



# Scrutiny Panel - Communities

**To All Members of the Communities Scrutiny Panel on Wednesday, 08 February 2023**

**Date of meeting:** Thursday, 16 February 2023

**Time:** 18:30

**Venue:** The Council Chamber  
The Symington Building, Adam and Eve Street, LE16 7AG

Members of the public can access a live broadcast of the meeting from the [Council website](#), and the meeting webpage. The meeting will also be open to the public.

## Agenda

- 1 Apologies for Absence and Notification of Substitutes.
- 2 Declarations of Members' Interests
- 3 Draft Communities Scrutiny Panel minutes - 15 December 2022 3 - 8
- 4 Climate Emergency Action Plan - To Follow
- 5 Armed Forces Covenant Report 9 - 14
- 6 **Any Urgent Business**  
To be decided by the Chairman.

LIZ ELLIOTT  
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Circulate to: Janette Ackerley - Member, Stephen Bilbie - Vice-Chair, Robin Hollick - Member, Barbara Johnson - Member, Amanda Nunn - Chairman, Geraldine Robinson - Member, Julie Simpson - Member

**And all other Councillors for information**

**HARBOROUGH DISTRICT COUNCIL**

**MINUTES OF THE MEETING OF THE COMMUNITIES SCRUTINY PANEL**

held at

The Council Chamber

Symington Building, Adam & Eve Street, Market Harborough, LE16 7AG

on 15<sup>th</sup> December 2022

Commencing at 6.30pm.

Present:

Councillor Nunn, Chairman

Councillors: Bilbie, Mrs Ackerley, James, Hollick, Johnson, Mrs Robinson, Mrs Simpson

Performance Panel Councillors Joining Remotely: Critchley, Frenchman, Mahal, Rickman, Wood

Officers: D. Atkinson- Director of Planning & Regeneration, S. Baldwin-Democratic Officer, C. Zacharia- Team Leader for Planning Enforcement, C. Pattinson - Director of Governance and Law & Interim Monitoring Officer (remote)

**1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTIONS**

Cllr Mrs Page offered her apologies.

**2. DECLARATIONS OF MEMBERS' INTERESTS**

There were none.

**3. MINUTES**

**RESOLVED that the Minutes of the Meeting of the Communities Scrutiny Panel held on the 13<sup>th</sup> October 2022 be signed by the Chairman as a true record.**

#### 4. SCRUTINY REVIEW REPORT

The Director of Governance and Law & Interim Monitoring Officer presented the Scrutiny Review Report to the Panel. She highlighted and explained that the three options set out in the report for the future structure of Scrutiny are;

- i. Leave the arrangements as currently operating;
- ii. Enhance the existing arrangements with a third panel and the recruitment of a part time scrutiny officer;
- iii. Remove the Scrutiny Commission, bolster officer support for the scrutiny function and:
  - a. Increase the number of panels to three; or
  - b. Retain two panels

The Director of Governance and Law recommended that HDC adopt option 3(b). She explained the various intricacies of the structure and frequency of meetings and how this could be altered and facilitated. She described the aim to re-invigorate and re-focus Scrutiny with task and finish panels which are more flexible and responsive and supported by directorate officers, thus reducing the impact on the Democratic Services team. The goal is to improve the impact of the scrutiny function at HDC.

The Chair invited the Panel to ask questions and comment on the report. (Please see a summary of these at Appendix A of these minutes.)

After the discussion, the Chair asked the Panel to comment on the future structure of Scrutiny by reference to the options set out on page 13, point 11 of the Report:

<b>Member</b>	<b>Comment</b>
<b>Cllr Ackerley</b>	None of the options are necessarily preferred going forward. We need two or three Scrutiny Panels, a Scrutiny Commissioner that works with both Chairs and allocates the work to the Panels, and that sets up the Task and Finish Panels.
<b>Cllr Mrs Robinson</b>	Agreed with Cllr Ackerley, Task & Finish Panels are important to bring back.
<b>Cllr Hollick</b>	Focus and clarity are the two most important objectives. The preference is option iii (b) but prior to this, it has to be decided what the focus of the two panels will be rather than leave this to the two Chairs. The Members need to understand their role.
<b>Cllr Bilbie</b>	Training is crucial. Members should be committed to their role or panels will not function correctly. The Panels need to be made up of Members with the correct skills and knowledge. The Task & Finish Panels would be beneficial.
<b>Cllr Mrs Simpson</b>	Training and updates are important. Scrutiny is not currently used to the best of its ability and there is a feeling that the Scrutiny is not taken on board. Option iii (b) is preferred. The flexibility of the

