
Annual Council meeting: Wednesday, 11 May 2021

Notice is hereby given that a meeting of Warwick District Council will be held at the Town Hall, Parade, Royal Leamington Spa, on Wednesday 11 May 2021 at **6.30pm** and available for the public to watch via the Warwick District Council [YouTube channel](#).

Agenda

- 1. Election of Chairman of the Council**
To elect the Chairman of the Council for the ensuing Municipal year.
- 2. Appointment of Vice-Chairman of the Council**
To elect the Vice-Chairman of the Council for the ensuing Municipal year.
- 3. Vote of Thanks for the Retiring Chairman**
- 4. Apologies for Absence**
- 5. Minutes**
To confirm the minutes of the meeting of the Council held on 23 March 2021.
(Pages 1 to 2)
- 6. Membership of the Cabinet**
To be informed of the Members appointed to the Cabinet by the Leader.
(Page 1)
- 7. Appointments**
 - (a) to consider the nominations for membership of the Committees including substitutes, and to agree the membership of Overview & Scrutiny Committee is not politically proportionate to the Council; and noting that Councillor Morris has accepted a seat on the Planning Committee at the gift of the Conservative Group **(Pages 1 to 5)**;
 - (b) to approve the memberships of Working Parties & Forums **(Page 1)**; and
 - (c) to consider the appointments to Champion Roles & Outside Bodies and confirm that the outside body appointments by Council are not to be politically proportionate **(Pages 1 to 3)**.
- 8. Declarations of Interest**
Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct. Declarations should be disclosed during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its

nature, they are strongly advised to seek advice from officers prior to the meeting.

9. Future Relationship with Stratford-on-Avon District Council

To consider the recommendations from the meeting of the Cabinet of 11 May 2022. The report identifies the immediate implications and associated decisions for revised working arrangements for the Council with Stratford-on-Avon District Council following the recommendation from the Leaders of both Councils to withdraw the request to merge and create a South Warwickshire District Council.

(The papers to be considered by the Cabinet on 11 May 2022 have been included in this agenda for ease of reference **(Pages 1 to 12 and Appendices 1 and 2)**)

Please note following Cabinet on 11 May 2022 a summary of its decisions will be published [online](#), which will include any comments received from the Scrutiny Committees and responses to them.

10. Cabinet Report

To consider the recommendations of the Cabinet meeting held on 20 April 2022.
(Pages 1 to 11)

11. Amendments to the Constitution

- (a) To consider the report regarding the responsibilities and remit of the Employment Committee; and **(Pages 1 to 10)**
- (b) To consider the recommendations from the Standards Committee meeting of 5 May 2022 in respect of a delegation. **(To follow)**

12. Annual Reports of the Overview & Scrutiny Committees

- (a) To consider the report from Finance & Audit Scrutiny Committee. **(Pages 1 to 14)**
- (b) To consider the report from Overview & Scrutiny Committee. **(Pages 1 to 15)**

13. Common Seal

To authorise the affixing of the Common Seal of the Council to such deeds and documents as may be required for implementing decisions of the Council arrived at this day.



Chief Executive
Published Tuesday 3 May 2022

For enquiries about this meeting please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ

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WARWICK DISTRICT COUNCIL

Minutes of the meeting held at Town Hall, Parade, Royal Leamington Spa, on Wednesday 23 March 2022, at 6.00pm.

PRESENT: Councillor Murphy (Chairman); Councillors Ashford, Boad, Cooke, Cullinan, Davison, Day, A Dearing, J Dearing, K Dickson, R Dickson, Evans, Falp, Grey, Hales, Illingworth, Jacques, Kennedy, Kohler, Leigh-Hunt, Luckhurst, Mangat, Margrave, Matecki, Milton, Morris, Noone, Norris, Quinney, Redford, Rhead, Russell, Skinner, Syson, Tangri, and Wright.

85. **Apologies for Absence**

Apologies for absence were received from Councillors Bartlett, B Gifford, C Gifford, Grainger, Roberts and Tracey.

86. **Declarations of Interest**

There were no declarations of interest.

87. **Minutes**

The minutes of the meeting of the Council held on 23 February 2022 were proposed, duly seconded taken as read and signed by the Chairman as a correct record.

88. **Communications and Announcements**

The Chairman paid tribute to Councillor Nicholls who had passed away following a tragic accident.

Councillors Mangat, Day, Boad, Davison, Falp, Cooke, Syson, Tangri, Rhead, Jacques, Milton, Hales, Matecki and Barton all paid tribute to Councillor Nicholls.

The Chairman of the Council then led Council in a minute's silence as a mark of respect.

The Chairman asked for the gratitude of the Council, for all those in the District helping to support people from Ukraine to be recorded.

The Chairman informed Council that there was no business to consider under item 5 – Petitions or item 6 – Notices of Motion.

89. **Leader's & Portfolio Holders' Statements**

There were no statements from the Leader or Portfolio Holders.

90. **Questions to the Leader of the Council & Portfolio Holders**

There were no questions to the Leader or Portfolio Holders.

91. Cabinet Report

Councillor Day proposed the recommendations within the Minutes of the Cabinet meeting held on 10 March 2022, with an amendment in respect of minute 110 Length of Council, Cabinet & Committee meeting recommendation (2) to include the additional text included in italics:

“(2) no item of business will be started after 9.30pm, *with the exception of the authorisation of the affixing of the Common Seal of Council*, unless at least half of those present agree to proceed. The proposal must be moved by the Chairman of the meeting, duly seconded and voted upon.”

This was duly seconded by Councillor Hales and

Resolved that the recommendations of the Cabinet, of 10 March 2022, subject to the above amendment, be approved.

92. Employment Committee

The recommendations of the Employment Committee on the 15 March 2022 were proposed by Councillor Kennedy, seconded by Councillor Hales and

Resolved that the recommendation of the of Employment Committee 15 March 2022, be approved and adopted.

93. Membership of Committees

It was proposed by Councillor Day, seconded by Councillor Falp and

Resolved that

- (1) Councillor Mangat be appointed to the Joint Appointments Committee and the Joint Arrangement Steering Group;
- (2) It be noted Councillor Mangat will be invited to attend the Leadership Co-ordination Group meetings; and
- (3) Councillor Barton be appointed as a member of the Licensing & Regulatory Committee.

94. Common Seal

It was proposed by Councillor Murphy, seconded by Councillor Day and

Resolved that the Common Seal of Warwick District Council be affixed to such documents as it may be required for implementing decisions of the Council arrived at this day.

(The meeting ended at 6.38pm)

CHAIRMAN

23 March 2022



Membership and roles of the Cabinet 2022/2023

Strategic Leadership (Councillor Andrew Day)

- Corporate Policy
- Partnerships
- Governance

Transformation (Councillor Jody Tracey)

- Digital and ICT
- Broadband delivery
- Digital Infrastructure
- Communications
- Human Resources

Resources (Councillor Richard Hales)

- Budget & Finance
- Audit & Risk
- Procurement
- Revenues, Benefits and Customer Services

Neighbourhood & Leisure (Councillor Moira-Ann Grainger)

- Public Conveniences
- Car Parking
- Green Spaces – Development
- Refuse & Recycling, Street Cleansing, Grounds Maintenance
- Play Areas
- Leisure Services

Housing & Assets (Councillor Jan Matecki)

- Housing Landlord
- Homelessness
- Bereavement Services
- Private Sector Housing
- Travellers
- Development Programme (Local Housing Company and Joint Venture)
- Asset Management

Economy & Culture (Councillor Liam Bartlett)

- Economic Development & Inward Investment
- Events & Markets
- Culture
- Tourism

Climate Change (Councillor Alan Rhead)

- Climate Emergency Action Plan
- Tree programme
- Net Zero Carbon Development

Planning & Place (Councillor John Cooke)

- Planning Policy
- Physical Infrastructure – transport, energy
- Regeneration
- Building Control
- Development Management
- Land Charges
- Planning Enforcement

Health & Community Protection (Councillor Judy Falp)

- Environmental Health incl. Licencing
- Health and Wellbeing
- Health & Safety
- Safeguarding, Community Safety and CCTV
- Community Leadership, Forums & VCS
- Parish Champions
- Emergency Planning

Councillors Day, Hales and Cooke will be the Council's appointments to the Joint Cabinet Committee with Stratford-on-Avon District Council for the South Warwickshire Local Plan with the rest of the Cabinet being named substitutes.



Membership of the Committees 2022/2023

Finance & Audit Scrutiny Committee (12) *(in case Council decides to continue with it)*

Councillor M Ashford
Councillor A Barton
Councillor I Davison
Councillor R Dickson
Councillor G Illingworth
Councillor V Leigh-Hunt
Councillor M Luckhurst
Councillor M Mangat
Councillor N Murphy
Councillor D Russell
Councillor T Wright
Councillor Lib Dem Vacancy

Overview & Scrutiny Committee (12)

Councillor A Barton
Councillor G Cullinan
Councillor I Davison
Councillor A Dearing
Councillor J Dearing
Councillor K Dickson
Councillor O Jacques
Councillor P Kohler
Councillor V Leigh-Hunt
Councillor A Milton
Councillor M Noone
Councillor P Redford

Employment Committee (12)

Councillor A Day
Councillor K Dickson
Councillor B Gifford
Councillor R Hales
Councillor J Kennedy
Councillor P Kohler
Councillor M Mangat
Councillor R Margrave
Councillor M Noone
Councillor P Redford
Councillor N Tangri
Councillor J Tracey

Planning Committee (12)

Councillor A Boad
Councillor R Dickson
Councillor B Gifford
Councillor J Kennedy
Councillor O Jacques
Councillor R Margrave
Councillor T Morris
Councillor N Murphy
Councillor M Noone
Councillor D Norris
Councillor C Quinney
Councillor N Tangri

Licensing & Regulatory Committee (15)

Councillor M Ashford
Councillor A Barton
Councillor A Boad
Councillor G Cullinan
Councillor A Evans
Councillor C Gifford
Councillor G Illingworth
Councillor O Jacques
Councillor V Leigh-Hunt
Councillor M Luckhurst
Councillor M Mangat
Councillor D Norris
Councillor W Roberts
Councillor S Syson
Councillor T Wright

Standards Committee (12) *(in case Council decides to continue with it)*

Councillor M Ashford
Councillor A Dearing
Councillor J Dearing
Councillor K Dickson
Councillor C Gifford
Councillor G Illingworth
Councillor V Leigh-Hunt
Councillor R Margrave
Councillor P Redford
Councillor T Wright
Councillor Labour Vacancy
Councillor Lib Dem Vacancy

Audit & Standards Committee (12)

(in case the Council decides to create it)

Councillor M Ashford
Councillor I Davison
Councillor R Dickson
Councillor D Russell
Councillor G Illingworth
Councillor M Luckhurst
Councillor R Margrave
Councillor N Murphy
Councillor D Norris
Councillor T Wright
Councillor Labour Vacancy
Councillor Lib Dem Vacancy

Substitute Members 2022/2023

Employment Committee

Conservatives

Councillor L Bartlett
Councillor J Cooke
Councillor M-A Grainger
Councillor V Leigh-Hunt
Councillor T Wright

Liberal Democrats

Councillor A Boad
Councillor R Dickson
Councillor C Gifford
Councillor A Milton
Councillor D Russell
Councillor S Syson

Green

Councillor I Davison
Councillor J Dearing
Councillor W Roberts

Labour

Councillor G Cullinan
Councillor C Quinney
Councillor D Skinner

Whitnash Residents Association

Councillor A Barton
Councillor J Falp

Finance & Audit Scrutiny Committee *(in case Council decides to continue with it)*

Conservatives

Councillor O Jacques
Councillor P Redford

Liberal Democrats

Councillor A Boad
Councillor K Dickson
Councillor B Gifford
Councillor C Gifford
Councillor P Kohler
Councillor A Milton

Green

Councillor J Dearing
Councillor A Evans
Councillor J Kennedy
Councillor W Roberts
Councillor N Tangri

Labour

Councillor G Cullinan
Councillor C Quinney
Councillor D Skinner

Whitnash Residents Association

Councillor R Margrave

Licensing & Regulatory Committee

Conservatives

Councillor M Noone
Councillor N Murphy
Councillor P Redford

Liberal Democrats

Councillor K Dickson
Councillor R Dickson
Councillor B Gifford
Councillor P Kohler
Councillor A Milton
Councillor D Russell

Green

Councillor A Dearing
Councillor J Dearing
Councillor J Kennedy
Councillor W Roberts

Labour

Councillor C Quinney
Councillor D Skinner

Whitnash Residents Association

Councillor J Falp
Councillor R Margrave

Overview & Scrutiny Committee

Conservatives

Councillor M Ashford
Councillor G Illingworth
Councillor D Norris
Councillor T Wright

Liberal Democrats

Councillor A Boad
Councillor R Dickson
Councillor B Gifford
Councillor C Gifford
Councillor D Russell

Green

Councillor I Davison
Councillor A Evans
Councillor J Kennedy
Councillor M Luckhurst
Councillor N Tangri

