

Harborough District Council

Report to Scrutiny Commission Meeting of 27 June 2023



Title:	The Future of Overview and Scrutiny arrangements within the Council
Status:	Public
Appendices:	A – Centre for Governance and Scrutiny review B – Report to Scrutiny Commission meeting on 30 March 2023 Frequently Asked Questions

Summary

- i. The Scrutiny Commission is responsible for overseeing any Overview and Scrutiny Panels appointed by the Council.
- ii. The Council has consulted the Centre for Governance and Scrutiny (CfGS) in relation to its overview and scrutiny arrangements, and a decision is now required as to how the overview and scrutiny provision will be met.
- iii. This report pulls together the timeline and options open to the Council and invites the Scrutiny Commission to determine how it recommends the Council discharge its overview and scrutiny obligations in the future.

Recommendations

1. That Scrutiny Commission report the options open to the Council, to the next meeting with a view to the whole Council determining what, if any, changes should be made to the current overview and scrutiny arrangements.

Reasons for Recommendations

- iv. It is appropriate that the Council formally considers and addresses the findings of the CfGS review.
- v. A task and finish group set up for the purpose of trying to identify a consensus as to the future arrangements was unable to agree on a proposal.
- vi. A survey issued at the scrutiny training has seen limited responses being provided by members and is therefore of little probative value.
- vii. It appears that all members will need to discuss all options and determine the future vision of overview and scrutiny for the Council.

1. Purpose of Report

- 1.1 To report the activity undertaken by the Task and Finish group charged with reviewing the arrangements for the overview and scrutiny arrangements and identify how this issue will be resolved.

2. Background

- 2.1 The Council is required to have in place arrangements for overview and scrutiny of the discharge of executive functions. The primary purpose of an overview and scrutiny body is to hold those discharging executive functions on behalf of the Council (i.e. the Leader, Cabinet and officers with executive delegated authority) to account for their actions. This includes investigating their decisions and policies, and issuing reports and recommendations where any shortcomings are identified. The function helps ensure that local government remains transparent, accountable and open, and contributes to improved public policies and services. At present the Council discharges this obligation by way of a Scrutiny Commission supervising two scrutiny panels, with task and finish groups convened as required.
- 2.2 In the last administrative term, the Council considered options for the future delivery of the Overview and Scrutiny function. A scrutiny review was undertaken, facilitated by the Centre for Governance and Scrutiny ('CfGS'). A copy of the report produced is attached as Appendix A. The recommendation was that the Scrutiny Commission be deleted and two Overview and Scrutiny Panels be maintained, aligned to the Corporate Priorities identified within the Council's Corporate Plan. The two retained panels would manage their own work plans and coordinate how overarching matters were to be dealt with, working jointly as appropriate (such as when scrutinising budget issues).
- 2.3 The Scrutiny Commission received a report on the review of the Overview and Scrutiny function on 30 March 2023 but concluded that, given the proximity of the review to the local government elections on 4 May 2023, it was appropriate to defer the final decision on the review until after the election. A copy of that report is attached as Appendix B.
- 2.4 In May 2023, the new administration confirmed the existing overview and scrutiny arrangements until such time as a review of the same was completed. In July 2023, the Scrutiny Commission agreed to create a task and finish group to consider the options open to the Council.

3. Details

- 3.1. The CfGS reviewed the current overview and scrutiny arrangements. The first stage of the review consisted of gathering evidence through conversations with Members directly involved in the current scrutiny process and Officers. The review team also listened to recordings of scrutiny meetings and reviewed key documents on the Council's website.
- 3.2. The review assessed the following aspects :-
- 3.2.1. **Culture:** the relationships, communication and behaviours underpinning the operation of the overview and scrutiny process, including the corporate approach, organisational commitment, and status of scrutiny;
 - 3.2.2. **Member engagement:** Are members motivated and engaged. How do they participate, take responsibility, and self-manage their role?
 - 3.2.3. **Member skills and application:** Are skills up-to-date and can Members participate fully or are there development gaps?
 - 3.2.4. **Information:** How information is prepared, shared, accessed and used in the service of the scrutiny function;
 - 3.2.5. **Impact:** Ways to ensure that scrutiny is effective, that it makes a tangible and positive difference to the effectiveness of the council, and to local people;
 - 3.2.6. **Focus:** How prioritisation, timeliness and relevance of the work programme and agendas lead to value-adding and productivity;
 - 3.2.7. **Structure:** Formats used by scrutiny to carry out its work and their effectiveness.
- 3.3. Following the initial evidence gathering, feedback was provided by the CfGS which summarised the findings, highlighting areas where scrutiny performed well, and potential areas for improvement within the current process. A Member development workshop took place in March 2022 where the findings were explored and the suggested improvements discussed. All Members were given the opportunity to provide views and feedback on the suggested improvements.
- 3.4. The CfGS found that conditions for successful scrutiny were present at the Council and that there was a shared understanding from Members and Officers that good governance involves scrutiny, and when used effectively scrutiny can add value to decision making. The findings were detailed in a letter to the Council in March 2022 (Appendix A).
- 3.5. The suggested areas for improvement identified were grouped into seven themes:

CfGS Theme	CfGS suggestions
Clarity on scrutiny's role and responsibilities	<p>1. A clearer focus on democratic accountability</p> <p>Scrutiny of Cabinet Members should form a key part of the work plan, and Cabinet Members regularly attending scrutiny to answer questions on items falling within their portfolio responsibilities is vital. Alongside this, the CfGS recommends inviting the Leader to attend scrutiny on a quarterly basis to present an integrated finance and performance report.</p>

	<p>2. More emphasis on scrutiny as a vital part of Council business and governance</p> <p>With clear council-wide ownership and understanding of its important role in improving policy and holding to account.</p> <p>3. Developing a Cabinet-Scrutiny protocol</p> <p>To further reinforce the working relationship and expectations between Scrutiny and the Cabinet.</p>
<p>Collaborative approach to scrutiny</p>	<p>4. Developing regular communication and information sharing so that Scrutiny can be a resource that can inform Cabinet decision making.</p> <p>This could be achieved through holding triangulation meetings between Scrutiny Chairs, Cabinet Members and relevant Directors to consider future issues and the part which scrutiny could play in testing and shaping these forward plans. It would also present an opportunity to share and discuss opportunities to involve scrutiny as an improvement asset.</p> <p>5. Further steps need to be taken to improve cross-party working at HDC.</p> <p>There was a broad agreement that all Members have a duty to uphold their responsibilities as a scrutineer, attend meetings and work towards a shared goal in their committee. Members should consider what further work is necessary to address working relationships.</p>
<p>Scrutiny's focus and workplan</p>	<p>6. Review the process for developing work plans for each scrutiny Panel</p> <p>Engaging Members, Officers, partners and the public to prioritise the topics for review. This process should be led by Members of the Panels and could include a selection criteria to identify appropriate topics for the work plan. Currently the work plan is not discussed on the agenda at scrutiny meetings. The CfGS would recommend bringing it to the beginning of meetings, so emerging issues or changing priorities can benefit from considered discussion.</p> <p>7. A review of the current approach to financial scrutiny, MTFS/ budget scrutiny and the scrutiny of commercial arrangements.</p> <p>The CfGS has produced guidance on financial scrutiny with CIPFA, setting out scrutiny activity to complement the Council's annual financial cycle. The guide suggests ways to move budget and finance scrutiny beyond set-piece scrutiny 'events' and</p>

	<p>quarterly financial performance scorecards being reported to committee.</p>
<p>Scrutiny committee structure and scheduling</p>	<p>8. Consider a revised scrutiny structure</p> <p>This will include assessing the terms of reference of the Scrutiny Commission in light of value that the committee adds, and assessing whether the term of reference for the two Panels aligns with the Council's key corporate priorities.</p> <p>9. Reviewing the frequency and timing of Scrutiny Panel meetings</p> <p>To position meetings so that they can shape and test policy with enough time to meaningfully input into Cabinet decision-making. This is not to increase workload, but to create more efficient and effective scheduling.</p>
<p>Scrutiny's output and impact</p>	<p>10. Changing the way that information is provided to scrutiny Members for oversight</p> <p>Cut back on the number of items coming to scrutiny solely for information, and consider how information could be shared with councillors on a monthly basis outside of committee.</p> <p>11. Review how the recommendations are made and how impact is measured</p> <p>This could include putting a 'recommendations monitoring report' at the beginning of agendas to orientate scrutiny towards outcomes-focused meetings, alongside an emphasis on finding strong recommendations from questioning to present to Cabinet as improvement or challenge proposals.</p>
<p>Chairing, member development and meeting preparation</p>	<p>12. Chair/Vice Chair training and compulsory member development for all Committee members.</p> <p>13. Provision of additional briefing or expert involvement as required.</p> <p>14. All-party pre-meetings for scrutiny committees</p>
<p>Public engagement</p>	<p>15. Public engagement</p> <p>Explore and experiment to encourage greater access, openness and involvement, including site visits in the community, inviting the public to offer ideas for work plans, using social media channels for resident input and communicating the progress and impact of scrutiny work</p>

