



Scrutiny Committee

Minutes of the Meeting Held on 22 October 2019
at 10:03am in the Edwards Room, County Hall, Norwich

Present:

Cllr Steve Morphew (Chair)
Cllr Alison Thomas (Vice-Chair)

Cllr Ed Connolly
Cllr Emma Corlett
Cllr Phillip Duigan
Cllr Chris Jones

Cllr Joe Mooney
Cllr Richard Price
Cllr Daniel Roper
Mr Giles Hankinson (Parent Governor
Representative)

Substitute Members present:

Cllr Penny Carpenter for Cllr Roy Brame
Cllr Shelagh Gurney for Cllr Ron Hanton
Cllr Eric Seward for Cllr Ed Maxfield
Cllr Tony White for Cllr Keith Kiddie

Also present:

Cllr Tim Adams	In support of the call-in at item 8 on the agenda
Cllr Kim Clipsham	In support of the call-in at item 8 on the agenda
Cllr Margaret Dewsbury	Cabinet Member for Communities and Partnerships
Cllr Andrew Jamieson	Cabinet Member for Finance
Tom McCabe	Executive Director of Community & Environmental Services
Simon George	Executive Director of Finance and Commercial Services
Fiona McDiarmid	Executive Director Strategy and Governance
Helen Edwards	Chief Legal Officer (Monitoring Officer)
Sarah Rhoden	Head of Support and Development, Community and Environmental Services
Debbie Bartlett	Assistant Director, Strategy and Transformation, Adult Social Services
Tim Edwards	Area Manager, Norfolk Fire and Rescue Service
Chris Walton	Head of Democratic Services
Karen Haywood	Democratic Support and Scrutiny Manager
Tim Shaw	Committee Officer

1 Apologies for Absence

- 1.1 Apologies were received from Cllr Roy Brame (Cllr Penny Carpenter substituting), Cllr Ron Hanton (Cllr Shelagh Gurney substituting), Ed Maxfield (Cllr Eric Seward

substituting) and Cllr Keith Kiddie (Cllr Tony White substituting).

2 Minutes

- 2.1 The minutes of the meeting held on 17 September 2019 were declared as an accurate record and signed by the Chair.

3. Declarations of Interest

- 3.1 There were no declarations of interest.

4 Urgent Business

- 4.1 No urgent business was discussed

5. Public Question Time

- 5.1 No public questions were received

6. Local Member Issues/Questions

- 6.1 No local Member questions were received.

7. Call ins

- 7.1 The Committee noted that there were two call ins to be taken at items 8 and 9 of today's agenda.

8. Call in: Strategic and Financial Planning- Budget 2020-21

- 8.1 The annexed report (8) related to the call-in of item 15 of the Cabinet papers of 7 October 2019 entitled "Strategy and Financial Planning budget 2020-21".

- 8.2 The Chair explained the way in which he would handle this item to best ensure a fair and balanced scrutiny process and to decide what (if any) issues the Committee would refer to a special meeting of the Cabinet that had been arranged for the following day.

- 8.3 The Chair said that the purpose of the call-in was to obtain more detailed information about the proposals on which the County Council was going out to public consultation (so that the public could make an informed response) and to better understand the consequences for services because this was unclear from the Cabinet report.

- 8.4 Cllr Roper added that while Members of the Council could understand the aspirations behind the Cabinet's budget proposals, the proposals lacked clarity, robustness and the evidence base that the public needed to be able to make informed responses. The difficulty was to provide the public, in plain English, with a range of options on how the Administration's budget proposals would impact on everyday lives. Residents expected the County Council to spend its money efficiently. They did not expect to be asked to endorse by way of their response issues that they could not change.

- 8.5 Cllr Adams referred to the "Gunning principles" and the legal case in *Moseley v*

Haringay (mentioned in the call-in request form). He said that it was very important for the public to be able to decipher from the language used in public consultation documents how proposed changes might impact on everyday lives and to feel assured that their views would matter at the end of the consultation process. He said that those who had called in this scrutiny item were concerned that the public consultation might not overtly mention or even recognise the growing number of vulnerable older and younger people in society and the impact of any service changes on those who provided for their care. The consultation proposals were perceived to be too simplistic to comment upon in an informed way and to not help in the development of a robust, balanced 2020-21 Budget for the Council.