Labour

Councillor D Skinner
Councillor C Quinney

Whitnash Residents Association

Councillor R Margrave

Planning Committee

Conservatives

Councillor M Ashford
Councillor G Illingworth
Councillor V Leigh Hunt
Councillor P Redford
Councillor T Wright

Green

Councillor I Davison
Councillor A Evans
Councillor M Luckhurst
Councillor W Roberts

Whitnash Residents Association

Councillor Barton
Councillor J Falp**
** Not for WDC applications

Standards Committee *(in case the Council decides to continue with it)*

Councillor TBC (Conservative)
Councillor N Tangri (Green)
Councillor TBC (Labour)
Councillor TBC (Lib Dem)
Councillor A Barton (WRA)

Audit & Standards Scrutiny Committee *(in case the Council decides to create it)*

Conservatives

Councillor O Jacques
Councillor V Leigh-Hunt
Councillor M Noone
Councillor P Redford

Green

Councillor A Dearing
Councillor J Dearing
Councillor A Evans
Councillor M Luckhurst
Councillor W Roberts
Councillor J Kennedy

Whitnash Residents Association

Councillor A Barton
Councillor J Falp

Liberal Democrats

Councillor K Dickson
Councillor C Gifford
Councillor P Kohler
Councillor A Milton
Councillor D Russell
Councillor S Syson

Labour

Councillor G Cullinan
Councillor D Skinner

Liberal Democrats

Councillor A Boad
Councillor K Dickson
Councillor B Gifford
Councillor C Gifford
Councillor P Kohler
Councillor A Milton

Labour

Councillor D Skinner
Councillor G Cullinan
Councillor C Quinney

Working Parties & Forums 2022/2023

Working Party / Forum	Lead Officer	Number of places	Councillors
Members – Trades Union Joint Consultation & Safety Panel 1 from each Group	Tracy Dolphin	5	M Mangat B Gifford J Kennedy J Falp J Tracey
St Mary's Lands Working Party 1 each Group plus PH	Chris Elliott	6	Ashford Vacancy Lib Dem Vacancy Green Skinner Vacancy Whitnash RA Grainger a Portfolio Holder
Warwick District Conservation Advisory Forum Two elected Members of Warwick District Council who have an interest in the historic environment and planning matters.	Robert Dawson	2	Illingworth C Gifford

Working Parties appointed by the Cabinet

Working Party / Forum	Lead Officer	Number of places	Councillors
DPD Climate Change and Sustainable Buildings Working Group	Lorna Hale	5	Rhead Cooke Milton J Dearing Vacancy Labour Group
Leamington Transformation Board Leader plus PH plus Group Leaders whose parties have sitting Members in Leamington (External appointments are 2 x WCC cllrs + 1 x LTC cllr)	Mark Brightburn	Currently 5	Cooke, Day, Mangat, Davison, Boad (external Cllr reps: WCC – Wallace Redford and Sarah Boad, and LTC – Susan Rasmussen)

Champions 2022/2023

Champions	Lead Officer	Number of places	Councillors
<p>Children’s and Adults’ Safeguarding Champions</p> <ul style="list-style-type: none"> • Assure themselves that the Council has sound arrangements to protect children and promote their welfare are in place within the District Council and that the Council is promoting and engaging in effective interagency cooperation and collaboration in these fields; • Undertake reasonable investigations so as to be able to form a view of the quality of the Council’s child safeguarding activities and work with the officer Children’s Champion to assist the Council and improve the quality and/or effectiveness of those activities whenever appropriate; • Act as a “critical friend” to constructively challenge officers and elected members on child safeguarding and welfare issues as appropriate; • Promote awareness of child safeguarding and welfare issues and the activities and processes undertaken by this Council amongst elected members 	Marianne Rolfe	2	<p>Portfolio Holder, Health & Community Protection – Councillor Falp</p> <p>Councillor Cullinan</p>
<p>Heritage Champion (See CAF constitution for definition)</p>	Robert Dawson	1	Chairman of CAF – TBA
<p>HS2 Champion</p> <ul style="list-style-type: none"> • (To monitor the impact of HS2 on Warwick District and work on mitigation for this; • To liaise with appropriate officers and organisations on HS2 matters and support the Portfolio Holder in this detailed area of work) 	Rob Young (until the joint WDC/SDC HS2 vacancy is filled)	1	Illingworth
<p>Armed Forces Covenant Champion</p>	Bernie Allen	1	Illingworth
<p>Parish/Town Champion – Role Profile</p> <ul style="list-style-type: none"> • To raise awareness and have regard of issues affecting Local Councils within the District Council; • To respond to invitations from Local Councils to attend meetings of mutual interest; • To be the first point of contact for Local Councils in the event of concerns relating to dealings with the District Council; • To ensure that Local Councils view are taken into account when the District Council undertakes consultation; • To facilitate discussions in relation to the possibility of devolving services to Local Councils; • To encourage joint training events including Councillors from the District Council and Local Councils • To respond to invitations to attend Warwickshire and West Midlands Association of Local Councils (WALC) Area Committees; • To attend other Local Council liaison meetings as appropriate 	Bernie Allen	1	Redford

Cabinet appointments 2022-23

(Appointments made by the Cabinet and therefore not a decision for the Council and not subject to political proportionality rules)

Cabinet Appointments	Number of places	Councillor
Warwickshire Police & Crime Panel	1	Davison
Coventry and Warwickshire LEP	1	Day
District Councils' Network (Leader of the Council)	1	Day
West Midlands Combined Authority (Leader of the Council)	1	Day
Safer Warwickshire Partnership Board	1	Falp
South Warwickshire Community Safety Partnership	1	Falp
Warwickshire County Council Health & Wellbeing Board	1	Falp
Association of Retained Council Housing (ARCH)	1	Matecki
Warwickshire Waste Management Forum	1	Grainger
Shakespeare's England	1	Bartlett
Total	10	

Warwick District Council appointments 2022-23

Appointment	Number of places	Councillor 2021/2022	*Evaluation Criteria
Coventry Airport Consultative Committee	1	Wright	2
Kenilworth Abbey Advisory Committee	1	Cooke	4
South Warwickshire NHS Foundation Trust	1	Boad	5
Warwickshire County Council – Adult Social Care and Health Overview & Scrutiny Committee	1	Redford	5
Birmingham Airport Consultative Committee	1	Illingworth	2
Bid Leamington Board	1	Cooke	2
National Parking Adjudication Service (PATROL)	1	Illingworth	1
South Warwickshire Community Safety Partnership (Non Executive rep)	1	Davison	1
Chase Meadow Community Centre	1	Bartlett	4
Total	9		

*Evaluation Criteria Key:

Council agreed criteria:

1. A body or partnership to which the Council provides significant financial contribution;
2. An established Council partnership with agreements in place;
3. A body or partnership to which the Council is obliged to appoint a Member;
4. A body or partnership which relates to the management of an asset of the Council; or
5. Appointments made at the discretion of the Council.

Additional Criteria used by the Deputy Chief Executive & Monitoring Officer:

6. Does the body play a significant role in local service delivery; or
7. Does the body have significant influence on local or national policy.

Title: Future Relationship with Stratford-on-Avon District Council
Lead Officer: Chris Elliott (chris.elliott@warwickdc.gov.uk)
Portfolio Holder: Councillor Andrew Day
Wards of the District directly affected: All

Summary

This report identifies the immediate implications and associated decisions for revised working arrangements for the Council with Stratford-on-Avon District Council following the recommendation from the Leaders of both Councils to withdraw the request to merge and create a South Warwickshire District Council.

Recommendations to Council

- (1)** That the formal submission to the Department for Levelling Up, Housing and Communities to create a South Warwickshire District Council, is withdrawn.
 - (2)** That work on the full-service integration of teams across Stratford-on-Avon and Warwick District Councils is ceased.
 - (3)** That work on the identification of sharing civic and office accommodation between Stratford-on-Avon and Warwick District Council is ceased.
 - (4)** That the Council withdraws from the Joint Arrangements Steering Group.
 - (5)** The arrangements for the Joint Management Team are ended and that the Interim Senior Leadership Team structure, as set out at Appendix 1 to the report, be approved for immediate effect, i.e., 12 May 2022.
 - (6)** That the Council agrees to Andrew Rollins taking the Section 151 Officer role on an interim basis.
 - (7)** That the Council agrees to Andrew Jones taking the Monitoring Officer role on an interim basis.
 - (8)** To note that a further report setting out the proposed longer term management arrangements will come forward for consideration by the autumn of this year.
 - (9)** To note that a further report on the overall consequences of the end to the merger process and the implications for the Council going forward will be prepared for consideration by the Overview and Scrutiny Committee and the Cabinet.
 - (10)** To note the steps to advise and support staff especially those who had been in the first proposed service integration.
 - (11)** That the Monitoring Officer be authorised to align the Officer Scheme of Delegation with the Interim Senior Leadership Team structure; and make any consequential amendments to the Constitution because of this report.
 - (12)** To note that the work on the joint South Warwickshire Local Plan, Climate Change Action Programme and Joint South Warwickshire Economic Strategy will continue.
 - (13)** That the Council approves the closing of the Service Alignment Reserve with the funding contained therein transferred to the Service Transformation Reserve.
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1 Background/Information

- 1.1 In early April 2022 Stratford on Avon District Council (SDC) informed Warwick District Council (WDC) that it would not consider the proposed Inter Authority Agreement (IAA) until an additional due diligence exercise on both Councils and on Milverton Homes was completed. A due diligence exercise of both Councils, which found no issues of significance for either Council including Milverton Homes, had been undertaken and completed by May 2021. This report was formally reported to both Councils in December 2021 but its contents and its recommendation to SDC was clear and known beforehand via the Joint Arrangements Steering Group (JASG). The issue of due diligence was not raised again by SDC until February 2022. Reference elsewhere externally has been made to an additional loan made by the Council to Milverton Homes for the Joint Venture with Vistry, but members should be aware that that the decision was taken by this Council in April 2021. Instructions had been issued by SDC in March 2022 to external consultants to undertake the work on Milverton Homes and by both Councils on the wider due diligence.
- 1.2 The signing by both Councils of the IAA was a necessary pre-condition to the implementation of the first service integration planned between the two Councils – this being for the Environment and Operation (E and O) Service Area. Member briefings for all Councillors on the IAA and associated joint governance arrangements had been undertaken on 30 March and 5 April in advance of the expected reports at both Council's forthcoming cycle of meetings. Completion of the IAA would not have been compromised by any outcome of the due diligence process.
- 1.3 The timetable for completing the due diligence process on Milverton Homes was complicated by needing to know what documentation the consultants required and then in the light of that requirement of the legal necessity of both the boards of Milverton Homes and of the Joint Venture of Milverton Homes with Vistry needing to agree to share the private and confidential information and requiring a Non-Disclosure Agreement (NDA) to be completed by SDC.
- 1.4 Regrettably this requirement meant that although the design for the service integration had been set out; was near the end of the staff consultation process; and was expected to be implemented in early to mid-May, a delay would have meant that the staff of both Councils involved would have been left in a position of stasis for an undetermined period. This was of concern given the uncertainty that had been created for all staff of E and O but especially for those where there was a direct impact on existing jobs.
- 1.5 WDC had initially proposed to still take IAA and Governance related reports to the April cycle of meetings as evidenced by the fact the reports were published; so that they could be signed when SDC was ready. However, on the morning of Tuesday 12 April WDC was informed by email that the SDC Leader was now proposing to send a letter to the Government asking that the merger process be paused until the due diligence process was complete. This meant that the WDC Leader felt obliged to withdraw the IAA and associated reports from consideration by the Scrutiny Committees that week and from Cabinet on 20 April.
- 1.6 At a meeting with the SDC Leader and Chief Executive on 14 April, the WDC Leader and Chief Executive were informed that the letter asking for the pause was going to be sent unilaterally if need be but that they hoped WDC would agree to such a pause.

