

**Buckingham Field Scrutiny Task Group Report April 2008**  
**Executive Response**

**Appendix B**

Rec. No.	Recommendation	Executive Response	Comments
	<p><b>9.1 WORKING PARTIES (TASK GROUPS, etc.)</b></p> <p>Where working parties are set up to help with the early process of decision making, the Council must first establish:</p> <ul style="list-style-type: none"> <li>1) clear terms of reference;</li> <li>2) appropriate and representative membership;</li> <li>3) clerical support and publicity;</li> <li>4) a programme for fact-finding and engagement;</li> <li>5) that business concludes with a report and recommendations in a reasonable timescale</li> <li>6) continuity of membership as far as reasonable;</li> <li>7) that when Officers attend working party meetings it should be in an advisory capacity</li> <li>8) that working party reports will be put on the Council website in full</li> <li>9) that a working party report should always be taken to the appropriate OSC at the earliest opportunity</li> </ul>	Accepted	<p>These recommendations are supported in relation to Member Working Parties. Under new arrangements for OSC it would be for the Committee to decide whether it wanted to consider a working party report.</p>

Rec. No.	Recommendation	Executive Response	Comments
	<p><b>9.2. INITIAL CONSULTATION TO IDENTIFY PREFERENCES</b></p> <p>1) Where issues are identified consultation should take place to formulate detailed plans to address them before decisions are recommended;</p> <p>2) Consultation should involve all interested parties equally to ensure balanced decisions can be made based on full information.</p> <p>3) Comments from interested parties should be considered in the report.</p>	Accepted in part	<p>The broad thrust of these recommendations is accepted. However, consultation should be proportionate and appropriate. In particular greater clarity is needed over the identification of issues over which consultation would take place to formulate detailed plans. If applied systematically to all issues it could constrain what the Council could achieve or require additional resources. Where consultation does take place it is normally on the basis of a set of proposals.</p> <p>Where proposals require planning permission and there is an initial Council consultation before the application is made, there should be an explanation that a further statutory planning consultation will take place when the application is submitted. Although the planning decision process will take the views of interested parties carefully into account, as one element of the planning considerations, it will primarily be based on planning policies and guidance.</p> <p>Where works to open space constitute permitted development only because the Council enjoys a special exemption there should be non-statutory consultation and at least as high a standard of design should be applied as if planning permission were required.</p> <p>The new engagement function in Adults and Community</p>

Rec. No.	Recommendation	Executive Response	Comments
			Directorate will be seeking to prepare a programme of consultation to sit alongside the Forward Plan and this should assist. It is suggested that a report is submitted to the Executive later this year setting out how this should be taken forward.
	<p><b>9.3 IMPLICATIONS OF FUNDING STREAMS</b></p> <p>Where funding is involved, a timetable must be planned that will allow the opportunity to invite, assess and balance any competing interests in a way that will meet the funder's timetable and involve all interested parties equally</p>	Accepted	This will be followed as far as possible given the very short timescales associated with some external funding streams.
	<p><b>9.4 CONSULTATION ON COUNCIL PROJECTS THAT AFFECT PUBLIC SPACES</b></p> <p>1) A planning consultation does not replace an open Council-led consultation with local people; the Council should consult with or without the planning system, which is limited by legal constraints</p> <p>2) Although they may not require specific grants of planning permission because they have permitted development rights under the GPDO, Council projects that propose significant changes to public parks and open spaces should be the</p>	Accepted	See 9.2

Rec. No.	Recommendation	Executive Response	Comments
	<p>subject of rigorous consultation.</p> <p>3) The Council's Public Space Group composed of Officers should have an early input into the process</p>		
	<p><b>9.5 CONTROVERSY AND CONFLICT</b></p> <p>1) Where controversy arises, the Council must be alert to warning signs as a trigger for responsive action to avert a deteriorating situation;</p> <p>2) Opportunities must be taken to engage with interested parties and to take opposing views into account honestly and transparently, giving them equal weight and fair consideration in a public-facing process.</p> <p>3) The Council should always consult, even when a policy points to a certain outcome, to enable public input and influence wherever it can be accommodated.</p> <p>4) The Council should examine the possibility of training for staff and members in the handling of conflicts.</p>	Accepted	<p>See 9.2</p> <p>Staff development programmes have involved conflict management and this will be kept under review against other developmental priorities.</p>
	<b>9.6 CONTRACTORS' RESPONSIBILITIES</b>	Accepted	Where relevant.

