

Chair's Introduction

I'd like to start by thanking everyone who has been involved in the work of the Overview and Scrutiny Committee in this municipal year. Members of the committee for their input both at meetings and through the questions they submit in advance, Committee Services who provide sterling support to the committee and the Chair and to officers and portfolio holders who have given of their time to answer questions and attend committee. There are many people who have made a contribution to the effective working of the committee, perhaps best evidenced by the acceptance of nine recommendations for policy changes by the Council's Cabinet.

We have made a number of changes to the way that the committee has functioned this year, not least the return to in-person meetings made possible by the support of council officers. But we've also used the learnings of the previous twelve months to find creative ways to function with an increased workload including the conducting of in-public online meetings to discuss areas which need specific attention and detailed focus.

One of the key changes was setting out new criteria for call-in of Cabinet Agenda items. This has enabled us as a committee to focus on the larger strategic issues facing the district and our residents. I'm pleased that by and large this approach has been well understood by members and there have only been a handful of occasions when a request for call-in has been declined. In all these cases alternative arrangements were made in order for questions to be answered and issues resolved.

Perhaps the biggest issue facing the council and our residents this year has been the proposed merger of Warwick District and Stratford District Councils. By making this a deliberate focus and adopting a structured approach we have been able to build a significantly detailed view of the main issues surrounding the proposal.

As well as scrutinising Cabinet papers we were also able to take a regular look at the project as the direction emerged. We have all learned a lot about this complex project and it is tribute to the effectiveness of members that recommendations surrounding the merger were accepted by cabinet.

It is also worthy of note that members of the committee voted different ways when the proposal came to council. This points to the value of scrutiny in exploring complex issues of policy in a way which is independent and avoids 'group-think', giving members the opportunity to consider proposals in detail before they are voted on by Council and the Cabinet. The proposed merger will continue to be a point of focus as the future roadmap becomes clearer.

A particular theme of the committee's recommendations has been on increasing openness and transparency, in particular by requesting engagement with residents and the collection and publication of performance data. This latter topic is further supported by the work being carried out by Cllrs Kohler, Jacques and

Cullinan on the creation of a service area dashboard intended to provide greater openness but also allow the committee to direct its focus. This work is expected to continue in the next municipal year and is a valuable tool in effective scrutiny.

I have also been privileged as Chair to help support the Equality & Diversity Taskforce in its work this year and I'm pleased that its recommendations were accepted by both Cabinet and the Employment Committee. We look forward to seeing further progress on phase two of the project.

Finally it would be wrong of me to not mention the contribution of the late Cllr Nicholls to the work of scrutiny in the Council. Whilst not a member of this committee Jonathan played a key role as my opposite number chairing Finance & Audit. His thoughts, guidance and open, collaborative nature were always valued and we will all miss his wise counsel in the coming years.

Councillor Andrew Milton
Chair, Overview & Scrutiny Committee

Items considered by Overview & Scrutiny Committee 2021/22

Overview & Scrutiny Committee Work Programme Items

2021:

- Approach to the Scrutiny of the proposed merger of Warwick District Council and Stratford-on-Avon District Council
- Equality & Diversity Task & Finish Group
- Update on Joint work with SDC
- Progress Update – Merge of ICT Systems
- Task & Finish Group – Equality & Diversity
- Park Exercise Policy and Permit Scheme
- HMO Licensing & Planning Permission Policy Effectiveness Review

2022:

- Dedicated Scrutiny Session on “Developing a Digital Strategy for South Warwickshire”
- Development Management and Enforcement Performance Update
- Environmental Enforcement update
- Summary of the role, responsibilities and performance of the South Warwickshire Community Safety Partnership
- Update on Joint Work of WDC and SDC
- End of Term report

Routine Items:

Review of the Work Programme, Forward Plan and Comments from Cabinet

Task & Finish Group Work:

Equality and Diversity

The project was split into two distinct phases; phase one concentrated on internal issues with recruitment, promotion and training of staff; phase two, making the Council’s services accessible to residents, organisations and businesses.