- 1.7 The Leader of WDC stated that should the Leader of SDC write to the Secretary of State seeking a delay in the merger process to enable the completion of further due diligence that this would constitute an end to the merger process since it would place staff in a difficult position; would impact adversely on the reputation of the Councils with Government; and would damage trust between the Councils. The Leader of SDC did write such a letter that same day, therefore by default effectively ending the merger ambitions.
- 1.8 Following this meeting a joint statement was issued by the two leaders in which irreconcilable differences was cited as the reason to end the ambition of merging the two authorities. The full joint statement, attached at Appendix 2 to the report, included within this announcement was the following:
- *There is a significant difference between the approaches and ambitions of the two councils that have proved to be irreconcilable, and this means that a joint request, subject to Council approval, will now be made to the Government to stop the merger process.*
 - *It is anticipated that some of the joint working arrangements already put in place will continue, such as legal services and business rates collection. However, others including the Joint Management Team and the service integration programme will end.*
- 1.9 This report identifies the immediate decisions which will be required, should Council endorse the recommendations included within the joint statement. Given that the decision to submit a proposal to the Department of Levelling Up, Housing and Communities to merge both Councils was a Council decision. It does therefore require Council to rescind this decision.
- 1.10 In addition to the issues surrounding the submission of a merger request there are several consequential decisions that both the Cabinet and Council will need to consider and are contained within this report.
- 1.11 Senior officers from both Councils have met on several occasions to help determine proposals for future working arrangements, these discussions have been conducted positively. Where proposals are to continue with existing arrangements/decisions no agreement from Council will be required. However, for completeness this report identifies these areas.
- 1.12 **Council decisions and constitutional changes**
- 1.12.1 There are a few areas in which the Policy Framework and Constitution of the Council will need to be amended following the proposed decision above:
- Proposal to Request a Merger of both Councils, Service Integration and Accommodation**
- On 13 December 2021 both Councils resolved the following:
- That a formal submission to the Department for Levelling Up, Housing and Communities to create a South Warwickshire District Council, be made.*
- 1.12.2 As discussed, the submission to request the creation of a South Warwickshire Council was made by Council. It is therefore only Council that can revisit this resolution.
- 1.12.3 In addition to the merger proposal, on 18 October 2021 both Councils resolved the following in relation to service integration and the principle of establishing joint office accommodation:

That irrespective of the decision relating to the full political merger of Stratford-on-Avon and Warwick District Councils (expected in December 2021):

1) Work is progressed on the full-service integration of teams across Stratford-on-Avon and Warwick District Councils; and

2) Work is progressed on the identification of sharing civic and office accommodation between Stratford-on-Avon and Warwick District Councils.

1.12.4 The joint Leaders Statement specifically stated that further integration of services would not progress. As this is the currently adopted policy position of Council again and would need to be revisited.

1.12.5 It should be noted that the decision to revisit the decision of Council is proposed to be made within 6 months from the original decision a motion of 10 Councillors is required to amend or rescind it.

1.12.6 Such a motion was received by the Chief Executive on 29 April 2022, this therefore allows for the matter to be considered by Council.

1.12.7 A Joint Cabinet Committee was established to oversee the development of the South Warwickshire Local Plan. It has been agreed that the work in relation to the development of the joint local plan should continue.

1.12.8 The Joint Cabinet Committee established by both Councils in February 2021 was designed to specifically make decisions and recommendations to each Council in relation to the emerging Development Plan. Given the desire to continue with the Joint Local Plan that this Joint Cabinet Committee should continue to operate, no changes will therefore be required at this time.

1.12.9 At the Council meeting in February 2022, Council adopted arrangements for the establishment of a Joint Appointments Committee and a Joint Appointments sub-committee. The proposals to remove these are discussed in a separate report owing to the need to agree other detailed changes that would be required to support this change.

1.12.10 Both authorities established a Joint Arrangements Steering Group. The purpose of this group was to oversee the preparation of the submission document and then to monitoring the implementation of the overall programme plan. It is therefore also proposed that this Group is also ended.

1.13 Management Team Arrangements/Portfolio Holder Alignment

1.13.1 It is proposed that both authorities will revert to separate Management Teams from 12 May 2022. This point was specifically addressed in the Leaders Joint Statement.

1.13.2 The Chief Executive, has developed interim proposals in consultation with the Council's senior managers for the Senior Leadership Team (SLT) and is set out at Appendix 1 to the report. This will be an interim arrangement pending a more detailed review to be completed by September 2022. A report will be brought forward on the longer-term management arrangements within this timescale.

1.13.3 The arrangements where Heads of Service are currently shared would end and they would all revert to their direct employing authority, thereby terminating the arrangements previously made under Section 113 of the Local

Government Act 1972. This includes the Head of Law & Governance who is currently the Monitoring Officer for Warwick District Council and there is a vacancy for the S151 Officer role which had been intended to be filled on an interim basis jointly by an SDC officer if Cabinet and Council agree to the recommendations.

1.13.4 It is proposed that Andrew Rollins who is one of WDC's deputy Section 151 Officers be appointed on an interim basis as S151 Officer and that Andrew Jones once again resumes the role as the Council's Monitoring Officer, supported in the existing deputy role by Graham Leach, with effect from 12 May. This interim period is likely to be at least until the end of the calendar year.

1.13.5 The roles and responsibilities of the individual Heads of Service will vary from the current arrangements. To ensure that the Council can still operate effectively, the Officer Scheme of Delegation will need to be amended. The proposed delegation to the Monitoring Officer does not seek to change any of the delegations it would just align existing ones to the appropriate officer.

1.13.6 Members should note that the interim structure includes a Head of Development Services for which there is no one in post. As an interim step the position is offered pending the longer-term review to internal candidates via an interview process.

1.13.7 Since the announcement there have been briefings with the Senior Managers; the service managers and a series of staff briefings. In addition, staff more particularly affected have been briefed with support and reassurance given. The CEO has also apologised to staff for them having been affected by the process without it leading to a conclusion. Officers continue to work with Unison who are fully briefed on the support for staff and the interim arrangements.

1.14 **Arrangements Proposed to Continue with SDC**

1.14.1 As discussed above it is proposed that several joint working arrangements between both Councils which were either existing or have been implemented recently should continue. These areas do not require Cabinet or Council approval but are included for completeness. These include the following:

- **Business Rates Administration** – these arrangements have been in place for c.15 years and work effectively. There would be no benefit to either authority in terminating these arrangements.
- **Information Governance** – the shared post arrangements allow the two Councils to share costs and again have worked effectively but will require a review in the light of the fact that their postholder is leaving though the principle of joint work continuing remains.
- **Joint HS2 Liaison Officer** – the two Councils have recently agreed to the appointment of a shared officer to oversee the applications submitted for the development of HS2 and general liaison. This arrangement provides financial savings for both authorities and is not regarded as contentious.
- **Legal Services** – this shared service went live on 1 April 2022. This new joint arrangement is scheduled to save a collective £150,000 per annum

which is shared between the two Councils. Encouragingly, senior officers and politicians from both Councils are committed to this continuing.

- **Climate Change** - as part of the existing Joint Management Team arrangements the Council receives support towards the Climate Change agenda. This is a shared policy priority for both authorities and it has been agreed that these arrangements should remain in place.

There are a small number of other posts covered by Section 113 arrangements which will need to be re-considered but these do not require urgent resolution.

1.15 **Development of the South Warwickshire Local Plan (SWLP)/South Warwickshire Economic Development Strategy**

1.15.1 As Cabinet will be aware, both authorities have been working together to develop a joint local plan. Such a move not only reflects the shared economic geography of the two districts but also leads to savings in the cost of commissioning the evidence base for the plan. Work on the joint SWLP commenced prior to the publication of the ambition for the two Councils to merge.

1.15.2 There are numerous examples where authorities have worked together on Local Development Plans without any plans to merge. Given the shared economic geography and the fact that climate, biodiversity, and infrastructure do not stop at the district boundary it is therefore proposed that both Councils continue with this joint initiative.

1.15.4 To support the important work of officers from both authorities it is also necessary to ensure that there is effective member oversight of the development of the SWLP. In that respect both the joint member Advisory Group and the Joint Cabinet Committee will continue. Decisions of the key statutory stages will still be made at their respective Councils and Overview & Scrutiny Committee still can review and scrutinise any proposal.

1.15.5 Complementing the development of the South Warwickshire Local Plan, officers from both Councils have been contributing towards the development of a South Warwickshire Economic Development Strategy. It is also recommended that this area of policy development should also continue, although there may be a difference in approach to any resultant action plans to support this strategy.

1.16 **Joint Waste & Recycling Contract**

1.16.1 The Cabinet will be aware that both Councils have committed to a contract with Biffa for a joint waste contract, initially for an 8-year period from 1 August 2022. The introduction of the new contract will provide for the introduction of the 123+ method of waste and recycling collection.

1.16.2 The contract for this service will continue as planned. The contract was tendered based on a single point of contact. Therefore, arrangements will need to be implemented between the two Councils for contract management purposes. This matter has been discussed at length by senior officers from both Councils and it is proposed that SDC will lead the mobilisation of the new contract and recover the relevant proportion of these costs from WDC.

1.16.3 In addition to the management of the contract, SDC's contact centre will continue to support WDC in respect of charges for the WDC Garden Waste subscriptions and residents' telephone enquiries in relation to the new waste and recycling contract. Again, all costs incurred in providing this service will be recovered from WDC. It is expected that this and the costs above will be formalised through a Service Level Agreement between the two Councils.

1.16.4 It should be noted that the livery of the vehicles will include the logos from both SDC and WDC. This is regarded as positive, as it underlines the fact that the two councils are still working together in several areas.

1.17 Other Matters

In addition to the matters discussed above there are a few other areas which need to be considered as follows:

Working Together Programme Team

1.17.1 The programme team was established to oversee the merger. The team comprises the Programme Manager and their assistant, both of whom are seconded from SDC posts. With the end of the merger, it will be necessary to disband this team and reintegrate the two officers into their substantive roles. Any cost of implementing these arrangements would be shared with SDC.

1.17.2 In addition to the Programme Team there were other appointments made in WDC's HR and Communications teams serving both Councils which will need to be amended and any cost of these changes will also need to be shared with SDC.

CCTV

1.17.3 There are current vacancies in the SDC establishment, and the CCTV Manager will be leaving the authority soon. Whilst several recruitment exercises have been undertaken it has proved impossible to appoint a replacement.

1.17.4 WDC has agreed to assist the service by providing the necessary supervision and management resources to allow the service to continue as a temporary arrangement until a review in December. Senior officers from both authorities agree that this work should continue. If this is not continued this would have serious implications for the continuity of SDC's service.

Budget

1.17.5 The Cabinet will be aware significant savings arising from working with SDC had been included within the approved Medium Term Financial Strategy (MTFS). The table below identifies the recurrent annual savings assumed:

	21/22 £'000	22/23 £'000	23/24 £'000	24/25 £'000	25/26 £'000
Savings assumed	221	482	398	280	280

1.17.6 In addition to the assumed savings, costs of implementation for the period 2022/23 to 2024/25 of £900,000 pa in addition to the cost of the Programme Team and associated costs of £100,000 per annum till 2024 had been allowed.

1.17.7 Given that the assumed savings and costs of implementation will no longer be incurred as outlined in the last MTFS approved in February, an updated MTFS will be included as part of the Quarter 1 Budget Report on 7th July or 11th August. This will also include any additional costs incurred by WDC as part re-establishing its own independent structures. As Outlined within the Budget Setting 22/23 Report approved by Members in February 2022, the £900,000 p.a. was to be set aside within a newly established 'Service Alignment Reserve'. It is proposed that this reserve is transferred to the Service Transformation Reserve and will be used to support the approach going forward and allow the Council to establish its ongoing strategy.

Internal Audit Services

1.17.8 Work had started to be made for WDC to provide an Internal Audit Service to SDC. This has been reviewed by SDC and they have approached WCC, as their current provider, to continue with that provision. WDC officers have no objection to this proposal.

1.17.9 Detailed above are the immediate issues which have been identified in relation to the recommendation to withdraw the merger submission and cease service integration. A more detailed review report for the Overview and Scrutiny and the Cabinet Committees including a lesson learned exercise will be undertaken to assist with the development of the Council and any other future joint working initiatives and to be clear, open, and transparent about the consequences of the end of the merger process for this Council.

Joint Digital Strategy

1.18 Both Councils adopted a Joint Digital Strategy. The end of the merger process would mean that this will not be taken forward together but it is proposed that it is adapted for WDC to take forward as a key part of its new plan.

2. Alternative Options

2.1 The options available to the Cabinet are as follows:

2.1.1 Endorse the recommendations from the Leader contained within the joint statement and thereby formally withdraw the merger submission and the associated issues surrounding joint working.

2.1.2 Reject the recommendations from the Leader contained within the joint statement and thereby continue with the merger and the associated issues surrounding joint working.

3. Consultation and Members' comments

3.1 The Leader has considered and support the recommendations within the report.

4 Implications of the proposal

4.1 Legal/Human Rights Implications

4.1.1 The main legal points are covered with the section 1 of the report. However, it should be noted there will be other aspects which will need to be considered in due course, such as any other officer subject to a section 113 agreement, reviewing and approving the arrangements in place for those service that will continue to be shared. These will be reported to Cabinet and/or Council in due course.

- 4.1.2 Regarding the specific recommendations, Members may find the following details provided by the Monitoring Officer to be helpful:

Recommendation 1

On 13 December 2021 SDC and WDC invited the Secretary of State to exercise his powers under section 15 of the Cities and Local Government Devolution Act 2016 to merge both Councils and create a new South Warwickshire District Council.

Section 15(4) of the 2016 Act prevents the Secretary of State from exercising his powers without the consent of both Councils. If one or both Councils resolves to withdraw their merger request, then this removes the power from the Secretary of State and ends the process.

Recommendation 4

On 17 February (SDC) and 23 February 2022 (WDC) both Councils resolved to establish a Joint Appointments Committee and a Joint Appointments Sub-Committee under sections 101 and 102 of the Local Government Act 1972. If one or both Councils withdraw from the arrangement, then those committees will be decommissioned.