Rec. No.	Recommendation	Executive Response	Comments
	<p>1) All contractors, project managers and the Council's own staff should be given robust instructions about the importance of the bird nesting season, and other environmental considerations, in line with Countryside and Rights of Way Act and DEFRA Guidelines.</p> <p>2) This should be on the Council's website.</p> <p>3) Unnecessary work that damages ecological interests should be scheduled outside the nesting season unless there is no alternative.</p>		
	<p><b>9.7 IMPARTIALITY</b></p> <p>Where conflicts of interest arise within Council Departments, they must be kept separate if the Council hopes to be seen to be acting fairly and impartially. The perception in relation to the Village Green Application was that the Council - and in particular the legal and education Departments - did not separate their functions as: land owner, planning applicant, application decision-maker, land manager, opponent of the Village Green Application, adviser to members, information gatekeeper and administrator of the Regulatory Committee process handling the Village Green Application. This must improve and the Council is</p>	Accepted	Where potential conflicts arise different staff are allocated to different roles. However, perception is difficult to deal with as we remain one Council even when regulating in a matter where we also seek to protect the Council's assets/resources.

Rec. No.	Recommendation	Executive Response	Comments
	requested to address the absence of any 'Chinese Walls', to ensure transparent impartiality in its administration of public procedures.		
	<p><b>9.8 RECORD KEEPING AND ARCHIVING</b></p> <p>Record keeping must be of a much higher standard. The Council was unable to produce important documents on land use, dating only 30 years ago and highly relevant today. Nor was the Council able to produce agreements for land management, or dates. The result was lack of any firm foundation for providing conclusive information for the public as well as conflicting advice from Officers. Good record keeping is crucial for the provision of clear information and essential if issues are to be tackled and resolved satisfactorily.</p> <p>The Council is recommended to:</p> <p>1) instigate an investigation into the archiving of records maintained for public custodial purposes; this must be retrospective as required by law</p> <p>2) ensure each Department has a named Officer whose responsibilities include record keeping and archiving, separate from the legal Department and the Officer for Fol</p>	Accepted in part	<p>The need for high quality record keeping is accepted and it is an area where effort has been directed in recent years. It is recommended that an independent review is commissioned reporting back with advice as to resourcing levels and how they are most appropriately organised. There is no specific budgetary provision for such a review which will have to be met from within existing resources.</p>

Rec. No.	Recommendation	Executive Response	Comments
	<p>3) conduct a risk assessment of the implications where there is a failure in this duty</p> <p>4) have on its website a link for the public who wish to access certain documents, where they can be found, or with information on how they can be quickly obtained.</p>		
	<p><b>9.9 EXPLANATIONS FOR THE PUBLIC OF DIFFICULT CONCEPTS.</b></p> <p>During the course of consultation, the Council should take potential areas of public misunderstanding and seek actively to explain them. For example, complex issues arose in this case concerning: • LMS and devolved funding of schools; • Consultation in relation to General Permitted Development Orders; and • Authorisation for Councils in law to enclose (parts of) public open space. Public misunderstanding of these areas of law and practice contributed to their confusion.</p>	Accepted	<p>As the recommendation indicates there are complex issues which can be challenging to explain in a simple way. This is particularly the case with commons registration law, which is complicated, does not sit easily with other legal concepts in particular land ownership and town planning, and is subject to frequent changes and developments.</p>
	<p><b>9.10 BALANCING DIFFERENT INTERESTS</b></p> <p>The Council needs to explain how it balances conflicting interests where it has, as a body corporate, ambitions it believes will benefit the Borough as a whole, or a specific group, where this comes into conflict with local users' and residents'</p>	Accepted	<p>The wider Borough or group benefit message is one that local residents facing a specific issue can find difficult to accept. Strong Member (and usually Cabinet/Cabinet Member) support is necessary to deliver and back up the wider benefit message.</p>

Rec. No.	Recommendation	Executive Response	Comments
	aspirations.		
	<p><b>9.11 IMPLEMENTATION OF THESE RECOMMENDATIONS</b></p> <p>The Council should draw up a timetable for implementation of these recommendations and issue regular progress reports to the Scrutiny Committee.</p>	Accepted	<p>Timetabling applies to 9.2, 9.8.</p> <p>Appropriate report backs will be made on these to Cabinet and the relevant O&amp;S</p>