The Group, comprising of Councillors Mangat (Chair), C Gifford and Illingworth presented its recommendations for the first phase of the project to Overview & Scrutiny Committee at its meeting in July 2021. These were approved by the Committee. The appropriate recommendations were then considered by Cabinet and by Employment Committee.

Cabinet considered the recommendations at its meeting in August 2021 and the Employment Committee, at its meeting in September. Both Cabinet and Employment Committee approved the appropriate recommendations in the report but asked the Overview & Scrutiny Committee to consider moving the proposed work on the second phase of the project to the Transformation PAB; a request that Overview & Scrutiny Committee decided to turn down.

The Task & Finish Group is in the early stages of the second phase of the project.

Cabinet reports scrutinised by the Committee:

(Where Overview & Scrutiny Committee (O&S) has made a recommendation(s) to Cabinet on reports being considered at Cabinet, Cabinet's decision to approve or refuse that recommendation is detailed below.)

6 July 2021:

A46 Link Road Next Steps

Councillor Cooke, the Portfolio Holder – Place & Economy informed O&S that at the meeting of the Cabinet on 8 July, his intention was to move an amendment to point 3.46 in the report, to make it more neutral, along the lines that “This Council will continue to be involved in the work with WCC (and CCC) to progress the work on the A46 link road”.

The original text read “That this Council is supportive of WCC (and CCC) progressing the development of the A46 link road scheme....”.

O&S welcomed and endorsed the amendment to point 3.46 in the report as explained by Councillor Cooke and made the following recommendations:

1. any sustainability analysis that comes to this Council as part of the OBC and subsequent FBC submissions, is presented to the Climate PAB more than 30 days prior to the FBC submission so that the PAB may inform Cabinet of its views before Cabinet decides whether to endorse the submission; and
2. that a third recommendation in the report be added (2.3) so that the wording in the letter to be sent to WCC (identified in point 3.46 in the report), be amended to reflect the suggestions made in red as follows:

That this Council *can only continue to be* supportive of WCC (and CCC) progressing the development of the A46 link road scheme *if it aligns with all our Councils' climate emergency declarations. Consequently, support is* subject to the following:

- That WDC officers should remain actively involved and continue to have a seat on the Programme Board for delivery of this project
- Phase 2 work shall progress albeit as part of a comprehensive and wider project to deliver sustainable travel options in the area and address identified issues/capacity needs. *There must* be a clear understanding of how it fits into the wider project for meeting the transport needs and supporting sustainable travel in the area. This needs to be seen also in the context of the SWLP consideration of strategic options and that this may require a masterplan of the wider area for this part of the SWLP area (A further report may be required to the WDC Cabinet on this aspect)
- *WCC uses an alternative name to the 'A46 Link Road' for this project* which highlights the sustainable travel options which are in keeping with our Climate Emergency declarations
- That WCC (and CCC) do not take any decisions about applying for planning permission for the A46 Link Road phase 2 until WDC has made a strategic

- decision in the context on the Local Plan on the preferred spatial strategy for the location of development to meet the needs of South Warwickshire
- That WCC, in conjunction with transport planners at CCC, undertakes a reassessment of traffic flows forecasted based on likely new patterns of working and commuting following the Covid-19 pandemic
 - That WCC undertakes a sustainability analysis of the Link Road scheme, *which would need to demonstrate a reduction in carbon emissions relative to not going ahead with this project*
 - That WCC costs the best possible active travel option that does not include new road building to determine which option is better in terms of economic growth, air quality, biodiversity and reducing carbon emissions
 - That WCC progresses the University of Warwick/Coventry South railway station/transport interchange and the development of VLR s as quickly as is realistic *and briefs WDC officers in a timely manner*
 - That WCC supports WDC in providing the necessary evidence to support the case for the link road through the SWLP, subject to alignment with the preferred spatial strategy
 - That WCC ensures that the link road project is consistent with key themes in the emerging Local Transport Plan 4 and can justify the scheme in this context throughout scheme development
 - That WCC acknowledges WDC's support, subject to the points raised in this paragraph, in their proposed report to WCC's Cabinet about next steps.

