party. The reason the decision is considered urgent will be included within the report or the minutes.
- d) a decision taken in exercise of the Council's function as local planning authority or licensing authority when acting in a regulatory manner for which external appeal processes are available
- e) a decision on a procedural matter or a matter reported for information only
- f) a decision of a Committee when acting in an appeal capacity
- g) any other non-executive decision making.

16 Call In and Urgency

16.1. The call in procedure set out above will not apply where the decision being taken by the Cabinet, Leader or Portfolio Holder was urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The record of the decision shall state whether, in the opinion of the decision making person or body, the decision is an urgent one and

therefore not subject to call in. The Cabinet, Leader or Portfolio Holder must agree both:

- a) that the decision proposed is reasonable in all the circumstances; and
- b) to it being treated as a matter of urgency. In the absence of the Chair of the Scrutiny Committee, the Vice-Chair's consent shall be required. In the absence of both, the Chief Executive or their nominee's consent shall be required.

16.2. The operation of the provisions relating to call in and urgency shall be monitored annually. A report needs to be submitted to Council with proposals for review if necessary.

17 The Party Whip

17.1. If a Councillor is subject to a party whip on any matter they must declare this, as well as the nature of the whip, before the matter is considered. The declaration and the detail of the whipping arrangements will be recorded in the minutes of the meeting.

18 Procedure at Scrutiny Committee Meetings

18.1. The Scrutiny Committee will consider the following business:

- a) minutes of the last meeting
- b) declarations of interest (including whipping declarations)
- c) responses of the Cabinet to reports of the Scrutiny Committee
- d) the business otherwise set out on the agenda for the meeting.

18.2. The Committee may also ask people to attend to give evidence at its meetings which are to be conducted in accordance with the following principles set out in the Cabinet-Scrutiny Protocol:

18.3. Following any investigation or review, the Scrutiny Committee will prepare a report that will be submitted to the Cabinet or Council as appropriate. The report will be made public unless there is legal reason for the report to be confidential.

Appendix C

SCRUTINY COMMITTEE

The Scrutiny Committee supports the work of the Cabinet and the Council as a whole. The Scrutiny Committee has no decision-making powers and cannot scrutinise individual regulatory or quasi-judicial issues. Its function is to raise issues for consideration, to examine and scrutinise matters of community interest, to hold the Cabinet to account, and to represent the interests and views of the public. Where appropriate, joint reviews will be undertaken with other organisations.

Terms of reference

1. To provide the main forum for the Council's internal and external scrutiny work, focusing on activities that improve outcomes for local people.
2. To approve an annual overview and scrutiny work programme, including the programme of any task and finish groups appointed so as to ensure that the Committee's and task and finish groups' time is effectively and efficiently utilised.
3. To ensure that referrals from the Scrutiny Committee to the Cabinet, either by way of report or for reconsideration, are managed efficiently.
4. At the request of the Cabinet to make recommendations about the priority of referrals if the volume of such reports creates difficulty for the management of Cabinet business or jeopardises the efficient running of Council business.
5. To receive and action requests from the Cabinet and/or the Council for reports.
6. To have the powers in relation to Cabinet decisions made but not implemented as set out in Section 21(3) of the Local Government Act 2000 (as amended).
7. To have the power to investigate any matters it considers relevant to its work area, and to make recommendations to the Council, the Cabinet or any other Committee or Sub-Committee of the Council as it sees fit.
8. To provide an annual report to Full Council setting out the work completed by the Committee in the previous year. This report will be considered at the first ordinary Full Council meeting after Annual Council.

Chairing

1. Full Council shall appoint the Chair and the Vice Chair of the Committee.
2. The Chair shall be a member of the Administration and the Vice Chair a member of the Opposition.

The Scrutiny Committee has one permanent Sub-Committee (the Call-In Sub-Committee) which will carry out the internal scrutiny functions of the Scrutiny Committee. This Sub-Committee will be chaired by the Vice Chair of the Scrutiny Committee:

CALL IN SUB-COMMITTEE

Terms of reference

1. To review and scrutinise decisions made or other action taken, in connection with the discharge of any functions of the Council making recommendations to the Scrutiny Committee.
2. To call in, review or scrutinise any decision made but not implemented and to recommend that the decision be reconsidered by the person or body who made it.
3. To have power to require any Harlow District Council Councillor and/or Officer to attend before it and to answer questions; it being the duty of any such Councillor or Officer to comply with any such requirement.
4. To consider matters referred by individual Councillors.

Chairing

1. Full Council shall appoint the Vice Chair of the Sub-Committee.
2. The Chair shall be the Vice Chair of the Scrutiny Committee.

In the absence of the Chair the Vice Chair shall preside.