- 3.6. The CfGS invited members to identify their priorities for development of the overview and scrutiny function. The top 5 suggestions for improvement based on Member feedback were:
- 3.6.1. Chairing, member development and preparation;
 - 3.6.2. Democratic accountability;
 - 3.6.3. Making scrutiny an integral part of council business and governance;
 - 3.6.4. Recommendations and their impact;
 - 3.6.5. Public engagement.
- 3.7. Whilst decisions on the future governance arrangements of the Council will be considered and determined by Council, it is appropriate that the bodies discharging overview and scrutiny functions are aware of the historic context of the function within the Council, and alive to the future options for delivery of the function.

Current Structure

- 3.8. The Council's current overview and scrutiny arrangements consist of the following:-
- 3.8.1. 15 scheduled meetings currently in the rota for the municipal year;
 - 3.8.1.1. 3 Scrutiny Commission meetings;
 - 3.8.1.2. 5 Performance panel meetings;
 - 3.8.1.3. 5 Community panel meeting;
 - 3.8.1.4. 2 reserve dates for additional panel meetings;
 - 3.8.2. Maximum of 2 task and finish groups at any one time

Future options for strengthening the overview and scrutiny function

- 3.9. The CfGS suggested that the options open to the Council were:
- 3.9.1. Leave the arrangements as currently operating;
 - 3.9.2. Enhance the existing arrangements with a third panel and the recruitment of a part time scrutiny officer;
 - 3.9.3. Remove the Scrutiny Commission, bolster officer support for the scrutiny function and:
 - 3.9.3.1. Increase the number of panels to three; or
 - 3.9.3.2. Retain two panels;
- 3.10. The Corporate Plan priorities could be allocated between the panels as follows:
- Communities Scrutiny Panel – 'Place and Community'
'Healthy Lives'
- Performance Scrutiny Panel – 'Environment and Sustainability'
'Economy'.
- 3.11. It was also proposed that the panels be re-named to reflect their area of focus, with the Communities Scrutiny Panel becoming the People Overview and Scrutiny Panel, and the Performance Scrutiny Panel becoming the Place Overview and Scrutiny Panel. Utilising the full statutory title of "overview and scrutiny panel" better reflects the nature of the role that both panels should fulfil in contributing to the strategic direction and corporate

performance of the Council. It recognises that both panels are responsible for holding the Council to account on its performance in delivering the corporate priorities

- 3.12. It was proposed that the Chairs of the two Panels would work more collaboratively to allocate cross cutting issues and allows for joint overview and scrutiny where it is not appropriate for one panel to be seized of a topic – such as budget matters.
- 3.13. Meetings would be scheduled to take place on a quarterly basis, with the focus on the corporate priorities alternating at each meeting. The cabinet portfolio holders who contribute to a corporate priority would be invited to attend and update the panel on that priority and performance in respect of it. The panel would be able to ask questions of the portfolio holder, review council performance and trends and contribute to strategic forward planning. They would also identify topics which would be appropriate to explore further through task and finish groups, identifying future strategies, changing legislation and new pressures.
- 3.14. Each Panel would be able to have one task and finish group operating at a time. The task and finish group would be able to explore issues in more detail and operate with more flexibility and responsiveness as it would not be hampered by the democratic restrictions imposed on a committee meeting.

Proposed provision for consideration

- 3.15. The proposed overview and scrutiny provision:-
 - 3.15.1. 10 scheduled meetings in the municipal year comprising:
 - 3.15.1.1. Quarterly Place overview and scrutiny panel meetings;
 - 3.15.1.2. Quarterly People overview and scrutiny panel meetings;
 - 3.15.1.3. 2 Joint Budget Scrutiny meetings;
 - 3.15.2. Each panel may have one task and finish group working at a time, meeting as much or little as determined by the group;
 - 3.15.3. The panels join together to have a joint task and finish group for cross cutting issues such as the budget - two annual joint budget scrutiny meetings could be scheduled to facilitate budget scrutiny – one in autumn with a focus on reviewing past performance, and one in winter to consider the proposed budget;
- With a view to realising the following benefits:
 - 3.15.4. Better alignment of meetings to feed into the Cabinet cycle;
 - 3.15.5. Aligning the Overview and Scrutiny Workplan to complement the combined work plan;
 - 3.15.6. Scrutiny resources which reflect the four Corporate Plan priorities;
 - 3.15.7. Clear delineation between:-
 - 3.15.7.1. routine scrutiny (i.e. holding to account for past performance) of Council performance through attendance of Portfolio Holders and officers at quarterly meetings for both Panels; and
 - 3.15.7.2. Pro-active scrutiny (i.e. pre-decision scrutiny) of policies, strategies, changes of approach, challenges to service provision, changing legislation etc.