Cabinet response:

- (1) It was not within Cabinet's purview to place actions on the Climate PAB so it treated the first recommendation as a comment.
- (2) The second recommendation was rejected.

Climate Change Ambitions for South Warwickshire

O&S supported the recommendations in the report.

Net Zero DPD

O&S supported the recommendations in the report.

10 August 2021:

Proposed Compulsory Purchase Order – Land at Kenilworth Wardens, Glasshouse Lane, Kenilworth

This report was called in by O&S to trigger debate on the wider policy situation of assessing deliverability of sites when they are allocated in the Local Plan, rather than making comment on the specific contents of the report in respect of the Land at Kenilworth Wardens.

Councillor Cooke, Portfolio Holder – Place & Economy and the Deputy Chief Executive, Andrew Jones answered questions and at the end of the debate, O&S

made the following recommendation to Cabinet in respect of the wider issue of deliverability:

That a report be produced identifying learning points from work on previous Local Plans and our current experience, and that this be fed into the ongoing work on the South Warwickshire Local Plan. Main areas of focus should be:

- Site deliverability
- Viability of development
- Resources available both at the District and County Councils
- Sustainability and how this addresses climate change

Cabinet response: **Approved** the recommendation made by O&S

21 September 2021:

Service Integration and Joint Accommodation Work between WDC/SDC

O&S considered that a summary of risks through a risk register was required and therefore recommended to Cabinet that regular risk reporting should be provided to Councillors.

O&S also requested that regular service level performance data should be available to Councillors on the Service Area Dashboard, providing comparison between current service area performance levels against the merged service areas.

Cabinet response: **Approved** the recommendation made by O&S

Low Carbon Enabling Development

O&S recommended to Cabinet that a business case and plan for hydrogen hubs should be referred to the Climate Emergency Programme Advisory Board (PAB) for consideration.

In noting the complexity of the scheme and difficulties faced, O&S requested that a briefing be provided to all Councillors on the development proposals. The Committee also wished to know how this would contribute to the Council's Climate Emergency target to be net carbon zero.

Cabinet response: **Approved** the recommendation made by O&S

2 November 2021:

Riverside House Development Brief

O&S welcomed and supported the report and asked that information on the sample size should be added to give context to the statistics provided in the report.

The Committee recommended that in the brief, the Council's wish for the developer to find carbon savings in the build/construction process and to investigate the reuse of materials, be made clear.

Cabinet response: **Approved** the recommendation made by O&S

Climate Change Action Programme

O&S welcomed the report and the request for additional resource.

The Committee recommended the following:

- That a carbon descent plan was created for use as a target and tracker for use to measure progress on the programme.
- The Council should promote good news stories, e.g., the divestment of fossil fuel investments, so that residents were aware about the progress being made.
- A consolidated view of the different standards in Housing that were in use across the District should be produced to give more clarity on which standards would apply and where they might apply, e.g., in or near the Conservation Area.

Cabinet response: **Approved** the recommendations made by O&S

7 December 2021:

Proposal to create a South Warwickshire District Council

The Chairman thanked officers for the work they had done on the merger.

The Overview & Scrutiny Committee meeting discussed the report using the themes that the Scrutiny Chairs had established at the outset of the process. Five main themes were identified:

1. Consultation
2. Services
3. Climate Emergency
4. Democratic Representation
5. Finance & Risk

Overview & Scrutiny would focus on themes (1) to (4). At the meeting each theme was discussed in turn and any comments and recommendations made at the end of discussion of each theme.

Consultation:

The Committee asked that where issues had been raised by residents, there should be a summary of the issues raised and drilled down to provide the split between Councils. It also requested that the way that information was given to residents, should both Councils agree to merge on 13 December, be strengthened so that residents are clear about the aims and objectives of the new Council. There should be an ongoing communications plan. It requested that stakeholder submissions should be circulated to all Councillors ahead of 13 December.

It recommended to Cabinet that a clearer statistical summary of the evidence base should be published providing clarity upfront on the differences between results in respect of the Residents' Telephone Survey and the Open Consultation Questionnaire and how these evidence bases would be used to shape the future strategy.