Appendix D

CABINET POLICY DEVELOPMENT WORKING GROUP

Terms of reference

1. To prepare a work programme as directed by Cabinet to consider issues of relevance to Harlow.
2. To review the key issues relating to the work plan policy item in order to identify and propose to Cabinet, practicable, affordable and prioritised recommendations which improve the effectiveness of the policy within the resources available.

Chairing and membership

1. Cabinet shall appoint the Chair, Vice Chair and membership of the Working Group.
2. The Chair and Vice Chair shall be a member of the Administration.

Scrutiny Committee – Review Topic Submission Form

Councillor Name and other Councillors supporting submission	
Review Topic	<i>[Title of review]</i>
Links to the Council's priorities	<i>[Refer to the latest Corporate Plan for the Council's current priorities]</i>
What priority level is this item?	<i>[State whether you feel the item is low, medium, or high priority]</i>
Terms of reference (to include the scope of the review)	<i>[Outline suggested major areas of inquiry]</i>
Purpose and objective of the review	<i>[State why you feel the review needs to take place and what you think the review can achieve setting out any S.M.A.R.T objectives]</i>
Methodology/approach (methods to be used for gathering evidence)	

Written evidence required	
Potential witnesses	<i>[These could be Councillors (e.g. portfolio holders) or Officers from the Council, or external representative such as residents, the Police, ECC Officers etc.]</i>
Potential Stakeholder involvement (who are the stakeholders and how will their views be sought)	
Site visits (where and when)	
Publicity (methods to be used)	
Resources (people, expenditure)	
Barriers/dangers/risks (any weaknesses or potential pitfalls in the review)	
Measures of success	<i>[State how think the success of the review will be measured]</i>

Annual Reports from Councillors Appointed to Outside Bodies 2019/20

1 St Johns Arts & Recreation Association – Sue Livings

Up until March everything seemed to be going really well at the ARC, we had Regular trustees meetings making sure that everything was running smoothly. The Arc continues to be used by a wide range of groups pursuing a wide range of activities. The lunch time music concerts continue to be well supported and offer a show case for young musicians. We are in the process of giving the centre a deep clean ready to reopen with the ballet school the first group to express an interest in returning when able to do so.

2 Active Harlow Partnership – Eugenie Harvey

Active Network for Harlow works closely with Active Essex (County Sports Partnership) aiming to increase and retain participation in sport and physical activity. It does not meet as a physical network anymore but there are a number of active social media channels through which residents and partners engage and hear about activity and opportunities. The Network also meets at the highly successful Active Harlow Awards held in October 2019 in a packed Council Chamber and there are many opportunities for networking at sector specific workshops. The following is a summary of 2019/20 delivery:

- FABS (Fitness, Aerobic, Balance, Strength) Training: Four individuals qualified as FABS Move it or Lose it Instructors. This course is endorsed by CIMPSA and UK Active and follows CMO and NICE guidelines. Two members of staff from Rainbow Services and two from The Leah Manning Centre (LMC) are now qualified to deliver FABS classes to residents aged 60+. Prior to Lockdown LMC were delivering regular classes and there was discussion with Rainbow about adding a community facing session at LMC.
- Five Sports Clubs Workshops were delivered: 1. Safeguarding and Child Protection. 2. Emergency First Aid. 3. Mental Health First Aid Awareness. 4. Funding. 5. Governance.
- Active Harlow Network Grant: HDC is able to access funds from Active Essex to either co-produce or fund highly targeted projects aimed at increasing physical activity levels. The following projects were delivered in 2019-20 but unfortunately due to lockdown some initiatives have not been able to proceed at the current time.
- Family Fit Dance (targeting low income families) and reached 29 participants. Said one participant; “The opportunity has given busy mums and dads the chance to spend quality time with their children in a safe and fun environment at both a suitable time and at an affordable price given

less fortunate families the opportunity to participate in a private sector environment". A 9-year-old girl who took part told us, "I've got stronger and fitter since doing it. I can do press ups on my toes!". From a 4-year-old boy; "I burn off energy. It keeps my body fit and well".

- 10 Minute Neighbourhoods: We developed this, but unfortunately full-scale delivery was curtailed due to the Covid-19 crisis. It has changed to a walking and mapping project. We have developed an app that residents will map things of value within their community. We will be scaling this work down from the initial ambition, but it will focus on groups within the Staple Tye to Bush Fair area.
- During the pandemic we have been supporting the Active Network for Harlow with access to the government funding (7 or 8 accessed RHLG) and emergency funding from Sport England - around £25K has been awarded to Harlow Physical Activity organisations which at the time was the second highest in Essex

I would like to acknowledge the hard work of Chris Purvis to lead on and deliver this activity.

