

**COUNCIL RESOURCES COMMISSION  
HELD ON 17 MAY 2004  
(FROM 5.30 PM TO 6.35 PM)**

**PRESENT:** Councillor Skidmore in the Chair. Councillors Fox, Andrew Jones, Chris Lewis, Nash, Charlie Powell, Simister, Simms, Skidmore, Theakston.

**Late Arrivals:** Councillor Fox at 5.50 pm.

**Early Departures:** None.

**98/03 - APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES:**

Apologies for absence had been received from Councillors Broadbank, de Courcey-Bayley and Newby. Notification had been received that Councillor Lewis was to act as a substitute for Councillor Webber.

(5.32 pm)

**99/03 - DECLARATIONS OF INTEREST:** The Solicitor to the Council gave advice in relation to the nature of prejudicial interests and the restrictions facing some members of the Council in relation to the scrutiny of the HIC breakout space project. Councillor Nash advised that in relation to Minute 105/03 he would be declaring a prejudicial interest and would at that point of the meeting leave the room and take no part in the debate or vote thereon.

There were no further declarations of interest.

(5.33 pm)

**100/03 – MINUTES:**

**RESOLVED:**

That the Minutes of the meeting of the Commission held on 20 April 2004 be approved as a correct record and signed by the Chairman.

(Four Members voted for the motion and there were three abstentions).

(5.35 pm)

**101/03 - EXEMPT INFORMATION:**

**RESOLVED (UNANIMOUSLY):**

That in accordance with Section 100A(4) of the Local Government Act 1972 in view of the nature of the business to be transacted the meeting be not open to the public during discussion of Minute 105/03 as there will be disclosures of exempt information as defined by paragraphs 11 and 12 of the Local Government Act as amended.

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The exempt information in question relates to information in connection with labour relations matters between the Authority and employees of the Authority and in relation to instructions to Counsel and legal advice.

(5.55 pm)

(D)

**102/03 - PUBLIC ARRANGEMENTS – QUESTIONS:** No questions had been received.

(5.44 pm)

**103/03 - REQUEST FOR INCLUSION OF ITEMS IN FUTURE WORK PROGRAMME:** There were no such requests.

(5.45 pm)

**104/03 - FORWARD PLAN OF KEY DECISIONS:** There were no key decisions listed in the Forward Plan which related to the work of the Resources Commission.

(5.45 pm)

**MATTERS FOR REPORT**

**105/03 – HIC BREAKOUT SPACE – UPDATE REPORT:** Further to Council Resources Commission Minute 87/03 the Chief Solicitor advised that despite the Commission's request for a report and disclosure of documents it was not possible to provide these because of a delay in the completion of the Chief Executive's investigation. It was intended to bring two reports to Cabinet and the Commission. These were a general summary by the Audit Manager of the issues relating to the administration of the contractor for the HIC Breakout Space project, and lessons for the future and a report drafted by the Chief Solicitor in relation to the resulting litigation issues. He advised that both reports would be exempt.

It was important to the ongoing investigation process that as far as practicable those officers mentioned in the reports and officers drafting the reports reached a consensus on the description of facts set out in these reports, and, therefore significant discussion had taken place in relation to their finalisation and how they had been worded. The Chief Solicitor advised that so far as possible, the Council should avoid any appearance of duplication between the Chief Executive's investigations which could lead to disciplinary proceedings against individuals, and the Commission's investigation, which was concerned with the Council's procedures.

It was intended that both reports would be made available for the meeting of Cabinet to be held on 30 June 2004 and following that the meeting of the Council Resources Commission to take place on 8 July 2004. On this basis, it was clear that the scoping exercise that Members had hoped to undertake was for the time being limited. Members would be asked to consider whether they wished to wait until the

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reports had been published before proceeding any further with this aspect of the review.

The Commission considered the timescale of the contract process itself from the initial approvals and authorities to proceed with the engagement of the contractor to undertake the contract works in July 2002 to October 2003 when they had been placed into administration. Members went on to consider the time taken by officers to investigate this matter and whether there were any time limits affecting the Commission as a result. It was concluded that the all relevant processes should be completed before the Resources Commission began its own investigation to avoid any possible duplication of prior hearings and recourse to the authority as a result.

The Scrutiny Officer circulated a memo dated 14 May 2004 in relation to Overview and Scrutiny Procedure Rule 14 which set out guidelines to be observed in relation to the invitation of officers selected to attend Commission meetings during the future investigation. The Director of Administration then circulated details of six dates which had been provisionally scheduled in the Council diary as dates on which meetings of the HIC Breakout Space Panel could take place. It was noted that Members who were nominated to serve on this Panel would have to attend each meeting and that there would be no contingency for substitutions as it was necessary for each Member to understand fully the complex issues involved. The annual meeting of Council would in June 2004 consider the future size and membership of the Resources Commission from which the HIC Panel membership itself would be derived. It was agreed that there was little point in considering the membership of the Panel until the meeting of the Council Resources Commission to take place on 8 July 2004. The Audit Manager and Chief Solicitor then responded to Members' questions in relation to the kinds of issues that Members would be able to address during the Scrutiny Investigation briefly referring to the Officer investigation and its progress to date.

It was the Commission's unanimous view that the issues facing the Scrutiny Panel could not be effectively scoped at this stage nor any Panel membership agreed and in addition the dates set by the Director of Administration could not be agreed but could be kept as provisional pending the reports to be presented to Cabinet on 30 June 2004 and to the Commission on 8 July 2004. No formal vote was taken.

(5.55 pm – 6.30 pm)

**106/03 – COUNCIL RESOURCES COMMISSION – CARRYOVER COMMITMENT:**  
The Scrutiny Officer submitted the list of agreed work items which had yet to be concluded and were to be carried over by the Council's Resources Commission to its programme of work following the annual meeting of Council in June 2004.

It was noted that the Communications Review Panel had not yet concluded its work and, therefore, would be added to the list of items to feature with the Recruitment and Retention Panel, HIC Breakout Space Panel and Member Budget Working Group.

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**RESOLVED (UNANIMOUSLY):**

That the items included in the carryover list be approved together with the inclusion of the Communication Review Panel.

(5.45 pm)

(D)

**107/03 – COUNCIL RESOURCES COMMISSION – REPLACEMENT CO-OPTEE:**

The Commission were formally advised of Mr Mark Lancaster's decision to resign his position as Co-optee to the Council Resources Commission. Mr Lancaster had been Co-opted to the Commission as a representative of the Business Community for the Harrogate District and the Commission were asked whether they could at this stage suggest the nomination of a replacement to assist the Commission with its work programme. Members considered inviting the Chamber of Trade to nominate a replacement Co-optee. However, it was noted that whilst Mr Lancaster had been a Member of the Chamber of Trade he was not acting as their representative. It was agreed that the Council's Communications and Media Manager would be asked to issue a Press Release inviting expressions of interest from those parties who were in business within the Harrogate District and were interested in the role.

**RESOLVED (UNANIMOUSLY):**

That (1) the Council's Communication and Media Manager be asked to issue a Press Release inviting expressions of interest from interested parties as a potential replacement co-optee for Mr Mark Lancaster; and

(2) the Commission write to thank Mr Mark Lancaster for his help and assistance for his contribution to the Council Resources Commission and the Recruitment and Retention Panel.

(5.45 pm – 5.50 pm)

(D)