Cabinet response: It felt that the results from the surveys were sound and did not need the further analysis recommended by Overview & Scrutiny Committee.

Services:

The Committee noted the importance of communication with residents and how the council engages with them as Services develop.

The Committee made two recommendations to Cabinet:

1. There should be Councillor engagement when developing the Service Area Plans, this should include involvement in metrics and how measures would be set. (Councillors would not be involved in deciding the mechanism for providing this.)
2. More information should be provided on how to treat the risk logs (the Deloitte Risk Register and the Programme Risk Register devised by officers) and the relationship between the two, after it had been explained that the differences were a result of the timings when the Risk Registers had been prepared, with Deloitte's being at the very start of the process.

Cabinet response: **Approved** the recommendations made by O&S

Climate Emergency:

The Overview and Scrutiny Committee did not make any comments or recommendations in respect of Climate Emergency.

Democratic Representation:

The Committee recommended to Cabinet that:

1. It should be made clear that the Council would work with all parish and town councils in the District, not just those which were members of the Warwickshire Association of Local Councils (WALC).
2. The implications of reference to the "Quality Parish" mark (Item 4/Appendix 10/Page 4 in the agenda papers or page 6 in the actual document) should be reviewed because it was too restrictive. Councillors expressed their scepticism about the advantages being a "Quality Parish" Council might bring.
3. The Shadow Council, should, as one of the first things it focussed on, create a framework for how parish and town councils would be supported and how this Council would engage with them with a view to looking at how powers might be devolved to them in the future where there was interest in so doing.

Cabinet Response:

Recommendation 1: Cabinet felt the report was clear enough.

Recommendation 2: Cabinet asked officers to fully investigate and confirm the merits of being a quality status parish/town council and to circulate the details before Council made the final decision on the merger request submission.

Recommendation 3: This work was already planned if the merger was agreed.

Outdoor Sports Review – Proposed Revised Delivery Models for Council Owned Facilities

O&S was keen for basketball facilities to be provided across the District.

It recommended to Cabinet that as part of the contract, free time provision should be made available at a variety of times during the week and that the provider encouraged a wider demographic of people to use the facilities.

Cabinet response: **Approved** the recommendation made by O&S

Developing a Digital Strategy for South Warwickshire

O&S noted both the report and the importance to consider residents and businesses with the design as it is taken forward.

It recommended to Cabinet that:

1. A briefing should be provided to all Councillors because of the wide-ranging impact of the Strategy.
2. The Overview and Scrutiny Committee should hold a dedicated session on the Digital Strategy to scrutinise the Strategy in more depth and to look at the finer detail.
3. The lessons learned from the Finance System Project and Member involvement in the project should be incorporated into the work to be done for the Digital Strategy.

Cabinet response: **Approved** the recommendation made by O&S

8 February 2022:

Decarbonisation of Council Assets

O&S recommended to Cabinet that:

- (1) Standards set out by the Government for de-carbonisation and retrofitting and those the Council would apply, should be included within the report.
- (2) The Climate Emergency PAB, within the terms of its remit, should be involved more in developing some of the schemes outlined in the report.
- (3) A schedule/plan showing when stages of the process would be implemented, and the expected impact as a result, should be produced.

Cabinet response: **Approved** the recommendations made by O&S

Net Zero Carbon Development Plan Document

Appendix 4 - Net-Zero Carbon Development Plan Document: Revised Viability Study, a lengthy document, was only circulated late on the day of the meeting. This gave Members of Overview & Scrutiny Committee insufficient time to review it properly. The Committee was informed that the delay was due to unavoidable staff absence. The Director for Climate Change provided a brief verbal summary of the content.

It was explained that Recommendation 3 in the report, that delegated authority should be given to the Head of Place and Economy in consultation with the Portfolio Holder for Climate Change to make further non-substantive amendments to the draft DPD prior to consultation commencing, meant that Members would have the opportunity to feed through comments once they had been able to properly review the Appendix. If the changes requested were substantive amendments, then these had to be approved through Cabinet.

