

Overview and Scrutiny Committee

Minutes of the meeting held on Tuesday 29 July 2014 at the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Mrs Falp (Chairman); Councillors Mrs Blacklock, Boad, Mrs Bromley, Brookes, Copping, Ms Dean, Edwards, Gill, Guest, Mrs Higgins, Illingworth, Kinson and Wreford-Bush.

Also Present: Councillors Coker and Shilton.

An apology for absence was received from Councillor Mrs Grainger.

22. **Substitutes**

There were no substitutes.

23. **Declarations of Interest**

There were no declarations of interest.

24. **Response to the Task & Finish Group's Dog Control Order Report**

Councillor Coker, (Portfolio Holder, Health & Community Protection) and Councillor Shilton (Portfolio Holder, Neighbourhood Services) answered questions that Committee members had about a report that would be going to Executive the following day. This report had been produced in response to a Task and Finish Group report for the Overview and Scrutiny Committee and sought to respond to recommendations from the Task and Finish Group's report that involved expenditure.

Councillor Coker agreed that the only effective way to keep dogs out of children's play areas was to properly fence the area, and he gave Abbey Fields children's play area as a good example of where this had been instigated.

The Committee Members then went through any comments they had with the various responses to recommendations in the report for Executive approval:

Appendix 2, recommendation 7 and response

Councillor Coker informed Members that plans would be provided of the additional areas to be included in the Dog Control Orders. He made clear that it was only the children's play area at Abbey Fields that would become subject to a Dog Exclusion Zone, not the whole of Abbey Fields.

Appendix 2, recommendation 12 and response

Councillor Coker made it clear that the Golf Club was not included in a Dog Control Order, with the exception of the path. It was agreed that both the dog walkers and Golf Club staff needed re-education to become more understanding of the needs of both groups.

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Appendix 2, recommendation 15 and response

Members were delighted with the response to this recommendation and offered assistance to implement. Councillor Shilton informed Members that a report would be going to the Executive in September with proposals.

Appendix 3, recommendation 2 and response

Members disputed this and stated that residents did want this recommendation bringing forward, but Councillor Coker said that there had been no complaints to the Council.

Appendix 3, recommendations 4 and 5 and response

Councillor Mrs Blacklock, who was the Chairman of the Task and Finish Group, felt strongly that the public wanted additional bins at cemeteries and that the existing wire baskets should be replaced with enclosed bins. Councillor Shilton explained that this option was not being pursued at this time as the suggested replacement would increase the costs of waste collection.

Appendix 3, recommendation 7 and response

Councillor Shilton outlined the proposals for the Ranger service. Councillor Mrs Bromley requested that Canalside be included for the Dogs on Leads order and Councillor Coker responded that it could be considered but would be subject to a public consultation.

Appendix 3, recommendation 17 and response

A request was made to include closed churchyards. Councillor Coker said that this would require public consultation. He was happy to include the closed cemeteries into the consultation scheduled for next year.

Councillor Mrs Higgins requested that Collegiate Gardens, adjacent to the Church be included in the list referred to in point 7.6 of the report. She was informed that it could be.

25. Executive Agenda (Non-confidential items and reports) – Wednesday 30 July 2014

The Committee considered the following non-confidential items which would be discussed at the meeting of the Executive on Wednesday 30 July 2014.

Item 5 – Response to Overview & Scrutiny Task & Finish Group’s review of the Dog Control service in the district

The Overview & Scrutiny Committee supported the recommendations in the report.

Councillor Shilton left the meeting. Councillor Coker remained.

26. Minutes

The minutes of the meeting held on 1 July 2014 were taken as read and signed by the Chairman as a correct record subject to an amendment showing that Councillor Mrs Blacklock gave apologies.

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27. Comments from the Executive

The Committee considered a report from Civic and Committee Services which detailed the responses the Executive gave to the comments the Overview and Scrutiny Committee made regarding the confidential reports submitted to the Executive at the start of July.

Resolved that the report be noted.

28. Review of the Work Programme & Forward Plan

The Committee considered its work programme for 2014/15 and the latest published version of the Forward Plan.