3 Stansted Airport Community Trust Fund – Eugenie Harvey

The last meeting of the SACTF was in September 2019 after which the only activity has been the dispersal of £50k in grants to local charities affected by Covid-19 which did not require a meeting. It has been discussed that the Trust will be winding down although this has not as yet been confirmed.

4 Harlow Health and Wellbeing Board – Eugenie Harvey

Harlow Health and Wellbeing Board's purpose is the delivery of the outcomes set out in Harlow Health and Wellbeing Partnership Strategy 2018-28. The strategy focuses on three strands of work – Start Well, focusing on children and young people, Be Well, Stay Well and Work Well which focuses on working age adults and Age Well focusing on the over 65's. In this report we will highlight some of the achievement of the Be Well, Stay Well and Work Well strand.

- Work Well: Championing Health and Wellbeing in the Workplace Summit. Over 60 attendees. 40 leads were generated for speakers to have further discussions with businesses following the event.
- Time to Change Employer Pledge: Funded Mind in West Essex to engage with employers to facilitate them signing the pledge. 14 employers signed the Time to Change Employer Pledge. 140 employees in Harlow received Mental health First Aid Awareness Training. 40 employees received Mental health First aid Training. 2000 employees in Harlow engaged with the project.
- The Colour Project: Local artists, Creative Ways were funded to deliver a programme of online sessions during lockdown that explored the

relationship between colour and wellbeing. Quotes include 'It is the highlight of the week' and the participants have been socialising during the at the beginning and the end and sharing artwork despite not knowing each other before the project.

- Harlow Grows: Working in partnership with Rainbow Services and Herts & Essex Community Farm 550 Harlow Grows packs have been distributed to residents during the coronavirus pandemic. The packs included 3 plants along with signposting to Harlow Grows and Herts & Essex Community Farm social media channels which include videos on how to care for the plants, how to cook with the plants, advice from the wider Herts & Essex Community Farm community. There is the opportunity to engage with other people who have received Harlow Grows packs. Over 400 people follow Harlow Grows on Facebook and the videos have had over 1000 minutes viewed. Quotes include 'Thank you for our delivery. As we are all shielding in our house it has given us more opportunity to help educate our 3-year-old granddaughter! We decided to pot ours, looking forward to the harvest' and 'Thank you Harlow Grows, we were so excited to receive our grow pack today. Really looking forward to watching these grow and tasting the results! Home school activity with forever lasting life skills.
- Engage!: Rainbow services have been funded to work with women in Permitted development units to broaden their social networks and move them closer towards employment. Covid-19 has delayed delivery until October 2020.
- 10 Minute Neighbourhoods: Joint funded the development of the community resource map project with Active Harlow based on a 10-minute neighbourhood principle.

**MINUTES OF THE DEVELOPMENT MANAGEMENT COMMITTEE
HELD ON**

1 July 2020

7.30 - 9.16 pm

PRESENT

Committee Members

Councillor Phil Waite (Chair)
Councillor Nancy Watson (Vice-Chair)
Councillor Jean Clark
Councillor Mike Danvers
Councillor Bob Davis
Councillor Michael Garnett
Councillor Sue Livings
Councillor Clive Souter

Officers

Alex Chrusciak, Interim Planning and Building Control Manager
Patricia Coyle, Senior Planning Officer
Hannah Criddle, Governance Support Officer
Julie Galvin, Legal Services Manager
Nicholas Fu, Senior Planning Officer
Sangeeta Ratna, Senior Planning Officer
Patricia Coyle, Principal Planning Officer

26. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillors Michael Hardware and Maggie Hulcoop. Councillor Jodi Dunne attended as a substitute for Councillor Maggie Hulcoop.

27. **DECLARATIONS OF INTEREST**

Councillor Mike Garnett declared a non-pecuniary interest in agenda items 7 and 11 as Harlow North County Councillor. Councillor Garnett also declared a prejudicial interest in agenda item 10 and confirmed he would withdraw from the debate for this item.

Councillor Clive Souter declared a non-pecuniary interest in agenda items 8 and 9 as Harlow West County Councillor.

Councillor Sue Livings declared a non-pecuniary interest in agenda items 7 and 10 as an Old Harlow Ward Councillor.

Councillor Bob Davis declared a non-pecuniary interest in agenda item 11 as a Mark Hall Ward Councillor.

28. **MINUTES**

RESOLVED that the minutes of the meeting held on 3 June 2020 are agreed as a correct record and signed by the Chair.

29. **MATTERS ARISING**

None.

30. **WRITTEN QUESTIONS**

None.

31. **PROCEDURE FOR CONSIDERATION OF PLANNING APPLICATIONS**

RESOLVED that the procedure for the conduct of the meeting is noted.