- 8.6 Cllr Jamieson, Cabinet Member for Finance, said that the consultation would relate to only two issues: the level of Council Tax and Adult Social Care precept for 2020-21. The consultation was about explaining in broad terms the Council's vision and strategy and about how this would inform the development of the 2020-21 budget. The consultation would provide a whole-Council view of the most significant Council activities, including significant service change or redesign, infrastructure, assets and technology. There was no intention for the consultation to provide the public with detailed plans for a final budget but only to provide a spending envelope in key areas of Council activity. The Council had already learned a great deal through extensive budget consultations with residents and stakeholders that had taken place in previous years. This year's consultation process was no different from that of previous years. Whilst any proposals that impacted on particular service users would be the subject of formal consultation at a later stage in the budget setting process, this was not the right time for that level of consultation.
- 8.7 In reply to questions, the Chief Legal Officer confirmed that the County Council planned to focus the public consultation on a given number of broad areas of Council activity. The most relevant case law could be found in *Hollow (and others) v Surrey Council 2019* and not in the legal cases mentioned in the call-in. The Surrey case related to a claim against Surrey County Council that had failed on the basis that the relevant "areas of focus" of public consultation were only broad areas in which Surrey County Council had identified ways of reducing the costs of the special educational needs and disabilities needs services that it provided. The savings identified in the budget consultation represented projections of income and expenditure at the relevant time and did not bind a Council to any course of action.
- 8.8 In reply to further questions from the Vice-Chair, the Chief Legal Officer said that it would be prejudicial to the interests of Norfolk County Council for it to undertake detailed consultation on all aspects of its budgetary planning at this stage. In working up its broad proposals the Council was not subject to the Access to Information legislation.
- 8.9 In reply to other questions, the Cabinet Member said that work on the equality impact assessments that impacted on identified groups with protected characteristics had started. Once a final set of budget proposals were agreed, then arrangements for engagement with relevant groups, which formed a core part of the evidence used to prepare the assessments, would be finalised.
- 8.10 The Chair referred to the wording of the Cabinet resolution which implied public

consultation would be undertaken on the 2020-21 budget and saving proposals, and the level of Council Tax and Adult Social Care precept for 2020-21. He said that anyone reading the Cabinet resolution would reasonably expect that this applied to all areas of Council activity and to be sufficiently detailed to allow the people to make informed choices about proposed changes in public services. He said that in the circumstances to comply with the resolution, the Cabinet should carefully reconsider its decision and not limit the consultation to the level of Council Tax and the Adult Social Care precept for 2020-21. The Chair then asked the Chief Legal Officer if what the Council proposed to consult on met with legal requirements.

- 8.11 In reply, the Chief Legal Officer said that the consultation would meet with all legal requirements; the Cabinet had agreed to focus the level of consultation in broad terms, on the areas of Council activity that were set out in the Cabinet report, and there was no intention to consult in more detail than that at this stage.
- 8.12 In reply to further questions, the Cabinet Member said that the public expected the Cabinet to apply a flexible approach to savings proposals. The Cabinet recognised that the public had concerns about changes in mobile services and transport in rural areas and, specifically, about the impact that the transformation of services could have on children, older people and rural isolation. People were acutely aware of Norfolk's rurality and expected the Council to be in tune with this.
- 8.13 Some Members of the Committee said that when in the past the Council had consulted on an increase in Council Tax then there were alternatives given as to how to make savings. They considered that the budget lines were insufficiently detailed for the public to understand what was intended. One example given in the meeting related to the Norfolk Museums Service achieving savings of £120,000 resulting from NMS staff having the right skills mix. This budget line did not explain how this saving could be achieved or how this service was currently provided. Members of the Committee then gave further examples from budget lines in the Cabinet report that related to adults and children's services where there were no timetables for service changes and where there were dangers of double counting of savings figures. They said that the Cabinet should be clearer as to what they were consulting on and should state in the consultation that there would be later consultation on individual proposals.
- 8.14 The Executive Director of Finance and Commercial Services confirmed that the level of detail included in the public consultation met with the Council's financial requirements.
- 8.15 The Executive Director Strategy and Governance said that while the consultation would be on just two areas of council activity the consultation would refer to documents where the public could find additional supporting information. Previous consultation provided the Council with a rich source of information about people's concerns and views. Any consultation materials would make it clear that the Council was not "starting from scratch" and that the views expressed previously remained current.
- 8.16 In reply to questions from the Vice-Chair, the Chief Legal Officer said that there were no material changes in the way that the Council was preparing to approach public consultation this year from previous years.