O&S supported the report.

The Committee expressed concern about maintaining the 40% affordable housing commitment when viability was questioned and asked that the Council investigated mechanisms to defend this through the planning process.

8 March 2022:

Trees for our Future

O&S commented that the discussion on the report had been positive and thanked Councillor Rhead and Andrew McGwinn for their responses to the questions posed.

The Committee believed that there was opportunity to engage more with the community and to consider requests for smaller scale projects for planting trees. The wider benefits of re-greening the District should be widely promoted to engage with housing developers, farmers, parish/town councils and residents.

It was suggested that the Council should undertake a cost/benefit analysis to build up a clear case for the expenditure and then check this was being achieved. Questions were raised on whether there were more cost-effective ways to achieve a reduction in carbon emissions such as splitting the £4m between tree planting and insulating homes for example and a cost/benefit model would make this easier to monitor.

12 April 2022:

Joint Governance – Stratford-on-Avon and Warwick District Councils

O&S noted that the report had been withdrawn, that this may impact on the planned integration of services with potentially a delay to this. There were concerns around this and the Leader agreed to provide clarification on the impact of this to Cabinet next week for all Councillors.

Cabinet Response:

This item was withdrawn following publication of the agenda. The Leader made a statement why this item was withdrawn, subject to a Press statement.

Inter-Authority Agreement between Stratford-on-Avon and Warwick District Council

O&S noted that the report had been withdrawn, that this may impact on the planned integration of services with potentially a delay to this. There were

concerns around this and the Leader agreed to provide clarification on the impact of this to Cabinet next week for all Councillors.

Cabinet Response:

This item was withdrawn following publication of the agenda. The Leader made a statement why this item was withdrawn, subject to a Press statement.

Amendments to the Constitution

O&S noted the recommendations and provided the following observations:

1. The Committee felt the clarification on the reasons why a report is confidential should be explained within the report itself to show how the information related back to the legal reason for it being exempt. It would also be useful if the report could provide a timescale/event for when it may be possible for the information to become public.
2. The PABs need to improve the consistency in their minute format to facilitate Councillors' understanding.
3. Consideration should be given if the PAB minutes could be public minutes.
4. Noted that the better description of items expected to go to PAB would be those items that propose significant change to a service.

HEART Shared Service Partnership

O&S considered the report at length and had concerns about the cyclical nature of the concerning position set out in the report.

The Committee noted the recommendations in the report and agreed that a report be brought back to Scrutiny in six Months, unless a report is brought to Cabinet at that time on the progress/improvements made and if needed the options available to the Council to change the service.

The Committee thanked the Head of Housing and Portfolio Holder for their time in attending and engaging with the Committee on this report.

Masterplanning Framework for Lane to the North and East of Kenilworth/South of Coventry

O&S noted the report and proposals for providing the master planning framework to help recognise the constraints in the area and developing a collective vision. It welcomed the responses from officers and the reflection from this will be provided to the Cabinet.

The Committee suggested that the words Green Belt are set out within the document as this plan will have an impact on that.

The Committee welcomed the agreement to ensure that wider stakeholder groups will be involved in the consultative role. Whilst those to be involved will be agreed by the project board once it has been formed, it is expected that this will include local district councillors, local parish councils, residents groups, Stoneleigh Park, HS2, local major land owners along with Solihull MBC and Rugby BC.

The Committee recommended that at least one PAB should be involved for discussion and involvement in this area of work.

Cabinet Response:

The recommendations in the report were approved, along with the recommendation from the Overview & Scrutiny Committee, and subject to paragraph 1.23 in the report being amended to read:

1.23 Beyond the PB a wider stakeholder group(s) will be involved at key stages in a consultative role. Whilst the wider stakeholders to be involved will be agreed by the PB once it has been formed, it is expected that this will include local district councillors, local parish councils, residents' groups, Stoneleigh Park, HS2, local major landowners/developers and Solihull MBC and Rugby BC.

Creative Quarter / Future High Street

O&S recommended a briefing update to all councillors regarding the project.

Cabinet Response:

The recommendations in the report were approved.