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Quis custodiet ipsos custodes?

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A 9 month delay in presenting a critical report about **Epsom and Ewell Borough Council**'s handling of complaints was the subject of testy exchanges at a meeting of the Council's **Audit and Scrutiny Committee** on Thursday 28th September.

"**Who will watch the watchmen**?" When the Audit and Scrutiny Committee of the Council is itself under scrutiny – who takes responsibility for that?

The **Local Government and Social Care Ombudsman** (LGO) had written to the Chief Executive of the Council in July 2022. The letter stated: "during the year your council failed to respond in time to our correspondence during three investigations. On each occasion, we had to escalate the matter internally and were forced to consider issuing a witness summons and a public report for non-compliance. Such delays in our investigation undermine our role and can result in further distress to complainants."

Though the letter was available to the public on the Ombudsman's website the question asked at the 28th September meeting was why the committee, responsible for the scrutiny and review of the decisions and performance of the council, was not presented with the letter at either of its subsequent meetings of November 2022 and February 2023. It was finally presented at the meeting of April 2023.

The Chair of the 28th September 2023 meeting of the Audit and Scrutiny Committee was Councillor **Steve Bridger** (RA Stamford). He repeated a written answer to the question which referred to a "work plan" that provided for the Ombudsman's communication to be presented at the April meeting.

The questioner was former Residents Association Councillor **Previn Jagutpal**, exercising his right to ask a question as a member of the public. He responded to the Chair's answer and stated that there was no such direction in any "work plan", copies of which he held on the desk in front of him.

Mr Jagutpal went on to heavily criticise the conduct of the matter and said "Why should residents of Epsom and Ewell have confidence in the transparency and effectiveness of the Audit and Scrutiny Committee when pivotal information, such as the 2022 LGO annual review, and perhaps other information over the last four years, is not being shared in a timely manner with the committee?"

He went on to label the committee "The bodge-it and secrecy committee".

In another procedural controversy, though permitted a supplementary question to his first one, Mr Jagutpal was denied a second question, even though, as Mr Jagutpal pointed out, there was plenty of time for the committee to deal with it. Exploiting a bizarre anomaly in the procedures he was permitted to make a statement during which he told the committee what his denied second question was! Namely, a question concerning a meeting between the Chief Executive of the Council and the LGO of April 2022. Thus, as Mr Jagutpal argued, the matter pre-dated the subject of his first question about the July 2022 LGO letter.

A lawyer for the Council advised the Chair that Mr Jagutpal was not permitted a second question. According to **Epsom and Ewell Times** research of the standing orders the rule appears to be:

"If a member of the public asks or wishes to ask more than one question, their second question (written or oral) shall be taken after all other individuals who wish to ask a question have been given the opportunity to do so."

There were no other members of the public lining up to ask questions at this meeting.

Councillor **Chris Ames** (Labour Court Ward) raised a point of order and accused the Chair of plucking rules out of the air to silence a member of the public and protect the Council from scrutiny. He said "I just do not believe that that rule exists. However, more to the point I've noticed that every time Mr Jagutpal tries to ask a question that risks embarrassment for officers, or for yourself chair, some arcane rule is plucked out of the air to shut him down. It absolutely reeks of cover up and pettiness. What must residents think of a Residents Association Council using every trick in the book to keep residents in their place?"

The legal adviser intervened once more: "I've previously advised this committee as to my interpretation as monitoring officer that the current Constitution and the relevant Annex is to be read that way so my advice has been quite clear that's how we're operating."

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Later in the meeting Cllr Ames weighed in again about the 9 month delay in disclosing the LGO's July 2022 critical letter. He said ""I think my question for you, chair, is when you received this letter, you must have looked at this letter. You must have thought things are going very badly wrong. I must put this before the audit and scrutiny committee at the next meeting rather than sit on it until April. I mean, surely, as a competent chair, you would look at that letter. It was expressly said in the letter to have been addressed to yourself, chair, and yet you sat on this report for something like nine months."

Cllr Bridger responded "We can assure you that nothing has been hidden or anything else. Yes I appreciate it should have been dealt with. However, the letter also goes to the chief executive and myself and other members. ..... the report is available for everybody to see. Nothing's hidden at all and from what I hear it's almost as if everybody's waiting for us to bring the report but everybody can see it."

The committee was informed that the LGO has stated that the situation of communications between its office and the Council had much improved.

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