- 3.15.8. Fewer formal meetings to facilitate officer resource for focused task and finish groups, with Members better able to influence the pace of the scrutiny progress;

Desired Outcomes of the review and changed scrutiny provision

- 3.16. A strengthened overview and scrutiny function would assist in improving the governance of the Council in a number of ways, including:-
 - 3.16.1. A clear, transparent role and function of overview and scrutiny with all stakeholders;
 - 3.16.2. Promoting an organisational culture focused on democratic accountability and responsibility – by both Officers and Members;
 - 3.16.3. A clear, consistent and robust criteria for task and finish groups, with tangible outcomes;
 - 3.16.4. Scrutiny to be pro-actively used to contribute to pre-decision scrutiny e.g. of policies, operational challenges etc which align to the corporate priorities and have a greater influence on the strategic direction of the Council;
 - 3.16.5. Better alignment of meetings with the Council and Cabinet scheduled meetings and performance reporting timeframes, allowing more timely consideration of emerging issues and trends;
 - 3.16.6. Quantifiable and tangible evidence of the impact of Scrutiny on the Council and its performance.
- 3.17. The proposed measures could be robustly reflected in a revised and fit-for-purpose Constitution which accurately reflects the role and purpose of the overview and scrutiny function.

Outcome of the Task and Finish Group

- 3.18. The task and finish group met and considered the above information. They debated the various options proposed and agreed:
 - 3.18.1. it is appropriate for the Council to have more than one overview and scrutiny panel and no more than three;
 - 3.18.2. there is no need for a Scrutiny Commission;
 - 3.18.3. there should be a process for evaluating which issues should be scrutinised;
 - 3.18.4. pre-decision scrutiny is the most important way of influencing decisions;
 - 3.18.5. Cabinet Members should be invited to meetings regularly to facilitate more effective scrutiny of the performance of cabinet;
- 3.19. The task and finish group was unable to agree:
 - 3.18.6. how many overview and scrutiny panels should be recommended;
 - 3.18.7. how many members should sit on each panel (the number being influenced largely by whether there are two or three panels).
- 3.20. It was hoped that training arranged with a facilitator from the CfGS (scheduled for 14 September 2023) together with the information supplied to all members in a Frequently Asked Questions format (Appendix C) would help the Task and Finish group to reach a consensus which could be reported to Scrutiny Commission, ratified and recommended to the Constitutional Review Committee for incorporation into the revised constitution,

once produced. However, the CfGS facilitator was unable to attend at short notice therefore the “training” progressed as a refresh of the options open to Members, led by the Director of Law and Governance. During the session, Members were provided with copies of the FAQ document (Appendix C) and reminded that this included links to helpful documents such as the Statutory Guidance on scrutiny, the CfGS documents bank. They were also encouraged to complete the scrutiny workbooks and e-learning modules provided by the Local Government Association. The session was not well-attended by Members.

3.21 Feedback via comments and questions of those attending the training included:

- the status quo should be maintained for a further 12 months and reviewed after that;
- in favour of engaging, being outward looking and listening;
- queries as to the level of officer support and how it may be facilitated;
- Members are regularly invited to scrutiny meetings and don't attend;
- effective scrutiny planning benefits the scrutiny work plan but means that there needs to be time allowed for this in advance of decisions
- programming of scrutiny needs to tie in with scheduled decision making arrangements (i.e. Cabinet);
- there is no point scrutinising (not call-in) decisions which have already been taken by Cabinet;
- the balance of work between the panels needs looking at and managing as it is not balanced at present;
- the current Scrutiny Commission is unwieldy and panel chairs should be able to agree who does what;
- Cabinet members should present their reports and answer questions on them so they are accountable;
- two panels were appropriate.

3.22 The Chief Executive reminded members that they all have a voice and can influence the future shape of the overview and scrutiny function. She encouraged everyone to take the proposals back to their groups and discuss them so that decisions made were fully informed. She reminded everyone that there were finite financial and personnel within the Council and that while removing the Chair of the Scrutiny Commission would provide a limited saving, this would not pay for a scrutiny officer and how scrutiny is supported would also need considering, but this was an operational issue for her to determine once Members indicate the structure that needs supporting.