	input from individuals from both panels to ensure the correct skill set is crucial. A Scrutiny Officer is vital.
<b>Cllr Johnson</b>	Option iii (b) is preferred however one group should meet and decide on the allocation of work to the most relevant panel to ensure balance of work, timeliness of scrutiny and effectiveness.
<b>Performance Panel Member</b>	<b>Comments</b>
<b>Cllr Rickman</b>	In favour of two panels. Issues need to be brought to Scrutiny before Cabinet in order for Scrutiny to have influence. Portfolio Holders have been invited to scrutiny meetings and have attended, which has been helpful. Does not agree with the reduction in the number of Scrutiny meetings being proposed, some items take longer to scrutinise. If the Panels work together this would be more productive. After discussion with CP, highlighted that the option to have more meetings than those proposed was not included in the report. The preferred option is iii (b).
<b>Cllr Frenchman</b>	The Scrutiny panel should generate its own work and have the authority to determine how this is facilitated. Not having reports 'to note' will make the best use of time in meetings possible. Option iii (b) is preferred but with bi-monthly meetings to ensure the work is done and the workload is decided by all.

The Chair summarised the comments made and concluded that the overall preferred option of the Panel for the future structure of Scrutiny was;

**iii. Remove the Scrutiny Commission, bolster officer support for the scrutiny function and:**

**b. Retain two panels**

but emphasised the Panel agreed that:

- there should be a review of allocation of work and panel membership;
- there be flexibility with meetings and the option to call extra meetings of the Scrutiny Panels should this be required, with extra dates being provisionally set in the first instance;
- more Members should be on the Scrutiny Panels;
- Task & Finish Panels are preferred to keep Scrutiny focussed; and
- members be provided with ongoing scrutiny training in addition to induction training.

It was therefore;

**RESOLVED that the comments and recommendations of the Panel be noted and forwarded to Cabinet.**

## 5. REPORT 1: DEVELOPMENT MANAGEMENT SERVICES UPDATE

The Director of Planning presented the report and explained that it was being presented for the Panel to scrutinise a factual process of how new public open space proceeds through the planning process and how this is made clear to the Public. He explained that the proposal is to publish this on the HDC website alongside the Open Space Strategy. He also informed the Panel that the report included information on the Local Enforcement Plan Review where they were being asked to scrutinise how the Council have handled the recommendations made from the Planning Committee around landscaping, as a part of the Hursley Park development in May 2022. He highlighted the three recommendations made in the report, the three points of discussion provided and invited to Panel to comment.

The Chair read out an email sent from the Chair of the Planning Committee to the Panel regarding this report in which he stated that he was happy that all of the actions had taken place and queried whether the strategy presented in the report would prevent future issues such as those that previously arose with the Hursley Park development. The Director of Planning addressed this query. The Panel asked for clarification on some of the wording in the report and commented.

It was therefore;

**RESOLVED that the comments of the Panel on the Development Management Services Update Report be noted.**

## 6. URGENT BUSINESS

There was none.

The meeting finished at 7.55pm.

## APPENDIX A

### Scrutiny Review Report- Discussion Points

**Key :** C- Comment  
Q- Question

Member	Questions/Comments	Responses
<b>Cllr Bilbie</b>	<p><b>Q:</b> If a Panel is not working, how do we address if we have got the correct Members for that Panel?</p> <p><b>C:</b> A Selection of the correct Members for Scrutiny Panels needs to be addressed.</p>	<p><b>Chair:</b> This falls to the group leaders to select the Members for the Committee.</p> <p><b>CP:</b> The skill-set of the Members selected for the Panels and Task &amp; Finish Panels would be within the conversation of the Panel itself. Joint meetings are an option, but this is the benefit of Task and Finish Panels where it is not necessary to call formal meetings.</p>
<b>Cllr Ackerley</b>	<p><b>C:</b> All members of the Council should be in the Cabinet or on a Scrutiny Panel so that they all feel like they all have an input in decision making. This should be reflected in the timing of issues that go from Cabinet to Council in that Scrutiny Panels should look at the issue prior to it going to Cabinet so that all views can be reflected.</p>	None.
<b>Cllr Frenchman</b>	<p><b>C:</b> With training and good management, it can stimulate an interest in Members to be involved in Scrutiny. Task &amp; Finish Panels are helpful as they are issue focussed.</p>	None.
<b>Cllr Johnson</b>	<p><b>C:</b> Agreed all Members should be involved in decision making. Reports were also historically allocated as 'urgent' or 'later' for scrutiny. The Chairs would then decide which panel it was applicable to. Reports were also historically allocated as 'urgent' or 'later' for scrutiny. The Chairs would then decide which panel it was applicable to.</p> <p><b>Q:</b> If there is no Scrutiny Commission, how can we be sure the Members are the correct individuals to decide on the workplans? How can we be sure the issue would go to both Committees?</p>	<p><b>Chair:</b> The report refers to the importance of the two Chairs of the Committees working closely together to develop the workplans and it is important that they stick to the remits of their own panels so as to avoid duplication.</p> <p><b>Cllr Ackerley:</b> Historically, the Scrutiny Commissioner, Chairman and Vice-Chairman of</p>