Verbal briefing from the Safer Communities Manager on the work being done by the Partnership to control anti-social behaviour

The Safer Communities Manager had been asked by the Committee Services Officer to explain Warwick District's Council's role in the Action Plan to tackle anti-social behaviour, particularly with reference to St Nicholas Park. This was as a result of the Committee's desire to invite a member of the Police to a meeting to talk about the Action Plan. After the Committee had made that request, the Committee Services Officer had informed the Safer Communities Manager of this request and he had felt it pertinent to explain Warwick District Council's role to the Committee beforehand.

The Safer Communities Manager explained to the Committee that Warwick District Council was the lead agency for tackling anti-social behaviour in the District. The Action Plan had been produced in liaison with local residents affected by anti-social behaviour; the main concern being "boy racers". He was pleased to report that this summer it had been a fairly successful campaign.

The Committee felt that it would be helpful to receive a briefing from the Safer Communities Manager on the South Warwickshire Community Safety Partnership and in particular, Warwick District Council's role, and requested that this be provided to them at a future meeting; the date of which to be determined between the Safer Communities Manager and the Committee Services Officer. The request to invite a member of the Police to a meeting was cancelled.

Forward Plan Reference 603 – Sports and Leisure Options Appraisal

The Committee was informed by the Deputy Chief Executive (BH) that it would prove difficult to do any scrutiny work ahead of this report going to the Executive, which was scheduled for September.

Forward Plan Reference 608 – Housing Buy to Flip Policy

The Committee decided to look at this topic ahead of the report going to Executive in November 2014 to see if any scrutiny work was required.

Forward Plan Reference 607 – Housing Allocations Policy

The Committee decided to look at this topic ahead of the report going to Executive in November 2014 to see if any scrutiny work was required.

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Forward Plan Reference 615 – Tenant Involvement Strategy

The Committee decided to look at this topic ahead of the report going to Executive in March 2015 to see if any scrutiny work was required.

Forward Plan Reference 624 – Housing & Property Services Redesign improvement programme II – Reshaping the organisation

The Deputy Chief Executive (BH) explained that he had been contacted by Councillor Mrs Bromley in respect of this issue. He explained that the item was on the Forward Plan for September and this would enable Overview & Scrutiny Committee Members to decide if scrutiny was required. However, a briefing note providing some further context would be circulated to all members in August.

Recycling

Some members suggested that further scrutiny of performance against recycling targets was appropriate. Following discussion it was agreed that it would be more appropriate to ask questions on this subject when the Portfolio Holder next attended Committee

Health Scrutiny

The Committee noted the draft minutes from the Health Scrutiny Sub-Committee's meeting 8 July. It also approved the Work Programme. The request to amend delegated powers in respect of the Health Scrutiny Sub-Committee's Work Programme so that the Sub-Committee could approve its own Work Programme without the need for approval from Overview and Scrutiny before any work was done, was agreed.

Code of Conduct Review

The Committee asked to know why the Code of Conduct review would not be adopted until May 2015.

Portfolio Holder Updates

It was agreed that the Chairman, in liaison with the Lead Officer and the Committee Services Officer, would agree a schedule for the annual updates from Portfolio Holders.

In respect of all items that the Committee wished to be added to the Work Programme, it was agreed that the Chairman in liaison with the Lead Officer and the Committee Services Officer would agree a timetable.

Resolved that:

- (1) the report be noted;
- (2) Forward Plan Reference 608 – Housing Buy to Flip Policy be added to the Work Programme;
- (3) Forward Plan Reference 607 – Housing Allocations Policy be added to the Work Programme;
- (4) Forward Plan Reference 615 – Tenant Involvement Strategy be added to the Work Programme;

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- (5) A report on the South Warwickshire Community Safety Partnership be added to the Work Programme;
- (6) The invitation that was to be extended to the Police to attend a meeting in September is not required;
- (7) the draft minutes from the Health Scrutiny Sub-Committee meeting held on 8 July be noted;
- (8) the Health Scrutiny Sub-Committee's Work Programme for 2014/2015 be approved; and
- (9) Point 8 of the Health Scrutiny Sub-Committee Procedure Rules "Work Programme" agreed on 10 June 2014 be amended so that the Sub-Committee no longer requires approval from the Overview & Scrutiny Committee.