Recommendation 7

On 22 February (SDC) and 24 February 2021 (WDC) established a Joint Cabinet Committee under section 101(5) of the Local Government Act 1972, as applied by section 9EB of the Local Government Act 2000 and by reference to the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012. This Committee will continue to operate in relation to the South Warwickshire Local Development Plan.

Recommendations 2 and 5

Joint service functions and shared staffing arrangements have been established by both Councils under section 113 of the Local Government Act 1972, whereby staff employed by one of the Councils are placed at the disposal of the other, and vice versa. Existing arrangements for the Joint Management Team would be terminated.

Recommendations 4 and 6

Section 37 of the Localism Act 2000 requires a local authority operating Executive arrangements to prepare and keep their Constitutions up to date, and these proposed changes will require the Monitoring Officer to make the necessary changes.

4.2 **Financial**

- 4.2.1 The Council was expecting to make significant savings from the proposed merger and service integration process with SDC, the values have been captured in para 1.11.5.
- 4.2.2 There have been benefits associated with the joint working to date and a schedule is being prepared to fully identify these and the recurring benefits that will be achieved through the joint working that will continue. It is expected that this will be published prior to the meeting of the Cabinet and Council on 11 May 2022.
- 4.2.3 The interim SLT structure is likely to be more costly than the previous joint arrangements. However, these will be accommodated by re-prioritising existing

budgets linked to the cost of implementation. The structure is an interim structure and will be reviewed by September 2022.

4.2.4 The Council will need to update its Medium-Term Financial Strategy and savings plan. This work will start immediately though as ever the Government's position on the financial settlement for local government will not come until much later in the year. It is expected that an initial update to the MTFS and savings programmes will be provided as part of the Quarter 1 Budget Report.

4.2.5 It has been agreed with officers at SDC that any costs associated from the disbanding of the South Warwickshire Programme Team and other support posts will be shared.

4.3 **Council Plan**

4.3.1 The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects. This report shows the impact on the Council's strategy.

4.3.2 The FFF Strategy has 3 strands, People, Services and Money, and each has an external and internal element to it, the details of which can be found [on the Council's website](#).

4.3.3 The external impacts of the end of the merger process and the reinstatement of separate arrangements at this stage will have little impact on the Council's intended outcomes. In respect of internal impacts, the situation is different:

4.3.4 **People - Effective Staff** – the merger process has caused considerable anxiety and concern amongst staff especially those directly implicated by the first service integration. It is equally the case that it would have been irresponsible to have left staff implicated by the service integration process hanging in the air proverbially if a pause to the merger based upon further due diligence had been agreed. The task now will be to offer support and reassurance.

4.3.5 **Services – Maintaining or Improving Services** – the merger process was argued upon offering an opportunity to achieve significant level of savings whilst offering the best way to protect services. The Council's services are not presently in any danger because of the end of the merger process, but a new strategy will need to be developed on an urgent basis lest the financial risk undermine service provision. This work will begin immediately, and it is intended it will seek to change the Council in other ways that achieve the service outcomes but address the financial challenges in other ways.

4.3.6 **Money - Firm Financial Footing over the Longer Term** – the merger process was argued upon offering an opportunity to achieve significant level of savings whilst offering the best way to protect services. The end of the merger process therefore creates the risk that tackling the financial challenge whilst protecting services is not resolvable. The mitigation of this risk is to review the MTFS and the existing savings plan immediately and work upon new proposals.

4.3.7 The implicit approach to be taken is to never waste a crisis and to use the situation to generate a new energy and direction in the Council with a new plan of action – Future Forward - so it can continue to deliver the community's ambitions.

4.4 Environmental/Climate Change Implications

4.4.1 The proposal is to continue to work in partnership with Warwick District Council in relation to Climate Change, therefore there are no direct implications arising from this report.

4.5 Analysis of the effects on Equality

4.5.1 There are no direct impacts on equality arising from this report.

4.6 Data Protection

4.6.1 The Councils had data sharing agreements in place in respect of the transfer of information to enable operational services to work effectively. As a result of most of the joint working ending, both Councils need to ensure the agreements are followed to ensure any necessary personal data is either returned or disposed of in line with these agreements. The shared Information Governance Manager will be monitoring this point over the coming weeks to ensure it is concluded appropriately.

4.7 Health and Wellbeing

4.7.1 There are no direct impacts on Health and Wellbeing arising from this report.

5 Risk Assessment

5.1 There are several risks that the decision to cease the move towards the merging and integration of services these include:

5.1.1 Reputational – both Councils have been actively advocating for the benefits which the creation of a South Warwickshire Council could achieve. Whilst a lot of the shared approaches to areas including development of the SWLP and economic growth will continue this decision will affect the credibility of both Councils for the worse.

5.1.2 Financial – as discussed in the finance section both authorities had included significant financial savings in relation to the joint working. A review of the MTFS and the savings plan will be undertaken immediately to ensure that the Council can continue to deliver its objectives and its services.

5.1.3 Staffing – the process of service integration was causing staff considerable anxiety and whilst this may be relieved by the ending of the merger process staff will also be anxious to know what happens next to the services and to their jobs in the context of the financial challenges that both Councils face.

5.1.4 Service Delivery – While there is no immediate issue for service provision the risks are that given the rationale for the merger was to best help continue to deliver services then the cessation of the merger raises the risk to their continued deliver as is. In mitigation the review of the MTFS and the savings plan is required to draft a new plan of action – Future Forward, for Councillors to consider and determine.

6 Conclusion/Reasons for the Recommendation

6.1 This report identifies some of the immediate issues which have been identified because of the recommendation from the Leaders to terminate the ambition to merge the two authorities and to integrate services. Whilst this move will have a negative impact on planned budget savings it is proposed that later in 2022 the Council will have a plan of action to consider and determine.

Report Information Sheet

Please complete and submit to Democratic Services with report

Committee / Date	Cabinet 11 May 2022	
Title of report	Future Relationship with Stratford-on-Avon District Council	
Officer / Councillor Approval *required	Date	Name
Ward Members(s)		
Portfolio Holder	2/5/2022	Andrew Day
Financial Services *	3/5/22	Andrew Rollins
Legal Services		
Other Services		
Chief Executive	3/5/22	Chris Elliott
Head of Services	3/5/22	All WDC Heads of Service
Section 151 Officer	3/5/22	Andrew Rollins
Deputy Monitoring Officer	3/5/22	Graham Leach
CMT (WDC)		
Leadership Co-ordination Group (WDC)	2/5/2022	
Other organisations		
Final decision by this Committee or rec to another Cttee / Council?	Yes	
Contrary to Policy / Budget framework?	No	
Does this report contain exempt info/Confidential? If so, which paragraph(s)?	No	
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?	No	
Accessibility Checked?	Yes	

Chief Executive - Chris Elliott

			Programme Director for Climate Change - Dave Barber		Deputy Chief Executive & Monitoring Officer - Andrew Jones			
Head of ICT David Elkington	Head of Finance Andrew Rollins (interim) s151	Head of People & Communications Tracy Dolphin	Head of Community Protection Marianne Rolfe	Head of Development		Head of Culture, Tourism & Leisure Rose Winship	Head of Assets Steve Partner	Head of Housing Lisa Barker
Application Support Implementation and Support of business applications Mark Bayliss	Accountancy All Council Accountancy Services Andrew Rollins	People Corporate HR People Management Learning & Development Corporate Payroll Tracy Dolphin	Safeguarding CCTV & Emergencies Safeguarding Community Safety Team Elizabeth Young	Development Management Enforcement Land Charges Conservation Gary Fisher	Democratic Services Elections/Electoral Registration/Committee Registration/Councillors/FOI/Data Protection/Complaints/Civic Support/Corporate Support Team/Information Governance Graham Leach - Deputy Monitoring Officer	Arts Royal Spa Centre & Theatre Town Hall Royal Pump Rooms Art Gallery & Museum Arts Development David Guilding	Compliance Repairs & Maintenance Facilities Simon Hodges	Housing Needs Homelessness and Housing Advice Private Sector Housing Disabled Adaptations Rough Sleeper Initiative Community Wellbeing Team Elaine Wallace
GIS Geographical Information Systems (GIS) Digital Mapping Services Local Land & Property Gazetteer (LLPG) Street Naming & Numbering Mark Barnes	Audit & Risk Corporate Fraud Investigation Corporate Insurance Internal Audit Risk Management Richard Barr	Communication Media & Communication Design Website Print Room Nicki Curwood	Environmental Health & Licensing Food Safety Health & Safety Licensing & Environmental Health Lorna Hudson	Building Control (Warwick, Rugby & Daventry) Phil Rook	Contract Services Refuse & Recycling Collections Parks & Open Space Maintenance Street Cleansing Off Street Parking & Rangers Zoe Court	Sports & Leisure Leisure Contracts Outdoor Sport Active Communities Ann Hill	Technical Technical Surveying & Contactors Andy Paul	Landlord Operations Landlord Services to Council Tenants, Collecting Rent, Estate Management, Ensuring Tenancy Conditions are Complied with Caroline Russell
Helpdesk & Technical Support Desktop Services including Helpdesk Lee Millest	Procurement Compliance with Legislation Support & Advice on Procurement Contracts Rebecca Reading			Policy & Projects Local Plan & Planning policy development Major sites implementation Corporate feasibility studies Economic Development Business Support & Events Phil Clarke	Green Spaces Green Space Strategy St Marys Land Wildlife Habitats Dave Anderson	Sports Programme Major Capital Sports Projects Pdraig Herlihy	Senior Building Surveyor Russell Marsden	Housing Strategy and Development Housing Strategy, New Affordable Housing Developments inc Council House Building, Tenants Participation Sally Kelsall
Infrastructure Services Data centres, networks, telephony, server management Richard Bates	Exchequer Council Tax and Business Rates Rate Collection Sundry Debt Collection Corporate Invoice Payment Paul Town				Programme Team Development & Delivery of Major projects Ruth Hytch	Commonwealth Games Delivery of local Games venues Partnership working re Tourism & Business Infrastructure improvements Christina Boxer	Internal Health & Safety (Vacant Post)	Business Development & Change Within Housing Service Paul Smith
Transformation Lead Tass Smith	Benefits & Customer Services Housing Benefits & Council Tax Reduction Customer Service Andrea Wyatt						Bereavement Services Oakley Wood Crematorium & Cemeteries Pam Chilvers	Milverton Homes

Future of the proposed merger between Stratford-on-Avon and Warwick District Councils

Subject to Council consent, the plans to merge Stratford-on-Avon and Warwick District Councils will not go ahead.

The Leaders of the two Councils have jointly concluded that, in the interests of residents and staff, the proposed merger cannot go ahead as anticipated.

The Leaders have issued a joint statement:

"Following a meeting between Council Leaders and Chief Executives on 14 April, Cllr Jefferson Leader of Stratford-on-Avon District Council wrote seeking a delay in the Government's decision on the proposed merger with Warwick District Council to allow for due diligence to be completed. The letter was sent without the agreement of Cllr Day Leader of Warwick District Council, who had been invited to be a co-signatory. It was understood by Cllr Jefferson that writing to the Government unilaterally seeking to extend the current period of uncertainty would end the Council merger process.

On 13 December 2021, both Councils formally agreed merger plans and submitted a proposal to Government requesting permission to form a new joint Council by May 2024. In advance of this key political step, Councillors received detailed advice, including an independent Financial Impact assessment. This Local Government Association report recommended that a supplementary review was commissioned by Stratford-on-Avon District Council in relation to a company wholly owned by Warwick District Council. Given that a response from Government was anticipated by the end of May in respect of the merger decision, Cllr Jefferson considered there to be a material risk that the further due diligence work would not be completed in time and if the Minister was minded to support the merger, there would be limited opportunity for Stratford-on-Avon District Council to withdraw at that point.

Cllr Day considered that the decision to merge had been made last December and that ongoing due diligence did not prevent the service integration progressing as planned. To ask Government to delay matters would create further uncertainty for all staff, especially those facing redundancy, and residents seeking assurances about local services. In Cllr Day's opinion, making a request for further delay would result in trust being undermined, making it untenable for the two authorities to further integrate services or merge. The Leaders jointly concluded that the proposed merger cannot go ahead as anticipated. There is a significant difference between the approaches and ambitions of the two councils that have proved to be irreconcilable, and this means that a joint request, subject to Council approval, will now be made to the Government to stop the merger process. Recommendations will be made to an Extraordinary meeting of Stratford DC, and the AGM at Warwick DC on 11 May 2022.

This is a disappointing outcome, but it should not mean the end for the positives that this process has generated; we have learned a lot and wish to carry on as good partners. It is anticipated that some of the joint working arrangements

already put in place will continue, such as legal services and business rates collection. However, others including the Joint Management Team and the service integration programme will end. Each council will continue to keep residents, councillors, and staff engaged in the process of updating our working arrangements.

Thank you for the many contributions and the positive commitment made to supporting the future of both councils."