32. **HW/REM/19/00323 - SECTOR V, PHASE 2B NEWHALL PROJECT, REDWING WAY, NEWHALL**

The Committee received a report and application (HW/REM/19/00323) on the approval of reserved matters (access, appearance, landscaping, layout and scale) relating to the development of the site to provide 49 residential units (use class C3) and associated car parking and infrastructure works associated with approved application HW/PL/04/00302 Phase 2 New Hall.

Presentations were heard from three objectors and the applicant's agent.

RESOLVED that planning permission is **GRANTED** subject to the conditions as detailed in the published report.

33. **HW/FUL/19/00431 - CAR PARK REAR OF MARKET HOUSE AND MOBILITY HOUSE, STONE CROSS, HARLOW**

The Committee received a report and application (HW/FUL/19/00431) on the demolition of existing garages and A1 unit, erection of an 8 storey residential block of 33 flats with replacement A1 unit at ground floor and creation of a communal roof garden at the 1st floor connecting to Market House.

The Committee also received a supplementary report containing information which had been received after the publication of the agenda. The information included revised conditions 8 and 10 and an additional condition in relation to parking.

A verbal update was also given to the Committee. This set out a further additional condition:

No development shall commence until a Ventilation and Extraction Strategy relating to the adjacent commercial units has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall detail all necessary measures required to mitigate any potential impacts from extraction and ventilation systems within close proximity of the site, to ensure adequate protection for the residential amenity of future occupants from odour. No occupation of the residential development hereby permitted shall occur until such time as all the measures set out within the approved Ventilation and Extraction Strategy have been implemented in full.

REASON: To ensure that fumes associated with the commercial unit do not result in detrimental impacts to the amenity of the occupiers of the development and to maintain the commercial units in the interest of the vitality and viability of the Town Centre and to accord with policy BE2 and RTCS3 of the Adopted Replacement Harlow Local Plan. The details are required to be approved before works commence to ensure the impacts of the development are acceptable.

Presentations were heard from Councillor Tony Edwards in support of the application and the applicant.

RESOLVED that planning permission is **GRANTED** subject to the Applicant entering into an appropriately worded Section 106 Legal Agreement, the revised conditions 8 and 10 and additional condition in relation to parking as set out in the supplementary report, the additional condition addressing Ventilation and Extraction as presented in the officers verbal update and the remaining conditions as set out in the published report.

34. **HW/FUL/20/00036 - KINGS ACRE, THIRD AVENUE, HARLOW**

The Committee received a report and application (HW/FUL/20/00036) on the change of use and extension to existing bungalow (use class C3) to a rehabilitation centre.

The Committee also received a supplementary report containing information which had been received after the publication of the agenda. The information included additional representations received from the applicant, the revised description and revised conditions 2 and 3.

Presentations were heard from Councillors David Carter and Tony Edwards, both in support of the application, and the applicant.

RESOLVED that planning permission was **GRANTED** subject to the revision to the description of the development, revised conditions 2 and 3 as set out in the supplementary report and the remaining conditions as set out in the published report.

35. **HW/FUL/20/00107 - 4 THE HILL, HARLOW**

The Committee received a report and application (HW/FUL/20/00107) on the demolition of 4 The Hill and development of 2 no. affordable homes comprising of 1 no. 2 bedroom and 1 no. 3 bedroom semi-detached houses (amended description).

The Committee also received a supplementary report containing information which had been received after the publication of the agenda. The information included an additional representation received from a member of the public.

Councillor Mike Garnett withdrew from the debate and vote on this item.

Presentation was heard from the applicant's agent.

RESOLVED that planning permission is **GRANTED** subject to the conditions as detailed in the published report.

36. **HW/HSE/20/00172 - 66 MARK HALL MOORS, HARLOW**

The Committee received a report and application (HW/HSE/20/00172) on a two storey rear extension with adjacent single storey extension to the rear and side.

Presentations were heard from one objector and the applicant's agent.

Councillor Mike Garnett (seconded by Councillor Jean Clark) proposed an additional condition for the working hours. The amendment was carried.

RESOLVED that planning permission is **GRANTED** subject to the conditions as detailed in the report and the additional following condition:

No construction work shall be carried out or plant operated other than between the following hours: 08:00 hours to 18:30 hours on Mondays to Fridays; and between 08:00 hours to 13:00 hours on Saturdays. No construction work shall take place on Sundays, Bank Holidays or Public Holidays.

Reason: in the interest of residential amenity of neighbours and to accord with policy BE1 of the adopted replacement Harlow Local Plan, July 2006

37. **REFERENCES FROM OTHER COMMITTEES**

None.

38. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE COMMITTEE