		the Panels met to decide on the work-plan and then allocated this to the Panels, as well as set-up the Task & Finish Panels.
<b>Cllr Mrs Simpson</b>	<b>C:</b> The Task & Finish Panels were very helpful in that they were so focussed. It was also helpful that previously Portfolio Holders were questioned at meetings which does not happen so much currently. Scrutiny has lost its way. The opportunity to reflect and make changes is timely.	<b>Chair:</b> This is a point that we are trying to reinstate and bring back.
<b>Chair</b>	<p><b>Q:</b> Referring to page 13, point 11, iii, what does “bolster office support” mean?</p> <p><b>Q:</b> What does the dedicated Scrutiny Officer resource entail and how this would be of benefit?</p>	<p><b>CP:</b> To be able to call on, not just Democratic Services Officers for their support, but also the skills, knowledge and experience of the other Officers. The more self-service that these Panels can be after training, the more effective they will be.</p> <p>The number and timing of meetings across the board that we have are under review as well as the ability within the constitution to decide this, to ensure the meetings are held when we require them and how they relate to each other to make them more effective, objective and impactful.</p> <p>A dedicated Scrutiny Officer would ensure that meetings are arranged, reports are written and for the coordination of site visits, however there is concern as to whether this is proportionate for an authority the size of HDC and/or whether the Council are able to utilise the resources the authority already retains in order to facilitate this.</p>



## Harborough District Council

### Report to the Communities Scrutiny Panel Meeting of 16 February 2023



<b>Title:</b>	<b>Report 2: Armed Forces Covenant</b>
<b>Status:</b>	Public – For Discussion
<b>Report Author:</b>	Ian Reynolds – Armed Forces Officer
<b>Portfolio Holder:</b>	Cllr Rani Mahal
<b>Appendices:</b>	Nil

### Executive Summary

- i. To provide the Communities Scrutiny Panel with an update on the delivery of the agreed objectives of the Armed Forces Covenant.

### Recommendations

- a. The Communities Scrutiny Panel is requested to note the Armed Forces Covenant Duty became legally enforceable from 22 November 2022, and that Harborough District Council is well placed to meet its obligations.

### Reasons for Recommendations

- i. The Statutory Guidance issued by the government to Councils in respect of Overview and Scrutiny (May 2019) requires effective scrutiny to have a defined impact “on the ground”, with the committee making recommendations that will make a tangible difference to the work of the authority. It encourages scrutiny panels to consider carefully which topics are most important to the Council and therefore where its input can make the biggest impact for the benefit of residents. It also suggests that “overview” relates to development of policy while scrutiny involves looking at decisions which have been made, or are about to be made, to ensure they are fit for purpose.
- ii. A key part of the overview and scrutiny function is to influence policy and hold Cabinet to account. A scrutiny panel does this by receiving and analysing information and or evidence and then asking questions about it.
- iii. A further function is to provide an opportunity for the public and stakeholders to have their views and perspectives considered in the Council’s decision making process.

- iv. Scrutiny recommendations are the primary means by which Cabinet, or other executive function decision makers, can be asked to:
  - a. address a specific issue;
  - b. consider a course of action,
  - c. disclose or provide information;
  - d. provide an update to the panel on a particular area.

## Purpose of Report

1. To provide an update on the delivery of the agreed objectives of the Armed Forces Covenant.

## Background

2. The Armed Forces Covenant is a statement of the moral obligation which exists between the nation, the Government, and the Armed Forces, the purpose of which is to ensure members of the Armed Forces Community are treated fairly and are not disadvantaged as a result of their Service. Its core principles were enshrined in law, for the first time, in the Armed Forces Act 2011. More recently, the Armed Forces Act 2021 introduced the legal requirement for some specified public bodies, including the NHS and local authorities, to pay due regard to the principles of the Covenant when conducting specified public functions in the areas of housing, healthcare, and education; this is the Armed Forces Covenant Duty. The Covenant Duty came into force on 22 November 2022.

## Details

3. The legal obligation is that a specified body, exercising a relevant function, must have due regard to:
  - The unique obligations of, and sacrifices made by, the Armed Forces Community<sup>1</sup>.
  - The principle that it is desirable to remove disadvantages arising for Service people from membership, or former membership, of the Armed Forces (and Armed Forces Community).
  - The principle that special provision for Service people may be justified by the effects on such people of membership, or former membership, of the Armed Forces (and Armed Forces Community). Examples often quoted include the bereaved and the most seriously wounded, both physically and mentally.
4. The Covenant Duty does not eliminate or replace any existing Covenant commitment but extends it by making it a legal obligation, which applies whether a specified body has

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<sup>1</sup> Armed Forces Community includes Serving personnel, Reservists, Veterans, and family members of any of these individuals.

previously signed the Covenant pledge or not. All other areas of the Covenant remain extant as a moral or voluntary commitment.