Reports will be made to an Extraordinary meeting of Stratford DC and the AGM of Warwick DC on 11 May 2022, to propose their future direction and shared working arrangements.

These reports will also contain recommendations from both Leaders that the merger application made to Government (DLUHC) should be withdrawn.

Cabinet

Minutes of the meeting held on Wednesday 20 April 2022 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillors Day (Leader), Bartlett, Cooke, Falp, Hales, and Matecki.

Also Present: Councillors: Boad (Liberal Democrat Group Observer), Mangat (Labour Group Observer), Milton (Chair of Overview & Scrutiny Committee) and Dickson (Chair of Finance & Audit Scrutiny Committee)

119. **Declarations of Interest**

There were no declarations of interest made in respect of the Part 1 Items.

120. **Proposed Merger with Stratford-on-Avon District Council**

Before the consideration of the Part 1 items, the Leader made a statement regarding the proposed merger with Stratford-on-Avon District Council:

"Following a meeting between Council Leaders and Chief Executive's on 14 April, Cllr Jefferson, Leader of Stratford on Avon District Council wrote seeking a delay in the Government's decision on the proposed merger with Warwick District Council to allow for due diligence to be completed. The letter was sent without the agreement of Cllr Day Leader of Warwick District Council, who had been invited to be a co-signatory. It was understood by Cllr Jefferson that in writing to the Government unilaterally seeking to extend the current period of uncertainty would end the Council merger process.

On 13 December 2021, both Councils formally agreed merger plans and submitted a proposal to Government requesting permission to form a new joint Council by May 2024. In advance of this key political step, Councillors received detailed advice including an independent Financial Impact assessment. This Local Government Association report recommended that a supplementary review was commissioned by Stratford on Avon District Council in relation to a company wholly owned by Warwick District Council.

Given that a response from Government was anticipated by the end of May in respect of the merger decision, Cllr Jefferson considered there to be a material risk that the further due diligence work would not be completed in time and if the Minister was minded to support the merger, there would be limited opportunity for Stratford on Avon District Council to withdraw at that point.

Cllr Day considered that the decision to merge had been made last December and that ongoing due diligence did not prevent the service integration progressing as planned. To ask Government to delay matters would create further uncertainty for all staff, especially those facing redundancy, and residents seeking assurances about local services. In Cllr Day's opinion, making a request for further delay would result in trust

being undermined, making it untenable for the two authorities to further integrate services or merge.

The Leaders jointly concluded that the proposed merger cannot go ahead as anticipated. There is a significant difference between the approaches and ambitions of the two councils that have proved to be irreconcilable, and this means that a joint request, subject to Council approval, will now be made to the Government to stop the merger process.

Recommendations will be made to an extraordinary meeting of Stratford on Avon District Council, and the AGM at Warwick District Council on 11 May 2022.

This is a disappointing outcome, but it should not mean the end for the positives that this process has generated; we have learned a lot and wish to carry on as good partners. It is anticipated that some of the joint working arrangements already put in place will continue, such as legal services and business rates collection. However, others including the Joint Management Team and the service integration programme will end. Each council will continue to keep residents, councillors, and staff engaged in the process of updating our working arrangements.

Thank you for the many contributions and the positive commitment made to supporting the future of both councils.”

(Councillor Bartlett arrived at the meeting during this statement.)

Councillor Day then provided an opportunity for Members to make comments and ask questions.

Councillor Milton stated that the focus of the Overview & Scrutiny Committee had been the benefits of the merger particularly regarding the Climate Emergency and the ability to devolve to Town and Parish Councils, and enquired what the future of those would be. He also highlighted that part of the rationale for the merger was savings, and what would be the future of service provision now.

Councillor Day stated that early indications showed that the Council had had financial benefits from shared working and the merger process in excess of £1m over the past year, and specific details would go to Scrutiny further down the line. He stressed that money had not been squandered in pursuit of this merger, and some of the gains being sought could still be achieved (i.e., the joint waste management contract and the savings made by the work done for the South Warwickshire Local Plan). Much of the joint work could in theory continue, but advice would need to be sought. He expressed disappointment that we had not been able progress as hoped, but that the two Councils had got to know each other better along the way and that might still present further positive opportunities.

Councillor Boad noted that the repercussions of this decision could be quite severe, with the possibility of a Unitary Authority now seeming likely, something that could potentially “move power away from local people”. He also highlighted the importance of providing certainty to staff, a sentiment that Councillor Day agreed with.

Councillor Rhead had worked closely with his Portfolio Holder counterpart in Stratford-on-Avon District Council as well as with the Director for Climate Change, and he hoped that this relationship would continue in the future. Councillor Day said that the Council would be seeking to take advantage of every opportunity possible to work together.

Councillor Mangat asked if things would simply revert to where we were before or whether there would be changes. She was also interested in viewing a detailed timeline of what happened and whether it had cost the taxpayer. Councillor Day assured Members that there would be thorough scrutiny and accountability taking place. He stated that senior officers had worked over Easter with the aim of getting arrangements in place to minimise disruption to the delivery of our services.

Councillor Matecki placed emphasis on the need to protect staff and residents of the district from any uncertainty. He required clarification on the LGA report advising that further due diligence was needed, as he thought that this had all happened before both Councils voted on the merger in December 2021. In response, Councillor Day explained that in November 2021, the LGA report was received as part of a scrutiny/due diligence package prior to the decision taken on 13 December 2021. One of the items in the LGA report stated that because Milverton Homes Ltd were a relatively new company, Stratford-on-Avon District Council might require a more detailed scrutiny to be undertaken. This would be a matter for SDC to progress themselves. Like WDC, SDC then voted in favour of the merger. Subsequently, WDC shared audited accounts, hosted Joint Informal Cabinet meetings, briefed SDC on projects, risks and opportunities, and also worked through the Joint Local Plan. Councillor Day admitted that it had been "something of a surprise" when Councillor Jefferson (Leader of SDC) decided to bring forward the due diligence question on Milverton Homes Ltd- a matter which this Council could do nothing other than endeavour to cooperate on. Members and officers worked to provide information to SDC and non-disclosure agreements would have been necessary to have protections in place. However, the challenge was around timing - Councillor Jefferson felt that even though WDC had given assurances that the programme of due diligence would be completed by the end of May 2022, there was still a risk that the Secretary of State would approve the merger in that time, removing the opportunity for SDC to "bail out" if they were not content with where the due diligence took them.

Councillor Bartlett requested that thanks to officers for their hard work be included in the minutes.

Councillor Falp stated that the staff were the most important asset and had had a lot of extra work as a result of the potential merger but had been willing to go the extra mile to get it done. In her role as Portfolio Holder, she had worked with SDC for many years and was sure that would continue, as the partnership had worked well. She was pleased that the staff at least had some assurance as a result, even if they had concerns/questions moving forward.

Councillor Hales stated that we now needed to look at our priorities and reset them, if necessary, in order to ensure delivery. Thorough communication was needed as there was bound to be many questions

from staff. In response to a question from Councillor Day, he advised that a fresh budget would not be needed and that we would continue with the current budget as planned. There would be work with officers in the coming weeks to ensure that the forecasts within the Medium-Term Financial Strategy were still accurate. This would then be fed back to Scrutiny and Programme Advisory Boards.

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

The report presented further joint governance proposals in light of the merger request that Stratford-on-Avon District Council (SDC) and Warwick District Council (WDC) submitted in December 2021 and in anticipation of a decision by the Secretary of State to grant the request.

The Leader of the Council had withdrawn this report on 19 April 2022 as a result of the information set out in Minute 120.

The Overview & Scrutiny Committee 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.

The Finance & Audit Scrutiny Committee noted that these items had been withdrawn from the Cabinet agenda and thanked Councillor Hales for attending. They welcomed the fact that all Councillors and staff, who are our most important asset, would be informed why these items had been withdrawn.

122. Inter-Authority Agreement between Stratford-on-Avon and Warwick District Councils

This report set out the reciprocal legal rights and responsibilities of Stratford-on-Avon (SDC) and Warwick District Council (WDC) arising directly from the status of their current working relationship and future ambitions.

The Leader of the Council had withdrawn this report on 19 April 2022 as a result of the information set out in Minute 120.

The Overview & Scrutiny Committee 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.

The Finance & Audit Scrutiny Committee noted that these items had been withdrawn from the Cabinet agenda and thanked Councillor Hales for attending. They welcomed the fact that all Councillors and staff, who are our most important asset, would be informed why these items had been withdrawn.

123. **Amendments to the Constitution**

The Cabinet considered a report from Democratic Services, which brought forward proposals to increase the value set for Key Decisions and to create an Audit & Standards Committee.

Warwick District Council currently defined a key decision as a decision which had a significant impact or effect on two or more Wards and/or a budgetary effect of £50,000 or more.

The Warwick District Council defined value of £50,000 was in place since the introduction of the original Forward Plan requirement under the Local Government Act 2000. If the figure was indexed to inflation, 22 years later, it would now be greater than £78,000. Therefore, it was considered appropriate to review it at this time.

The proposed value of £150,000 was treble the current value set by Warwick. The wording also provided an improved clarification on a key decision, overall compared to the definition used by Warwick at present.

While this might be considered a significant change, operationally, at this time, little would change for Warwick District Council. This was because Warwick District Council would still list any report coming to Cabinet on its Forward Plan with publication 28 days in advance of the meeting.

The second part of the proposal brought forward was the creation of an Audit & Standards Committee ("the Committee"). This would align, more closely, with the SDC Committee structure.

The Committee would take in the responsibilities of the current Standards Committee, the Audit responsibilities from the Finance & Audit Scrutiny Committee and some responsibilities from the Licensing & Regulatory Committee.

In respect of the audit aspect the Committee would take all the responsibilities of the Audit Committee as currently defined within the Constitution, Part 3, Responsibility for Functions, sub heading G, Finance & Audit Scrutiny Committee.

In respect of the Licensing & Regulatory Committee, the Committee would take the responsibilities in respect of electoral matters and ward boundaries.

In addition, a new responsibility is added to the remit of the Committee "*Power to make determinations at Code of Conduct Hearings: Arrangements for Dealing with complaints of Councillor misconduct*" to provide clarification of its role in determining Members' Code of Conduct matters.

It was proposed that the new Committee would have the remit as defined at Appendix 2 to the report. This was broadly the same as SDC with a few exceptions. These were:

- Review the Council's involvement on Outside Bodies;
- Monitor the content, quality and delivery of training for Councillors in connection with the planning and licensing processes and the attendance of Councillors at such training;
- Oversee compliance with Freedom of Information legislation;
- Grant and supervise exemptions from political restrictions;
- Monitor complaints handling and Ombudsman investigations including consideration of issues raised by the Ombudsman; and
- Overview the Council's Whistleblowing Policy and Procedure;

In respect of these variances to the remit of the Audit & Standards Committee at SDC, these were considered reasonable at this time for the following reasons:

- *Review the Council's involvement on Outside Bodies* – This was currently undertaken by Overview & Scrutiny Committee, in partnership with the Monitoring Officer as part of the annual feedback/scrutiny of the work undertaken by Outside appointments each year.
- *Monitor the content, quality and delivery of training for Councillors in connection with the planning and licensing processes and the attendance of Councillors at such training* – At present this work was undertaken by the Leadership Co-ordination Group and as officers were asked to consider alignment of member development at this stage it was considered appropriate not to change this at Warwick, as there might be a need for further changes later in the year.
- *To oversee compliance with Freedom of Information legislation* – This was undertaken through quarterly performance data being made available to all Councillors for review and to raise with scrutiny if there were concerns.
- *To grant and supervise exemptions from political restrictions* – This matter was delegated to the Chief Executive at Warwick as it was considered to be a staffing matter and appropriate for the Chief Executive to determine after taking the view of the Monitoring Officer.
- Monitor complaints handling and Local Government & Social Care Ombudsman ("LGSCO") investigations including consideration of issues raised by the LGSCO; the LGSCO recommended that their annual report was presented to Overview & Scrutiny Committee for consideration. Quarterly data was presented to all Councillors through the performance management information. From April 2022, the Joint Management Team would also receive reports detailing enhanced monitoring information detailing outcomes and learning points from complaints. At present the Council's complaint process was in the early stages of a review to produce an aligned policy (including monitoring) across both SDC and Warwick. Therefore, it was considered appropriate not to move this at present.
- Overview the Council's Whistleblowing Policy and Procedure – This was going to be reviewed further by Officers to understand the role in detail as the approval of the policy would be a Cabinet decision.

The proposal would see a reduction in number of formal decision-making

Committees for the Council as well as a reduction in the number of Scrutiny Committees. Therefore, Council needed to be content that any revisions allow for appropriate decision making and robust scrutiny of the Cabinet.

It was recognised that the workload of the current Standards Committee at Warwick District was not significant. This proposed revision to its remit to include the additional responsibilities, would enable greater focus on this area work by Councillors.

At present the scrutiny workload was shared fairly evenly between Overview & Scrutiny Committee and Finance & Audit Scrutiny Committee, with them both focusing on specific core areas. This was developed by the two Committees through the use of a criteria on which Cabinet matters they would consider. This led to a greater focus on the strategic aspects rather than details which could lead to meetings becoming bogged down and not focussing on the community as a whole.

