

## SHADOW EXECUTIVE

TUESDAY, 31ST MARCH, 2020 AT 10.00 AM

Present: Councillor Martin Tett in the Chair

Councillors K Wood (Vice-Chairman), S Bowles, B Chapple OBE, J Chilver, A Cranmer, I Darby, T Green, C Harriss, P Hogan, A Macpherson, D Martin, N Naylor, M Shaw, W Whyte, G Williams and F Wilson

### 1 Apologies

Martin Tett, Leader of the Shadow Executive, welcomed everyone to the final Formal Shadow Executive meeting of Buckinghamshire Council and thanked all the members and officers for their hard work over the last year. Mr Tett advised that the meeting was being conducted and webcast online using video conferencing as it was important for the public to be able to see the decisions taken.

Sarah Ashmead, Executive Director and Assistant Chief Executive Officer, explained that, until now, legally a formal decision making meeting such as the Shadow Executive, could not be held remotely. However, the Council was awaiting new Government regulations which would allow formal meetings to be held remotely. The regulations were expected to take effect later in the week. Ms Ashmead proposed that Members reach a view about each of the papers; the Leader would then be asked, under delegated authority, to take the decisions under emergency powers after the meeting.

No apologies had been received.

**RESOLVED:** The Shadow Executive **AGREED** that all decisions taken at the Formal Shadow Executive meeting on 31 March 2020 would be made by the Leader under emergency powers after the meeting.

### 2 Minutes

**RESOLVED:** The minutes of the meeting held on 10 March 2020 were **AGREED** as an accurate record and signed by the Chairman.

### 3 Declarations of interest

There were no declarations of interest.

### 4 Question Time

**Cllr Robin Stuchbury**

*"I ask this out of responsibility as a member of the Opposition to maintain scrutiny of the executive to insure there is a democratic process visibly taking place and this question is not to frustrate or complicate the difficult job which is being undertaken by the executive/officers of the council and Shadow Authority.*

*In light of the horrendous situation we find ourselves within with the Coronavirus, what steps are we/you able to put in place to ensure there is the ability to have oversight and scrutiny of*

*the executive responsibilities and decision from councillors who are not members of the executive of the council in these most challenging times."*

Response provided by Martin Tett.

"Thank you for your question and support that you, and Councillor Steven Lambert, as members of the opposition, had provided in this period of national crisis on behalf of the opposition parties. It was very important to be clear that these were very dangerous and unprecedented times. A national emergency was taking place which needed fast, clear decision making. Would all decisions taken be correct? Possibly not, but Executive members and senior officers needed to react in real time to very many, very serious issues.

With regard to Scrutiny. I intend to stand up the Scrutiny Committees proposed in the Constitution during April and these would meet remotely. However, I need to be clear that we really must not use these to unreasonably delay or hamper important and possibly life-saving decisions".

## **5 Forward Plan (28 Day Notice)**

Martin Tett asked for comments on the forward plan. In response to a question on how the Covid-19 situation would be reflected in the plan as it did not include a substantive item on the coronavirus; it was noted that the public should check the Buckinghamshire Council website for Covid-19 updates. The Leader was also providing an online weekday webcast update. It was agreed that a short paper, supplemented by a verbal update, due to the fast-changing situation, would be provided at the Cabinet meeting on 21 April 2020.

It was noted that Clive Harriss should be replaced by Bill Chapple OBE as the lead member for the Waste Procurement Strategy update - HRCs Contracts item.

**ACTION: Democratic Services**

**RESOLVED: The Shadow Executive NOTED the forward plan.**

## **6 Buckinghamshire Permit Scheme**

Mark Shaw introduced the report and explained that the scheme would extend what was already being carried out on the strategic and primary network. The scheme would enable a better flow of traffic and more inspectors would be available to monitor the work undertaken by the utilities companies. A consultation had been completed with strategic partners and members.

Rob Smith, Service Director, Highways and Technical Services, added that the neighbouring authorities had a fully comprehensive scheme and it would enable the authorities to have a similar approach and a far better capability to coordinate the management of the roadworks which could be very disruptive on Buckinghamshire's roads.

Members of the Shadow Executive raised the following points in discussion:

- It would be important to ensure effective communication to the town and parish councils via the online portal, particularly on changes to planned roadworks. R Smith confirmed that the scheme would allow more comprehensive information to be shared on the portal.
- The scheme would ease congestion and thereby improve air quality.
- Information regarding the online portal would be shared with all the members of the Buckinghamshire Council; anyone was able to view [www.roadworks.org](http://www.roadworks.org) which was a standalone website.