3.23 In addition, all members were encouraged to complete a survey on the future of scrutiny arrangements at the Council, and to discuss the options within their group and feed back the same (whether to the Chair of the Scrutiny Commission, group leadership or the Director of Law and Governance). At the point of this report being published, 2 of the 34 members have completed the survey. An update of responses will be provided to the meeting, by when it is hoped more responses will have been received.

4. Implications

Corporate Priorities

- 4.1 The new administration will review the existing corporate priorities adopted by the Council in due course, but until then, the Scrutiny Commission will focus on preparations for scrutinising the budget with a view to promoting the corporate vision of building a future for the people of Harborough district that gives them the best life chances and opportunities through:
- 4.1.1 Community leadership to create a sense of pride in our place;
 - 4.1.2 Promoting health and wellbeing and encouraging healthy life choices;
 - 4.1.3 Creating a sustainable environment to protect future generations;
 - 4.1.4 Supporting businesses and residents to deliver a prosperous local economy

Consultation

- 4.2 In preparing this report, no statutory consultation has been required. Given the age of the administration, this report has been prepared by officers to assist Members to start to identifying priorities and how they wish to deliver the Overview and Scrutiny function in future.

Financial

- 4.3 The Overview and Scrutiny function does not have a dedicated budget for its work, but is serviced through Democratic Services as with other democratic bodies. Consideration as to the support available to the function will need to be given once the future delivery model for the Overview and Scrutiny function is settled. However, the most appropriate method of supporting the function is likely to be through a blend of democratic support and officers from the relevant services. For example, a review of waste services will be better assisted by officer support from the waste team, who will know what information is available and who would be best to attend meetings to answer questions and provide information to the Panel.
- 4.4 In view of the above, there are no direct financial implications as a consequence of this report. However, if there are future proposals to directly support the overview and scrutiny function (e.g. dedicated staff resource) that will require financing. Additional finance must be funded either by savings from elsewhere within the revenue budget, or via a successful growth bid for revenue funding for the function.

Legal

- 4.5 The requirement to establish a mechanism by which the Cabinet can be held to account stems from the Local Government Act 2000 and the Localism Act 2011 – they require the Council to maintain a transparent and robust scrutiny function.
- 4.6 Reviewing the Council's overview and scrutiny function is also important to ensure that it is effective and adds value to the outcomes delivered for residents of the Harborough District.

Environmental Implications

- 4.7 The Council has declared a climate emergency. This report does not specifically address climate issues however by refreshing the terms of reference for the Council, it can be assured that the overview and scrutiny function will be well placed to deliver the required challenge to the Council's corporate objective.

Risk Management

4.8 The main risks in relation to this matter are failing to act upon the findings issued by the CfGS.

Equalities Impact

4.9 Given the committee is not being asked to make any formal decision or recommendation, undertaking an equality impact assessment at this stage is considered premature.

Data Protection

4.10 As this report contains no personal information, the principles set out in the Data Protection Act 2018 are not engaged.

5. Recommendations

5.1 For the reasons set out within this report, it is recommended that the Scrutiny Commission recommend to Council that it determine:

- 5.1.1 the number of scrutiny panels to be convened;
- 5.1.2 the number of members to serve each panel;
- 5.1.3 confirm the terms of reference of each panel;
- 5.1.4 the number and frequency of scheduled meetings;
- 5.1.5 that the Constitutional Review Committee propose amendments to the constitution to give effect to Council's decisions on the structure of overview and scrutiny arrangements at Harborough District Council.

6. Background Papers

6.1 Previous reports to Council bodies in respect of governance generally and the overview and scrutiny function review in particular as follows:

- Council: [15 May 2023](#)¹
[27 February 2023](#)²,
- Constitution Review Committee [26 April 2023](#)³

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<https://cmis.harborough.gov.uk/cm5/Meetings/tabid/73/ctl/ViewMeetingPublic/mid/410/Meeting/5706/Committee/847/Default.aspx>

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[16 March 2023⁴](#)

[25 January 2023⁵](#)

- Performance Scrutiny Panel [15 December 2022⁶](#)
[17 November 2022⁷](#)
- Scrutiny Commission [30 March 2023⁸](#)
[3 November 2023⁹](#)
- Communities Scrutiny Panel [15 December 2022¹⁰](#)

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