- 8.17 In his summing up the Cabinet Member accepted that more carefully chosen words should have been used in the Cabinet report to describe the limited focus of public consultation and to draw a distinction between statutory and non-statutory public services. He assured the Committee that if it became legally necessary to provide detailed information about any specific proposals that represented significant service change or reduction then service users, the public, stakeholders and staff would be invited to comment further. Additionally, extra steps would be taken at the earliest possible opportunity to ensure that the Council reached out to the representatives of groups or communities that might be particularly affected by any proposal. County Councillors would be informed of the results of the consultation in a summary form, so they could take account of public feedback during the lead up to the Council setting its budget.
- 8.18 The Chair said that in future whenever the Cabinet went out to public consultation it should provide the public with a range of service options and that this was a matter that should be considered by Full Council.

The Chair then moved, seconded by Cllr Roper:

To refer the decision back to Cabinet to request that they either provide additional information to enable the public to provide informed responses to the consultation or clarify the decision so that the public are clear as to the limits of the consultation exercise.

- 8.19 The Vice-Chair said that the motion on the table could result in an unnecessary delay in the setting of the Council budget because more information would be needed from officers before consultation could take place and, moreover, this year's consultation process was no different from that of previous years.
- 8.20 On being put to the vote the motion was LOST, there being 5 votes in favour and 8 votes against.

9. Call in: Norfolk Fire and Rescue Service Draft Integrated Risk Management Plan

- 9.1 The annexed report (9) related to the call-in of item 7 of the Cabinet papers of 7 October 2019 entitled "Norfolk Fire and Rescue Service Draft Integrated Risk Management Plan 2020-23".
- 9.2 The Chair explained the way he would handle this item to best ensure a fair and balanced scrutiny process and to decide what (if any) issues the Committee referred to a special meeting of the Cabinet that had been arranged for tomorrow.
- 9.3 Cllr Corlett, speaking as one of the Councillors who had called-in this item, said that the draft Integrated Risk Management Plan 2020-23 (IRMP) lacked the detail that was needed for the public to know what the Council were consulting on, therefore the consultation as it stood could not be meaningful and the Cabinet needed to reconsider this matter. She said that the Cabinet should be asked to ensure that the consultation on the draft IRMP outlined all foreseeable fire and rescue related risks, how the service would allocate resources across prevention, protection and

response, detail resource allocation for mitigating risks and the management and risk strategy for ensuring that fire safety regulations would be met. The consultation document fell short on all these issues.