**RESOLVED: The Shadow Executive APPROVED the proposal for the expansion of the existing Buckinghamshire Street Works Permit Scheme to cover all roads in the County.**

## **7 Overarching Health & Safety Policy**

Katrina Wood introduced the report. Each of the five councils had had its own Health and Safety Policy but one overarching Health and Safety Policy was required for the new Buckinghamshire Council prior to vesting day. However, the existing reporting systems and policies were likely to remain in place and the vast majority of operational health and safety arrangements would remain valid and continue after 1 April 2020.

Members of the Shadow Executive raised the following points in discussion:

- In response to a query on whether there would be a central database which would act as an audit trail of training and competence it was confirmed that it was a requirement for all managers to hold training records.
- The Communications Team would launch the new Health and Safety Policy to all staff including staff based in the depots.
- In response to a query on what responsibility the Council had for staff currently working from home; it was confirmed that the Council still had a liability for its entire staff and that extensive guidance on homeworking was available along with support to help staff with their DSE assessments.

**RESOLVED: The Shadow Executive CONSIDERED the report; APPROVED the adoption of the new Health and Safety Policy and APPOINTED an interim Member from the Planning, Growth and Sustainability Portfolio to be the Health and Safety Champion.**

## **8 Equalities Approach and Policy**

Martin Tett stated that the Equalities Policy reflected the importance the Council attached to ensuring the organisation was open to people from all backgrounds and faiths and that there was maximum equality of opportunity available. The Council was proposing to continue its membership of a number of associations/organisations to understand new developments and opportunities in this area. Roger Goodes added that the policy reflected the approach developed during the Unitary programme which was built on the best practice from across the five legacy councils. The policy would be built upon in the new council to strengthen the organisation's position.

**RESOLVED: The Shadow Executive AGREED the draft Equality Policy, AGREED to continue using the Equality Impact Assessment template and guidance developed for the shadow authority, NOTED the requirement to publish workforce monitoring and gender pay gap data annually and NOTED the approach to memberships and accreditations.**

## **9 Regulation of Investigatory Powers Act 2000 (RIPA) – Policy and Procedural Guidance**

Joanna Swift, Head of Legal and Democratic Services, Chiltern and South Bucks, introduced the report and advised it was a legal requirement for Buckinghamshire Council to have the policy and procedural guidance in place in order to carry out covert surveillance, used as part of its enforcement and regulatory functions, as set out in the Regulation of Investigatory Powers Act 2000 (RIPA). The Council was required to have a single point of contact, and designated officers to authorise covert surveillance; the Council would be inspected tri-annually. The policy was based on Buckinghamshire County Council's policy but best practice from the district councils had been taken into account. The proposed authorising officers were listed in Appendix A.

Members of the Shadow Executive raised the following points in discussion:

- Surveillance on fly-tipping was well supported and requests to increase the level of surveillance were regularly received from members of the public.
- The policy would ensure that the Council was able to continue and enhance the surveillance opportunities for fly tipping which previously had been successful.
- It was confirmed that this area would be included in the terms of reference for the new Audit and Governance Committee and that an oversight of the actions and enforcements taken would be presented to the Members at least once a year.
- A member of the committee queried whether the Act covered third party filming on personal mobiles by members of the public. J Swift confirmed that this would be covered under the Data Protection Act rather than RIPA. The Council would have to consider whether it was able to use the evidence and obviously the Council encouraged people to inform us if there were criminal activities taking place. The Council would try to ensure that any evidence provided was used for enforcement.

**RESOLVED: It was AGREED that Buckinghamshire Council adopted the Regulation of Investigatory Powers Act 2000 (RIPA) – Policy and Procedure Guidance attached as an appendix to the report with effect from 1 April 2020.**

## **10 Regulatory Services Enforcement Policy**

Isobel Darby introduced the report and stated that the Council tried to assist residents and businesses to comply with the regulations but there were occasions when enforcement action had to be taken and end up in prosecution. Jacqui Bromilow, Operations Manager (Regulatory Services), advised that the Buckinghamshire Council Enforcement Policy was the overarching policy; however, each service would have its own policies and/or procedures to support the overarching policy. Buckinghamshire Council wanted to support businesses and individuals and, where appropriate, would offer advice on a tiered approach but would take more serious action if appropriate.

Members of the Shadow Executive raised the following points in discussion:

- In response to being asked whether sufficient resources were available to carry out necessary enforcement; J Bromilow stated that she was not in a position to answer as the policy covered a number of services.
- A member of the committee commented that, recently, a very successful campaign had been carried out to enforce the proper use of Blue Badges which had resulted in the confiscation of a number of badges and deterred misuse; he was supportive of this type of enforcement continuing.