It was important that this good work was not undone and by overloading the Overview & Scrutiny Committee with the valuable pre-Cabinet work and its own scrutiny work of other matters such as performance of service delivery and monitoring the merger with SDC and how this impacted on service delivery/performance.

A key area where this might impact was the aspect of financial and project management scrutiny. Specifically, the setting of fees and charges and the budget. In these instances, it was proposed that Cabinet would remain on the Thursday to allow for either an additional (reserve) night for Overview & Scrutiny or a dedicated Member Group to publicly scrutinise the detail of the fees and charges and the budget. The proposals for these specific instances, to ensure good governance and public visibility, were to be developed by the Chairs of the Overview & Scrutiny Committee and the Audit & Standards Committees in the summer of 2022.

Some Pre-Scrutiny, to develop and advise on specific areas of work, was undertaken through the Programme Advisory Boards (PABs). This also helped to develop Councillor engagement and ownership of specific work streams. Officers were aware that not all matters considered by the Cabinet were passing through PABs, even as an outline and that some PABs were more active than others. The Leader would be discussing this with the individual PAB chairs within the next month.

To further enhance PABs the Leader would be making it clear to their Portfolio Holders that any significant changes in fees and charges and/or bids for growth must be considered by the relevant PAB before they came forward to Cabinet and Council. In addition, the views of the PAB should also be included within the report to the Cabinet.

The improved use of pre-scrutiny questions, over recent months, including the publication of these on-line for all parties to see, helped further enhance scrutiny across the Council and focus on core issues. Further development of this approach would continue over the coming months, including the potential for Scrutiny to comments on reports based on these questions without the need for specific officer representation of the report at their meeting. Overall, the measures above should leave the Overview & Scrutiny Committee with some additional work but not a significant increase.

It was noted that the Standards Committee, was at present, only scheduled to meet four times in the next Municipal year. The change in remit would require some changes to the adopted Calendar of meetings. These might need to be revised and would be considered in partnership with the Audit & Risk Manager for Warwick District Council to work out the most appropriate dates.

Overall though the proposal should see a reduction in the number of formal Committee meetings that took place, solely for Warwick District Council, which should help to offset any increase from any expansion in the number of Joint Committee meetings that may occur.

It should be noted that the Audit & Standards Committee at SDC included two co-opted Parish/Town Council representatives who provided the Committee with a view in respect of Code of Conduct matters relating to Town/Parish Councils. This was considered appropriate for Warwick District Council as well and proposals for this were being developed for consideration by the current Standards Committee in April.

The proposal would also mean the WDC Independent Persons were present when Audit matters were considered. At SDC the two Independent Persons were invited to all meetings of its Audit and Standards Committee and, subject to the Chairman's consent, were able to contribute to discussion of agenda items relating to standards.

Once the Committee was established and membership known there would be a programme of training identified for them. Equally, discussion would be held with the Chairman of the Overview & Scrutiny Committee as to specific support for the Committee and membership with their wider remit.

It should be noted that the removal of the Finance & Audit Scrutiny Committee enabled the Cabinet to meet on a Wednesday evening instead, thus reducing the number of consecutive nights Councillors would have for meetings.

It was proposed that the Committee had a membership of 11 Councillors which would be politically proportionate to the Size of the Council. It would also be expected that the Leader, or their nominated deputy, attend each meeting.

There were a number of alternative options that could be considered, many of which focused around leaving the current arrangements in place, while the Council awaited the decision from the Department of Levelling Up Housing and Communities on the bid to merge with SDC.

The planned merger presented a number of opportunities for the Council to work more closely with SDC, a way of achieving this could be through joint scrutiny work of key strategic matters, rather than individual scrutiny. Therefore, either to replace this proposal and/or enhance it further Cabinet could include proposals for Joint Scrutiny arrangements with SDC. This was being considered as part of wider proposals but at present it was considered, even with the Joint Cabinet Committee, accountability to the respective District was the more appropriate form to provide assurance to the respective local communities.

The Overview & Scrutiny Committee 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; and
4. noted that the better description of items expected to go to PAB would be those items that propose significant change to a service.

The Finance & Audit Scrutiny Committee asked for all Councillors to be informed of how many Cabinet decisions, in the last 12 months, would have moved from being key decisions to no longer key decisions based on the change in the definition in the report.

The Finance & Audit Scrutiny Committee was content with the report with the exception of the following points:

That the wording of the remit of the new Audit and Standards Committee should be revised to highlight its role in reviewing risk for the Council.

That officers investigate the potential for the PAB agendas and minutes to be made public. That there should be a more consistent approach to the work of the PABs, and the format of their minutes.

The Committee welcomed the acknowledgment that the first year of the Audit and Standards Committee would be a learning process.

Councillors felt that current reports created a perception that Warwick District Council is changing its structures and procedures to align with Stratford District Council and hoped that future reports will indicate where the reverse situation occurs.

The Green Group welcomed the change in the Constitution and welcomed the intention to make Programme Advisory Boards take a more active role in decision-making. They noted that, in order to improve the consistency of the way PABs are treated, Portfolio Holders should be provided with any documents prior to the Scrutiny Committees.

Councillor Matecki felt uncertain about the prospect of PAB meetings becoming public, as he felt that they would start to stray from their intended purpose and instead become "political statements". This sentiment was echoed by Councillor Falp who also expressed reluctance for PABs to become public and said that all necessary and important information eventually became public when it was shared at Cabinet meetings.

In response to a comment from Councillor Rhead about the numerous references to SDC in the report in lieu of the statement made by the Leader at the beginning of the meeting, Councillor Day advised that the

recommendations still had validity and should be dealt with now to enable matters to be dealt with for the new municipal year. Regarding the PAB meetings, he acknowledged that it was difficult as we needed to be as transparent as possible but recognised that sometimes private informal discussions did need to take place in order to shape policy which would then be brought into the public domain. He stated that there would be meaningful work to do following these comments which would be brought back for Members consideration.

Councillor Day proposed the following amendment to recommendation 1 to the report:

- (1) it approves the definition of a key decision ~~aligns with proposals for the Joint Cabinet Committee and the value set by Stratford-on-Avon District Council,~~ as set out at Appendix 1 to the report.

Councillor Day also accepted the recommendation from the Finance & Audit Scrutiny Committee regarding the role of the new Audit and Standards Committee. The Deputy Chief Executive clarified that the wording of the Committee as defined at Appendix 2 to the report would be revised to highlight the Committee's role in reviewing risk for the Council, so that officers could make sure the recommendation from the Finance & Audit Scrutiny Committee was then included.

Councillor Day then proposed the report as laid out, and subject to the recommendation from the Finance & Audit Scrutiny Committee, and the amendment to recommendation 1 in the report.

Recommended to Council that

- (1) the definition of a key decision as set out at Appendix 1 to the report, be approved;
- (2) for the new Municipal year, Council approves the creation of an Audit & Standards Committee, composed of 11 members, with the responsibilities as set out at Appendix 2 to the report;
- (3) for the new Municipal year, the Finance & Audit Scrutiny Committee ceases to exist and its scrutiny responsibility be passed to the Overview & Scrutiny Committee;
- (4) the Audit & Standards Committee meets at least quarterly, on the dates currently scheduled for Standards Committee, and the Cabinet meetings move to the day after Overview & Scrutiny Committee;
- (5) the Monitoring Officer is asked to consult with the Independent Remuneration Panel on the proposals and any adjustments they may recommend to the Special Responsibilities Allowances for the Committees; and

- (6) authority be delegated to the Monitoring Officer to update the Constitution to reflect the approved changes.

(The Portfolio Holder for this item was Councillor Day)
Forward Plan Reference 1,283

131. Urgent Item – Election of Chairman of the Council 2022/23

The Leader of the Council decided to bring forward this urgent item in respect of the nomination for the appointment of Chairman of the Council for 2022/23.

This item was brought forward because the next scheduled meeting of the Cabinet was not until 11 May 2022, which was the same day as Annual Council.

In February, the Council nominated Councillor Jonathan Nicholls to be the Chairman of the Council for 2022/23. Sadly, Councillor Nicholls had passed away in March. After reflection and discussions with colleagues, the Leader nominated Councillor Mangat to become the next Chairman of the District Council. This was seconded by Councillor Hales.

The Cabinet, therefore

Recommended to Council on 11 May 2022
that Councillor Mangat be elected as the
Chairman of the Council for 2022/23.

(The Portfolio Holder for this item was Councillor Day)

(The meeting ended at 7.20pm)

Title: Appointment of Senior Officers

Lead Officer: Graham Leach graham.leach@warwickdc.gov.uk

Portfolio Holder: Councillors Andrew Day

Wards of the District directly affected: None

Summary

This report brings forward proposals to end the Joint Appointments Committee between Stratford-on-Avon (SDC) and Warwick District Councils (WDC) and provide appropriate delegated authority for Warwick District Council to make these appointments.

Recommendations to Council

That Council agrees as set out below:

- (1) The Monitoring Officer notifies Stratford-on-Avon District Council of its immediate withdrawal from the Joint Appointments Committee, as there will be no shared Senior Officers
 - (2) The remit of the Employment Committee be amended to include:
 - (a) To agree the procedures for the appointment to any roles listed in (b)
 - (b) To appoint Deputy Chief Executive, Programme Director for Climate Change and Heads of Service ("Chief Officers") in line with adopted procedures; and
 - (c) To recommend to Council the appointment of the Head of Paid Service, Monitoring Officer or Chief Finance Officer in line with adopted procedures.
 - (3) The procedure as set out at Appendix 1 to the report be adopted for the recruitments delegated in (2);
 - (4) The Employment Committee be directed that for all posts, except the Head of Paid Service, it should establish a Sub-Committee of three Councillors to undertake the recruitment process;
 - (5) All members of the Employment Committee must have undertaken appropriate training on recruitment and selection, prior to participating in a recruitment process;
 - (6) To approve delegated authority to the Chief Executive to appoint to any Chief Officer (less Head of Paid Service) for a period of up to 24 months, following consultation with the Leader and Chairman of Employment Committee, without the need for interviews by Sub-Committee.
 - (7) To authorise the Monitoring Officer to update the Constitution, including any consequential amendments required as a result of the above, accordingly.
-

1 Background/Information

- 1.1 In February 2022 Warwick District Council had agreed to a Joint Appointments Committee with Stratford-on-Avon District Council for the recruitment to Chief Officer Posts.
- 1.2 In April the Leader made a public statement that there were irreconcilable differences with Stratford-on-Avon District Council and the proposed merger

with them would not be progressing, including having a shared Management Team. After this as required by Council Procedure Rules, a notice of Motion was received, by the Chief Executive, supported by 10 Councillors, to rescind the decision in February to create a Joint Appointments Committee and the Joint Appointments Sub-Committee.

- 1.3 The recommendations set out in the report would bring the Council back to the position it was in prior to the Joint Appointments Committee.
- 1.4 The procedure appended to the report, was revised as part of the Joint Committee arrangements to enhance and clarify the process and these changes have been retained within it.
- 1.5 There has been a further change to the procedure in respect of section 3 "Advertising & Information Packs". This read "Therefore, staff "at risk" are provided with the opportunity to apply for Head of Service positions prior to external advertising". This has been amended to "apply or could be offered the post as "suitable alternative employment", which aligns with the Redeployment Policy and Procedure which applies to all employees within the Council.

2 Alternative Options available

- 2.1 The Council could decide to delegate these responsibilities to other Committees, excluding the Cabinet because this is not permitted by law, or delegate the responsibility to officers. However, considering the Chief Officer roles within the Council it is considered appropriate for the appointments to be made by members.

3 Consultation and Members' comments

- 3.1 The Leader, Deputy Leader (Portfolio Holder for Transformation & Resources) and Chairman of Employment Committee have all been consulted on the report and support its proposals.

4 Implications of the proposal

4.1 Legal/Human Rights Implications

- 4.1.1 The proposal recovers the rights to decision making that had been transferred to the Joint Appointments Committee. In the original agreement there was no requirement to provide notice of withdrawal from the Joint Appointment Committee only for the Joint Cabinet Committee. Therefore this notice should not be challenged by Stratford-on-Avon District Council

4.2 Financial

- 4.2.1 The adoption of the report will have no direct budgetary implications for the Council.

4.3 Council Plan

- 4.3.1 In respect of the WDC Business Plan, the report only impacts on the internal elements of People – Effective Staff. In respect of People – Effective Staff, the report brings forward proposals for a more recruitment process and one which enables Councillors to have a direct input.

4.4 Environmental/Climate Change Implications

- 4.4.1 There are no direct implications at present.

4.5 Analysis of the effects on Equality

4.5.1 The report is about decision-making for Chief Officer appointments and therefore does not directly impact on any protected characteristics.