5. The Covenant Duty guidance is not at all prescriptive, the key tenet being that due regard is applied when dealing with a member of the Armed Forces Community. Since 2020 the Armed Forces Officer (AFO) has been working with colleagues to help them understand what this means in practice. In essence staff are required to be mindful of the Armed Forces Covenant and Covenant Duty (pay due regard) and, where appropriate, ask an individual if they are currently serving in the Armed Forces, have done so previously, or are closely related to someone who is/has. Staff should continue to follow organisational policies, protocols, and procedures, but, where appropriate, act on the relevant information given, even if only signposting elsewhere. Staff should maintain a record of when a member of the Armed Forces Community has been identified, what decision has been made, and any contributing factors.

## Implications of Decisions

6. The MOD anticipates that specified bodies may be challenged in the future when a potential complainant believes they have not been given due regard; in the worst case this could have financial or reputational consequences. The Armed Forces Covenant Duty does not introduce any new enforcement mechanism, and the MOD has no formal powers to arbitrate disputes; a complaint should be raised with the body concerned and follow that body's standard complaints process. Should this process fail to achieve an adequate resolution, complainants may be able to engage in a mediation, appeal, or tribunal process, or to refer the matter to the relevant ombudsman where appropriate.
7. The next stage for the AFO is to look at the measurement and recording of relevant information, and to monitor and identify best practice from elsewhere. As a result of the vagaries of dispute resolution, it is important to understand any precedents from other local authorities and to understand how they were managed and resolved. To date there have been no legal challenges under the Covenant Duty since being signed into law last November.

## Corporate Priorities

8. Compliance with the Armed Forces Covenant Duty meets Corporate Plan 2022 – 2031 Key Activity KA.02.06, in that it helps to provide better support to serving and veteran personnel and their families in the community, and it better supports those transitioning to civilian life.

## Financial

9. There are no immediate financial implications (see Risk Management below). Of note, additional funding has been provided to support the work of the AFO through grants from the Armed Forces Covenant Trust Fund, specifically in 2 project areas: Sustaining the Covenant and the Development of a Veterans Welfare Hub in Harborough District.

## Legal

10. Regulations in relation to the Armed Forces Covenant make provision under Part 16A of the Armed Forces Act 2006 ("the Act"). Sections 343AA, 343AB, 343AC and 343AD of

the Act set out a duty to have due regard to the principles of the armed forces covenant in respect of England, Wales, Scotland and Northern Ireland respectively. Statutory guidance was issued by the Secretary of State under section 343AE(1) of the Act in relation to the duty, and this guidance was also approved as of 22 November 2022.

### **Policy**

11. Throughout the early stages of the process, dating back to 2020, existing policies were reviewed and any implications of the new legislation addressed as part of a wider Covenant Duty related work plan. Due to the non-prescriptive nature of the legislation significant changes in policy were not required. Going forward, the need to show 'due regard' is about demonstrating fairness and equality within current policy, avoiding disadvantage to the Armed Forces Community.

### **Environmental Implications including contributions to achieving a net zero carbon Council by 2030**

12. None directly arising from this report.

### **Risk Management**

13. The level of risk is considered by most local authorities to be low, and it is clear from wider engagement by the AFO, that HDC has taken more interest and responded more appropriately than most. It will take time to understand what impact this legislation will have, and to what extent it potentially increases the financial or reputational risk of failing to meet the Covenant Duty. The Ministry of Defence (MOD) do not expect to see enough evidence to make a judgement on the success of the legislation or its impact on the Specified Bodies (such as local authorities) for at least 5 years.

### **Equalities Impact**

14. Being a member of the Armed Forces, or a member of the wider Armed Forces Community, is not a protected characteristic. However, there are clear similarities in that taking 'due regard' when making decisions to ensure they are not at a disadvantage, can be viewed as within the spirit of equalities statutory duty.

### **Data Protection**

15. None identified to date, although ongoing engagement with the MOD on the measurement of outcomes related to the Covenant Duty has still not identified what, if any, data needs to be stored or shared with them.

### **Summary of Consultation and Outcome**

16. No decision is required so there has been no local consultation. There has been extensive engagement within the Council staff, with other Locals Authorities, with veteran charities and with the MOD with the aim of understanding the legislation and it's implications.

### **Alternative Options Considered**

17. None, the implementation of the Covenant Duty is mandated on all Local Authorities.

### **Background papers**

18. The MOD has issued Statutory Guidance on the Armed Forces Covenant Duty (Issued under section 343AE(1) of the Armed Forces Act 2006) which is available online at <https://www.gov.uk/government/publications/armed-forces-covenant-duty-statutory-guidance>