**RESOLVED: The Shadow Executive Committee AGREED the enforcement policy which was an overarching policy covering all enforcement activities where prosecution was an available remedy.**

## **11 Finance Strategy**

Richard Ambrose, Section 151 Officer, introduced the report which was an overarching financial strategy for the new authority and was underpinned by the other finance policies and strategies that were on the agenda or had already been approved; this included the Medium Term Financial Plan which aimed to ensure that the new council had strong financial management in place by ensuring that there was financial governance clarity around the roles and responsibilities, including how finance interacted with the rest of the organisation and that value for money was demonstrated as well as ensuring that resources were properly aligned to the organisational priorities. R Ambrose recommended that the strategy be reviewed over the following year to ensure that it was still relevant once the new authority was clearer around the transformational activity it would undertake.

Martin Tett added that the Council was under very unusual circumstances and was having to fund mitigation of the impact of Covid-19 with a reduced income. Decisions needed to be taken quickly and many of the rules that normally applied were different. The Government had assured that the Council would be able to recover costs; M Tett stressed the importance of a record of all the expenses for sharing with Members and that all costs were reported.

Members of the Shadow Executive raised the following points in discussion:

- In response to a question on how all Covid-19 mitigation expenses would be monitored; R Ambrose explained that there was a financial representative on each of the Cells. All the costs were being captured and estimates made for likely future costs / loss of income; decisions were referred to the Corporate Management Team who held daily meetings with the Leader.
- The Leader stated he was conscious that this was public taxpayer's money. The Council needed to be able to react quickly as circumstances dictated but he was aware that the Council had to be accountable and were putting controls in place.
- A member of the Shadow Executive asked if the Leadership behaviour pillar of the table entitled 'The 'Seven pillars of Strong Financial Management' at Buckinghamshire Council' referred to Members as well as officers. R Ambrose confirmed that this was generally the case although some boxes were specific.
- It was also queried as to whether the Council would receive a 'holiday' from loan repayments. R Ambrose advised that the Council would not be in receipt of a payment holiday and stated that the Council had not yet had to borrow specifically related to Covid-19 but he was aware of the cash flow implications and was having discussions with MHCLG to ensure that the Council received funding and grants up front due to the costs being incurred in the current situation.

**RESOLVED: The Shadow Executive CONSIDERED and APPROVED the Financial Management Strategy, including the Executive Summary.**

## **12 Finance Policies**

Katrina Wood introduced the report which was to approve four policies which were standard within all councils. The policies had been drafted in collaboration with the Buckinghamshire County Council and the district councils whose policies were fairly similar. The policies had been reviewed and signed off by the Section 151 Officer.

There were no questions from the members of the Shadow Executive.

**RESOLVED: The Shadow Executive APPROVED the following Finance policies for Buckinghamshire Council:**

- 1. Anti-Fraud and Corruption Policy**
- 2. Anti-Money Laundering Policy**
- 3. Whistleblowing Policy**
- 4. Debt Management Strategy**

## **13 Risk Strategy**

Katrina Wood introduced the report which was to approve the Risk Management Strategy for Buckinghamshire Council and to note the risk process and the work that would be undertaken post vesting day to ensure that a robust risk framework was embedded. The strategy would be reviewed at least annually and was particularly important in the current situation.

Richard Ambrose added that a risk and governance lead had been allocated to each Covid-19 Community Cell and all issues were being added to the risk management system; R Ambrose stressed the importance of understanding the risks across the organisation.

Members of the Shadow Executive raised the following points in discussion:

- It was commented that the scoring had increased from 24 to 30. R Ambrose explained that a new scoring system was beneficial for the new Buckinghamshire Council as it would ensure officers understood the risks and dealt with them appropriately.
- A member of the Shadow Executive asked if there was provision for escalating write-offs above a certain threshold to the Section 151 Officer and Cabinet Member. R Ambrose confirmed that amounts over £10,000 would be escalated to him and that he would liaise with the relevant Corporate Director, head of finance and cabinet member(s).

**RESOLVED: The Shadow Executive APPROVED the Risk Management Strategy for Buckinghamshire Council and NOTED the risk process and work that would progress across the organisation post vesting day, to ensure that a robust risk framework was embedded.**

**14 Prevention and Befriending Grants**

**15 Exclusion of the Press and Public**

RESOLVED: That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act.

Paragraph 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).

**16 Confidential Minutes**

**17 Prevention and Befriending Grants**

Martin Tett summarised that the Shadow Executive had had a robust discussion on the prevention and befriending grants and had agreed the following recommendation.

**RESOLVED: The recommendations of the report needed to take into account the impact of the Coronavirus in this area of work. Members had asked officers to undertake additional work. Once this work had been completed, Councillor Angela Macpherson would agree the way forward after consultation with Councillor Gareth Williams under her delegated powers.**

**18 Date of next meeting**

To be held on 21 April 2020 via video conference call and would be the first meeting of the new Cabinet for the Buckinghamshire Council.