4.6 Data Protection

4.6.1 There are no direct implications at present.

4.7 Health and Wellbeing

4.7.1 There are no direct implications at present.

5 Risk Assessment

5.1 These proposals bring forward robust arrangements that were previously in place and therefore there are no significant risks associated with them.

6 Conclusion/Reasons for the Recommendation

6.1 The proposals provide an important step in the Council having appropriate procedures in place.

Background papers: None

Supporting documents: None

Report Information Sheet

Please complete and submit to Democratic Services with report

Committee / Date	Council 11 May 2022	
Title of report	Appointment of Senior Officers	
Officer / Councillor Approval *required	Date	Name
Ward Members(s)		
Portfolio Holder	2/5/2022	Andrew Day Richard Hales
Financial Services *		
Legal Services		
Other Services		
Chief Executive	28/4/22	Chris Elliott
Head of Service(s)	28/4/22	Tracy Dolphin
Section 151 Officer		
Deputy Monitoring Officer	28/4/22	Graham Leach
CMT (WDC)		
Leadership Co-ordination Group (WDC)		
Other organisations		
Final decision by this Committee or rec to another Cttee / Council?	Yes	
Contrary to Policy / Budget framework?	No	
Does this report contain exempt info/Confidential? If so, which paragraph(s)?	No	
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?	No	
Accessibility Checked?	Yes	

Process for the Recruitment of a Chief Officer

This policy applies to JNC Heads of Service, Deputy Chief Executives, Programme Director for Climate Change and Chief Executive.

The policy refers to the Chief Executive but this role may be fulfilled by a Deputy Chief Executive.

Where the procedure below refers to the Sub-Committee this will be replaced by the whole Committee when recruiting to the position of Chief Executive/Head of Paid Service.

When recruiting to the Role of Chief Executive/Head of Paid Service no Officer from either Council will be present during interviews, with exception of the Head of People & Communications and Monitoring Officer (or appointed deputies if they are unavailable or candidates) will be available to Members.

Contents:

1. The decision to recruit
2. The recruitment timetable
3. Advertising and information packs
4. Longlisting
5. The first interview
6. Selection tests
7. Shortlisting
8. The final interview
9. Making the decision
10. The job offer
11. Induction
12. Feedback to Candidates
13. The legal and policy framework

1. The Decision to Recruit

As part of overall organisational development and recruitment processes all vacancies including those of Chief Officer level are reviewed to align with the needs of the organisation and the structure that support this. The Chief Executives will consider these points, in deciding whether or not to recommend to Group Leaders and the Chair of Employment Committee that a vacant senior post should be filled.

2. The Recruitment Timetable

Once the decision is taken to recruit a Head of Service the process is organised by HR. They will produce a timetable to ensure that there is sufficient time to ensure the administration required runs smoothly.

It is vital that Members on the Sub Committee respond as soon as possible to requests for availability and consider who will be their substitute, who has to be a member of the Employment Committee from the respective Council, if they are not available for the process.

The final interviewing panel will consist of trained Members that participated in the shortlisting panel. Each stage of the selection process will be a separate meeting.

3. Advertising & Information Packs

The Council seek to maximise the opportunities for alternative careers for employees facing potential job loss through redundancy. The highest priority will be given to maintaining the security of staff as it is Council policy to avoid redundancy wherever possible. Therefore, staff "at risk" are provided with the opportunity to apply or could be offered the post as "suitable alternative employment" for Chief Officer positions prior to external advertising. This aligns with the Redeployment Policy and Procedure which applies to all employees within the Council. If recruitment is not successful via those at risk, then wider advertising can be used. The main method of which is through the Councils web page. In addition other external methods may be used; these could include a specialised publication relevant to the service.

Advertising attracts a significant cost and it is important to monitor the response rate to different media to ensure that the right mix is being used; HR in conjunction, where relevant with external support will ensure a diverse range of publications and blended approach is applied and analysed for response rates.

Members need to be aware of the dangers of canvassing from any potential applicants; this would disqualify the applicant and could be a breach of the Code of Conduct for Members.

The Portfolio Holder may attend every stage of the recruitment process to listen to the discussions and will provide their view of the candidates at the shortlisting and final interview stages. However they will not form part of the decision making Sub-Committee, unless duly appointed by the relevant Committee as a member of that Sub-Committee. If they do not form part of the Sub-Committee written authority must be received from the Chairman of the Sub-Committee to attend.

4. Long Listing

This is the first stage of the selection process where the applications that have been received are matched against the person specification for the job. The candidates who demonstrate the closest match to the person specification will be invited for a screening interview. Where more than 20 candidates match the essential criteria those matching the essential criteria will then be assessed against the desirable criteria with no more than 20 candidates progressing to the next stage.

However any applicant who has declared a disability and who meets the essential criteria will automatically be included in the longlisting process.

If four, or less, applications are received a decision may be made, by the Chief Executives, to forgo the longlisting and first interview stage and proceed directly to the shortlisting stage.

Long-listing will take place as soon as possible following the closing date for applications. This first stage of selection is carried out by a panel that consists of the Chief Executives, a Deputy Chief Executive and the Head of People & Communications. The panel may also be joined by an independent specialist advisor.

When the recruitment is to the role of the Head of Paid Service the decisions in respect of Long Listing will be taken by the Employment Committee with support from external independent advisors.

5. The First Interview

This is conducted by the panel who undertook the long-listing. The purpose of this interview is to check the application and measure the candidate's qualifications, achievements and experience against the person specification. At this stage any candidates will be assessing whether the Council offers the opportunities and challenges that they are looking for. The Longlisting process must of course remain free of bias or discrimination and the decision not to invite a candidate for interview must be objectively justified.

6. Selection Testing

Selection tests may be used to support the information gained from the first interview. They are designed to further test the criteria required by the person specification and job description and to provide candidates with the opportunity to demonstrate their skills in different ways.

The types of tests that can use include: numerical and verbal reasoning, in-tray exercises, group exercises, written questions, behavioural assessments and presentations.

7. Short-Listing

It is the role of the Chief Executives and Head of People & Communications to guide and advise Members in relation to the shortlisting and interview process.

A short-listing meeting will be arranged as soon as possible after the first interviews. This will be in the form of a meeting of the Sub-Committee, of three members from each Council appointed by their appropriate Committee; this is a private meeting with the need for a published agenda.

The results from the first interviews will be fed back to the meeting by the long listing Panel.

At this stage the Sub-Committee will receive copies of the application forms for those candidates who have been put forward from the first interview. Members will also receive the job description and the person specification. It is the role of Members to read the applications and familiarise themselves with the candidates who have applied and consider any questions they want to raise at the short-listing meeting.

The aim at this session is to decide which, if any, candidates are suitable to go forward to the final stage of the process. The decision must be made on

demonstrable evidence taking all the information that has been gathered into account.

Members must only shortlist those candidates who have demonstrated the ability to meet all the requirements of the job. In senior level recruitment this often comes down to no more than three or four candidates. It is at this stage that members need to decide candidates to continue with the process.

Members will keep the copies of the applications for the shortlisted candidates to bring with them on the final interview day. Applications must be kept securely during this period as they contain personal data. The unsuccessful candidates' forms must be handed in to HR so that they can be destroyed appropriately

Following the short-listing meeting, HR will produce a timetable for the final interview day depending on the number of candidates chosen.

8. The Final Interview

The final interview will be a separate meeting of the Sub-Committee. This is a private meeting with a published agenda.

The membership of the Sub-Committee will be those who sat on the shortlisting. The Chair appointed by the Councillors on the Sub-Committee, will be responsible for ensuring that the interviews run to schedule.

The interview may include a presentation to the Sub-Committee. The Chief Executive, Head of People & Communications and independent advisor will also be present to provide advice.

The Head of People & Communications with support from the independent advisor will supply a list of suggested questions that the Sub-Committee can choose from and agree in advance of the interviews, who will ask which question; they will also receive a scoring sheet for summarising the assessments.

The interviews will normally start with the candidate's presentation after which the Sub-Committee may ask questions on the presentation. This is followed by an interview with all Sub - Committee members asking questions. The purpose of the questions is to draw out the candidate's skills, knowledge and experience and ask them to demonstrate how they match to the requirements of the job.

The questions are deliberately the same to all candidates to ensure consistency and fairness although Members can ask supplementary questions to follow through any points which have been made by the candidate or to encourage them to expand their answer. There may also be further questions designed specifically for the candidate based on any feedback from tests completed prior to the interview

Members should have in mind the range of answers they would expect to their question and any key points they would expect the candidates to bring out. Conducting interviews is a mentally demanding activity. You will need to concentrate throughout a series of interviews and at the same time make

enough notes to be able to mark each candidate against the criteria for the position

It is strongly recommended that notes are made during the interviews and the scoring takes place at the end of each interview, time for which is allowed in the timetable. Please make sure you write the name of the candidate on any notes that you make which will form part of the final paperwork.

All paperwork must be passed back to the Head of People and Communications at the end of the final interview day for filing or shredding as necessary.

9. Making the Decision

At the end of the interview the Chair will allow time for final reflection on the candidate (s) and then invite discussion from all Sub-Committee members on each candidate in turn. The Chief Executive/HR or Independent advisor will remind the Sub-Committee of the results from the first interview stage so that these can be considered as part of the final decision.

The aim is to appoint the best candidate for the job. If this falls short of the expected standard, Members should decide not to make an offer.

The selection process is designed to help members identify potential for development as well as suitability for the job.

Members can decide to have a second choice if the first candidate offered the post does not accept it. This decision will be made on the merit of the applicants.

10. The Job Offer

Candidates are not expected to wait too long for the outcome of the interview.

Prior to the offer being made the Chief Executive or the Head of People and Communications will write to the Cabinet to inform them of the proposal to appoint and give them a specified period (no more than 36 hours) in which to inform the Leader of the Council if they have any objections to the appointment. The Leader will consult the Cabinet on this and provide a response. This is a requirement of the Local Authorities (Standing Orders) (England) Regulations 2001 for councils operating executive arrangements.

If no objections are made the successful candidate will be contacted , by the Chief Executive or the Head of People and Communications. They will then inform the Sub-Committee and Cabinet of the decision.

It should be noted that in respect of the appointments to one of the three statutory roles, it needs to be made clear that the offer is subject to confirmation by Council.

A written offer of employment will be prepared by HR subject to pre-employment checks (for external candidates).

11. Induction

The appointment will be announced via an email from the Chief Executive, Leaders and Chairman of the Sub-Committee to all Councillors and on the intranet. For certain positions the Councils strategic partners would also be informed.

It is quite likely that external appointees may have to give up to three months notice to their current employers, so it may be some time from the recruitment process to the start date during which Members may hear little or nothing of their new member of staff.

It is also quite common for external appointees to want to familiarise themselves with the Council before they start so they may decide to come to committee or Cabinet meetings as an observer. They may even be able to join training events or be present at significant decision making meetings during their notice period. These will all be part of the transition between one employer and another.

Once the official start date is reached a full induction programme will commence which will involve the new jobholder meeting Members at appropriate times.

12. Feedback to Candidates

This will be given by the Independent Advisor on behalf of the Council on request. Councillors will not give feedback.

Title: End of Term Report

Lead Officer: Rob Edwards, Committee Services Officer

Portfolio Holder: Not applicable

Wards of the District directly affected: Not applicable

Summary

This report is the annual end of term report to the Council on the work the Finance & Audit Scrutiny Committee has undertaken during the municipal year 2021/22. The Committee met 9 times during the year.

Recommendations

- (1) That it be recommended to Council that the list of matters considered by the Finance & Audit Committee during the municipal year 2021/22, as detailed in Appendix A to the report, be noted; and
 - (2) That Council notes the contents of an addendum that will be issued on 11 May 2022 giving details of the matters considered by the Committee on the 10 May 2022.
-

1 Background/Information

- 1.1 The way the Finance & Audit Scrutiny Committee operates is spelt out in Part 4 of the Council's Constitution, pages E31 to E36. Article 6 in the Constitution defines the Committee's remit.
- 1.2 Article 6 mandates that the Committee must report annually to Council on its workings and make recommendations for future work programmes and amended working methods if appropriate.
- 1.3 The Committee has its own Work Programme, the content of which is set by the Members of the Committee and "in so doing they shall take into account wishes of Members on that Committee who are not Members of the largest group on the Council".¹
- 1.4 The Committee also call in for scrutiny reports that are to be considered by Cabinet and the criteria for call in is laid out in the Overview & Scrutiny Procedure Rules in the Constitution.

2 Alternative Options available to Overview & Scrutiny Committee

- 2.1 There are no alternative options because this report complies with the requirements of Article 6 of the Council's Constitution.

3 Consultation and Member's comments

- 3.1 Not applicable because the report content is taken from minutes of meetings that have already occurred.

¹ Constitution, Part 4, Overview & Scrutiny Procedure Rules

4 Implications of the proposal

4.1 Legal/Human Rights Implications

4.1.1 There are no legal or human rights implications in this report.

4.2 Financial

4.2.1 There are no financial or budgetary considerations in this report.

4.3 Council Plan

4.3.1 This report is for governance purposes and allows an overview of the previous 12 months' work.

4.3.2 The work carried out by the Committee helps the Council to improve in line with its priority to manage services openly, efficiently, and effectively.