The paragraph that reads "The Health Scrutiny Sub-Committee will be responsible for drafting its work programme which must then be approved by the Overview & Scrutiny Committee before any work on the programme can take place" will now say "The Health Scrutiny Sub-Committee will be responsible for drafting and approving its work programme."

29. Children's Safeguarding and the future role of Member Children Champions

The Committee considered a report from the Deputy Chief Executive (BH) which made proposals relating to the potential future role that elected Children's Champions could undertake within the context of the Council's Safeguarding Children responsibilities.

It was proposed that a report be submitted to the Executive in September for approval.

Committee Members felt that the responsibility for the first two bullet points in 3.6 of the report lay with either officers or the Portfolio Holder. It was also felt that the word "ensure" should be replaced with either "assure" or "insist".

Section 3.8 of the report referred to a formal Child Protection Policy and it was felt that this could form part of the report going to the Executive in September.

The Deputy Chief Executive (BH) advised that it was felt that responsibility for Children's Safeguarding should rest at CMT level because this sent out a message of the importance of the topic where the Council had to deal with issues affecting young children such as Housing and Cultural Services. The Deputy Chief Executive (BH) was asked to include a section in the report going to the Executive on how long the Children Champion posts

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would last and how they would be examined. It was suggested that this examination be done by Group on an annual basis; and one of the Children's Champion appointments should be a member of the Executive. A suggestion was made that the appointments should be for the life of each council term (four years) to allow the appointees to build up sufficient knowledge in the area.

Resolved that:

- (1) that an s11 audit has been completed and submitted to the Warwickshire Safeguarding Children Board be noted and that the findings of this audit will be reported to Executive in September 2014;
- (2) a formal Child Protection Policy be included in the report to the Executive;
- (3) the appointment of children's champions be made for the life of the Council and one of the Champions be a member of the Executive, the other, a Member interested in the issue and the appointments be made by Group;
- (4) the report to Executive should recommend how the work of the Children's Champions be examined annually; and
- (5) Officers be instructed to prepare a further report to Executive for presentation in conjunction with the report on the outcome of the s11 audit.

30. SEV Task & Finish Group Final Report

The Committee considered a report from the Sexual Entertainment Venues (SEV) Task & Finish Group, following District wide consultation on the location of SEVs within the District.

Members were concerned that the publication of the report was late and that insufficient time may have been allowed as a result for people to examine the report. There was a split of opinion among Members on whether to defer discussion of the report until the next meeting or to debate immediately. It was noted that the actual text of the report was short, the main bulk of paperwork was evidence statistics from the consultation process.

Councillor Brookes, a member of the Task & Finish Group, explained that the report had been late because advice requested from Legal Services had taken a while.

A motion to defer discussion of the report until the next meeting was defeated.

Members felt that the legal advice received meant that the Council was equipped to face any challenge against instigating a policy for a nil cap on

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SEVs. It was noted that the policy would be for guidance purposes when considering any application for a licence. The policy of a nil cap would mean that the onus would be on the applicant to show why granting that particular licence was acceptable and to justify why the policy did not apply to their establishment.

The Task & Finish Group was asked to work with officers and the Legal Team to bring forward the policy. The advice from the Legal Team that specialist Counsel advice was sought was agreed. The balance of the £5,000 budget allocated to the Task & Finish Group's work could be used to pay for this work and if officers felt this would be insufficient, then they would be required to submit a request for more budget. The amended policy would need to be approved at a meeting of the Executive.

Resolved that:

- (1) Prior to this report being submitted to Executive, the proposals be considered by specialist Counsel; and
- (2) the recommendation from the Task & Finish Group that Council introduces a nil cap on Sexual Entertainment Venue premises for the District and the subsequent changes to the existing Council policy be supported.

(Councillors Copping and Guest left the meeting part-way through discussions on this item. Councillor Coker left the meeting at the end of the debate.)

31. Public and Press

Resolved that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

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Minute No.	Para Nos.	Reason
32	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information).

32. **Comments from the Executive**

The Committee considered a confidential report from Civic and Committee Services which detailed the responses the Executive gave to the comments the Overview and Scrutiny Committee made regarding the confidential reports submitted to the Executive at the start of July.

Resolved that the report be noted.

(The meeting finished at 8.30 pm)