- 9.4 The Vice-Chair pointed out that four Councillors had called in this item but only one Councillor (who was also a Member of the Committee) was present at today's meeting to explain the reasons for the call-in. It was reasonable to expect that Councillors who called in items should attend the Committee. In response Cllr Corlett pointed out that they had previous commitments.
- 9.5 Cllr Margaret Dewsbury, Cabinet Member for Communities and Partnerships, said that as the Norfolk Fire and Rescue Authority (NFRS), Norfolk County Council had a statutory duty to develop an Integrated Risk Management Plan (IRMP) for at least the next three years. As the current plan ended in March 2020, the drafting of the new draft IRMP had started at the Communities Committee meeting in October 2018. The Cabinet Member then explained how all interested parties had been provided with an opportunity to comment on what was being proposed for public consultation. She said there were five areas of development (that were explained in the draft plan) for public consultation where the public would have their say before the plan was finalised. She emphasised that it was important for Councillors to keep in mind that there were no current proposals to close fire stations, reduce the vehicle fleet or reduce crewing levels on vehicles and that there was the opportunity for NFRS to contribute to improving patient outcomes through emergency medical response and prevention.
- 9.6 During discussion, some Members of the Committee spoke about the importance of the public consultation document explaining in more easy to understand terms what was meant by 'the NFRS concept of operations', the county flood risks, how the NFRS could contribute to a medical co-response to cardiac arrests, improve patient outcomes through joint emergency medical response, and apply national fire and rescue standards/ local bench making targets. This was needed to provide an open, honest, transparent and meaningful consultation.
- 9.7 In reply to the points made by Members of the Committee, the Cabinet Member confirmed that a summarised easy-read version of the IRMP would be produced to accompany the draft IRMP for public consultation. She also highlighted the intention to retain the specialist water rescue capability, which no longer received government funding, and said that Cabinet approval had been obtained for this service to continue. The Cabinet Member added that currently ambulances responded to medical incidents such as cardiac arrests but where fire engines were nearer to the scene than an ambulance and were able to respond patients could be treated more quickly and this could help to save lives. The intention was to explore the potential for responding to medical incidents such as cardiac arrests in conjunction with the ambulance service. This would involve discussing co-responding with NFRS staff and partners and examining the potential for extra funding to pay for this additional service.
- 9.8 The Area Manager of the Norfolk Fire and Rescue Service (who was in attendance in place of the Chief Fire Officer who had given his apologies) explained the NFRS plans for the future of the service.
- 9.9 Members of the Committee commended the NFRS on the high esteem in which the service was held.

- 9.10 The Chair said that it had become apparent during the consideration of this call-in item that some Members of the Committee had received before the start of the meeting copies of the draft consultation document and some Members had not. He said that the Cabinet Member should have ensured that the draft document was shared with all Members of the Committee before the meeting. He said that it was very important for all Members of the Committee to have the same level of information about call-in items. If all Members of the Committee had known of the existence of the draft consultation document at the same time and had been given an opportunity to read it before the meeting, then today's call-in might not have been necessary, or the debate shortened.
- 9.11 Cllr Corlett and Cllr Roper said that (speaking as a call-in member and a former leader of the Liberal Democrat Group respectively) they had also not known of the existence of the draft consultation document prior to this meeting and shared the concerns expressed by the Chair.
- 9.12 The Vice-Chair said that there had been no attempt to hide the existence of the draft consultation document and it would be wrong to think that there had been such an attempt. It had been well known, and the Cabinet Member had made it very clear earlier in the meeting, that the process to develop the draft IRMP had included a range of key partners and stakeholders, including: staff groups, cross-party Member Groups and engagement (including a cross-party Member Working Group and specific discussions with Group representatives), representative bodies and owners/operators of non-domestic sleeping accommodation.
- 9.13 In adding to earlier comments, and summarising the discussion, the Chair said that the existence of the draft consultation document during the meeting had come as a complete surprise to him. As Chair of the Scrutiny Committee it was reasonable to expect that a copy of the consultation document would be shared openly, and he hoped that such a situation would not arise again in the future.
- 9.14 Cllr Corlett then moved, seconded by Cllr Jones:
- To refer the decision back to Cabinet for consideration of whether the concerns raised by the Committee are covered by the draft consultation document.
- 9.15 On being put to the vote the motion was lost; there being 4 votes in favour and 8 votes against.

10. Scrutiny Committee Forward Work Plan

10.1 The Committee considered the forward work plan.

10.2 The Committee **AGREED:**

- (a) the forward work plan as set out at Appendix 1 to the report;**
- (b) to establish a task and finish group to scrutinise the “cumulative impact of cutting services for families with disabilities.” The task and finish group to be asked to develop terms of reference for this scrutiny for final agreement by the Chair and Vice Chair.**

The meeting concluded at 13:30

Chair