4.3.3 The report is made annually as a matter of good practice and Council policy.

4.4 Environmental/Climate Change Implications

4.4.1 There are no environmental or climate change implications

4.5 Analysis of the effects on Equality

4.5.1 There are no effects on equality.

4.6 Data Protection

4.6.1 There are no Data Protection implications

4.7 Health and Wellbeing

4.7.1 There are no Health and Wellbeing implications.

5 Risk Assessment

5.1 There are no risks associated with this report which is purely provided as a matter of good practice and Council policy concerning Scrutiny Committees.

6 Conclusion/Reasons for the Recommendation

6.1 Under Article 6 of the Council's Constitution, Overview & Scrutiny Committees and Policy Committees are required to provide an end of term report to the Council on the work they have undertaken during the year.

6.2 The matters considered during the year are attached at Appendix A to the report. This will be updated to include matters considered at this meeting before it is submitted to Council.

6.3 A full account of the work undertaken by the Finance & Audit Scrutiny Committee for the municipal year 2021/22 will be submitted to Council.

Background papers:

Only minutes of both Finance & Audit Scrutiny Committee and of Cabinet have been referred to in the preparation of this report. These are published on the Council's website.

Report Information Sheet

Please complete and submit to Democratic Services with draft report

Committee/Date	Council 11 May 2022	
Title of report	Finance and Audit Scrutiny Committee End of Term Report	
Consultations undertaken		
Consultee *required	Date	Details of consultation /comments received
Ward Member(s)	N/A	
Portfolio Holder WDC & SDC *	N/A	
Financial Services *	N/A	
Legal Services *	N/A	
Other Services	N/A	
Chief Executive(s)		Andrew Jones
Head of Service(s)		Phil Grafton
Section 151 Officer	N/A	
Monitoring Officer		Phil Grafton
CMT (WDC)		Andrew Jones
Leadership Co-ordination Group (WDC)	N/A	
Other organisations		
Final decision by this Committee or rec to another Cite/Council?	No	
Contrary to Policy/Budget framework	No	
Does this report contain exempt info/Confidential? If so, which paragraph(s)?	No	
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?	No	
Accessibility Checked?	Yes	

**Finance & Audit Scrutiny Committee
End of Term Report 2021/22**

Chair's Introduction

It is the custom of the Chair of the Finance and Audit Scrutiny Committee to write an end of term report.

Following the tragic death of Councillor Jonathan Nicholls in March 2022 and as I have chaired the last two meetings, I have been asked to write this report and I would first like to pay tribute to him. As the Chair of Finance and Audit for the past 3 years he brought to the Committee his wealth of experience, insight, and sharp eye for detail. He was the ideal chairman, deftly handling our rare fractious moments, and ensuring that our meetings were not entirely without humour. His death is a shock to us all and a great loss to this Council.

Members of Scrutiny Committees bear a heavy responsibility reading upwards of 200 pages of reports before each meeting, scrutinising these on behalf of the residents of Warwick District and holding the Cabinet to account.

Ours is a statutory responsibility. It is through our concern with risk, our questioning and the constructive challenging of policies that we can help ensure the soundness of business cases and value for money.

The Finance and Audit Scrutiny Committee also has the responsibility of providing assurance on the processes and outcomes of internal audit and the identification of corporate business risks and their management; it approves the annual accounts and works closely with the Portfolio Holder for Finance, the finance team, and the external auditors, Grant Thornton.

This year, like the last, has been particularly challenging not only with the effects of the pandemic and with more grants to distribute, the sharing of services and proposed political merger with Stratford District Council and the ongoing work with the new housing company, now to be referred to as a service investment, and new waste management contract, but also for finance staff a complete change of the Financial Management System. The enormity of that achievement cannot be overstated. In addition they have been tasked with distributing several government grants including the council tax rebate, again no mean feat, and I would like to thank them for the way they have responded so admirably to each of these challenges.

I am aware of the close working between the two scrutiny committees; though F&A may disappear its role will continue in new formats which could reshape the way scrutiny is done more effectively.

I echo the words from last year of Councillor Nicholls in thanking the members of the Committee, the officers and all the Portfolio Holders for the open and constructive engagement they have brought to our work. We as a Committee are grateful to Grant Thornton, our external auditors, for their work and for bringing a wider external perspective to the District's financial audits.

Last, but by no means least, I would like express our special thanks to Mike Snow, Head of Financial Services, for his hard work, wisdom and expertise in guiding us over the years, and wish him a long and enjoyable retirement.

Councillor Sidney Syson

Items considered by the Finance & Audit Scrutiny Committee 2021/22

Audit Items

Internal Audit Quarter 4 2020/21 Progress Report
Internal Audit Annual Report 2020/21
Annual Governance Statement 2020/21
Progress Report on Replacement IT Systems
Anti-Fraud and Corruption Statement 2021/22
Measures taken to deter, detect, investigate and report fraud in respect of COVID business grants
Corporate Fraud Investigation Performance Report 2020/21
Audit of 2020/21 Accounts
Annual Treasury Management Report 2020/21
Treasury Management Activity Report for the period 1 October 2020 to 31 March 2021
Internal Audit Quarter 1 2021/22 Progress Report
Annual Governance Statement Quarter 1 Action Plan Report
Progress on Audit of Accounts and associated matters from External Auditors
Treasury Management Activity Report for period 1 April 2021 to 30 September 2021
Statement of Accounts and Audit Findings Report
Follow up report looking into the progress made by Just-Inspire in terms of their recovery
National Fraud Initiative Update
Annual Governance Statement 2020/21 Action Plan: Review of Progress
Internal Audit Progress Report: Qtr 2 2021/22
External Review of Internal Audit 2021: Update on Implementation of Recommendations
Statement of Accounts – Updated Audit Findings Report
Appointment of External Auditors
Revised Internal Audit Plan 2021/22
Internal Audit Quarter 3 Progress Report
Annual Governance Statement 2020/21 Action Plan: Review of Progress
Internal Audit Plan 2022-23 and Internal Audit Charter 2022-23
Value for Money Report – Delay to Auditor’s Annual Report
Significant Business Risk Register Review
Value for Money Conclusion

Scrutiny Items

Approach to the Scrutiny of the Proposed Merger of Warwick District Council
Update on the Joint Work with SDC

The other items covered within the scrutiny aspect of the agenda were all matters contained within the Cabinet agenda. The record of these items are listed in the section below.

Routine Items

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

Cabinet Items Considered by the Committee

(This section details the comments and recommendations made by the Finance & Audit Scrutiny Committee to the Cabinet on reports being considered by the Cabinet. The decisions made at the Cabinet meeting have been detailed if the decision was different to the recommendations in the report.)

7 July 2021

7. Significant Business Risk Register

The Finance & Audit Scrutiny Committee asked the Cabinet to update Risk 8 to remove the details regarding the work on the commercial investment strategy to reflect the change in Risk 6.

The Committee noted that in the next update it was likely to include a specific risk in reference to the proposed merger with Stratford-on-Avon District Council.

Response from the Cabinet:

The recommendations in the report were approved.

12. Future High Streets Fund Award for Royal Leamington Spa

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

Response from the Cabinet:

The recommendations in the report were approved.

13 Financial Support – Everyone Active Leisure Contract

The Finance and Audit Scrutiny Committee recommends that the wording within recommendation 2.4 is amended to correct the accounting year to 2021/22 and that the decision only be made in principle subject to a further report that will come forward in the autumn and will reflect further discussions with Everyone Active in the light of its updated financial projections following the easing of Covid restrictions and any other relevant factors.

The Committee noted the latest understanding is that all restrictions will end on 19 July and that officers were continuing to work with Everyone Active to confirm their programme.

Response from the Cabinet:

Councillor Bartlett thanked the Finance & Audit Scrutiny Committee for the good assessment of the paper and good rigour around the recommendations. Following the discussion with the Chair of the Finance & Audit Scrutiny Committee, he stated that an amendment to recommendation 2.4 had been made to ensure the proportionality of the concession waver matched the current state of play, to read:

“2.4 Agree that the EA concession fee due to the Council for 2021/22 is waived in proportion to the point in the financial year when WDC is satisfied that no further subsidy is required by EA and a concession fee, however small, can be paid by EA to WDC. The consequent funding shortfall of up to £1.25mill will be met from the Government’s Income Compensation Scheme (est £165k) and the provision included in the Budget provided for potential non-recovery of income within the Budget”.

Councillor Bartlett proposed the report as laid out, and subject to the amendment to recommendation 2.4.

14 Costs of Proposals of Joint Senior Management Team

The Finance & Audit Scrutiny Committee noted the quarter 1 budget update will come to August Cabinet and will set out the progress in respect of the MTFs and the agreed savings being achieved.

Response from the Cabinet:

Councillor Day thanked the Committee and Group Leaders for their comments. He also commended the Chief Executive for the amount of work that had gone on in engaging with Heads of Service, and the goodwill involved had been extraordinary. He then proposed the report as laid out.

11 August 2021

4 Final Accounts 2020/21

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

Cabinet Response:

The recommendations in the report were approved.

7 Risk Management Annual Report 2020/21 and Strategy

The Finance & Audit Scrutiny Committee supported the recommendations in the report. Members wished to make clear that section 9.2 of the report should be clarified to reflect that the merger of Warwick District Council and Stratford-on-Avon District Council had not yet happened and was a possible merger at this stage.

Cabinet Response:

Councillor Hales was happy to accept the amendment from the Finance & Audit Scrutiny Committee to section 9.2 of the report to read "**Proposed** Merger of Warwick District Council and Stratford-on-Avon District Council", and he then proposed the report as laid out with the above amendment.

8 Project Funding for Castle Farm Leisure Centre and Abbey Fields Swimming Pool

The Finance & Audit Scrutiny Committee supported the recommendations in the report. Members noted the undertaking to align the categories of risk in the project risk register with the agreed categorisation of, and approach taken to, risks adopted by the Council in its Risk Strategy, and also noted that the project comprised of two separate contracts for Abbey Fields and Castle Farm.

Cabinet Response:

Councillor Bartlett thanked the Finance & Audit Scrutiny Committee for a good debate and for the pertinent questions it raised. He then proposed the report as

laid out.

22 September 2021

6 Q1 Budget Report

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

Response from Cabinet:

The recommendations in the report were approved.

9 Royal Leamington Spa Town Centre Transformation

The Finance & Audit Scrutiny Committee supported the proposals. Members expressed the view however that the Independent Chair of the Board should not also chair the Advisory Board given that each had different roles in the envisaged governance arrangements. The selection of the Chair and the members of the Board would be crucial to the success of the undertaking.

The Committee also welcomed the idea that the governance could evolve once the Independent Chair was appointed, and the work got underway and was therefore not set in stone. Members wished to also express the view that the groups represented on the Advisory Board should capture the breadth of expertise in Royal Leamington Spa, economic or otherwise and they therefore welcomed the fact that the groups listed were at this point examples and not exclusive.

Response from Cabinet:

The recommendations in the report were approved.

13 Low Carbon Enabling Development

The Finance & Audit Scrutiny Committee supported the recommendations in the report. In so doing, Members raised concerns about the need to invest appropriately in executive capacity to deliver such big projects, given that at least initially it was proposed that the project would be taken forward by the Programme Director for Climate Change.

Response from Cabinet:

The recommendations in the report were approved.

3 November 2021

5 Fees and Charges

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

Cabinet response:

The recommendations in the report were approved.

12 Significant Business Risk Register

The Finance & Audit Scrutiny Committee supported the recommendations in the report. Members noted the intent was that once there was a decision on the potential merger, the Significant Business Risk Register would include a specific risk on that topic. The Committee also noted the redundant wording in the Climate Change Risk relating to the Council Tax Referendum, which was no longer a possible trigger.

Cabinet response:

The recommendations in the report were approved.

Urgent Item - Princes Drive Rail Bridge Refurbishment and Public Art Project

The Finance & Audit Scrutiny Committee supported the recommendations in the report. Members were satisfied for the reasons for the late circulation of the report.

Cabinet response:

The recommendations in the report were approved.

8 December 2021

4 Proposal to create a South Warwickshire District Council

The Finance and Audit Scrutiny Committee requested that before the Council meeting on 13 December, Councillors should be provided with a new financial table that consolidated the most recent estimates of the financial case based on the savings to be achieved over the period to 2025/2026. The table should include the investments to secure those savings (the three tranches of £1.5m) and should distinguish the savings that would be achieved through service integration and those that could only be achieved from political merger.

The Committee believed that this information would supplement and provide a single point of reference for the financial case for merger from the original information in the Deloitte Report from January 2021 (Appendix 1 to the report), the more recent analyses from the LGA (Appendices 4 and 5) and the financial information provided by the Head of Finance (Appendix 12).

The Committee noted the importance, should a political merger be approved, of harmonising Council Tax between the two current Districts Councils, noting that differences in Parish and Town Council precepts added a further complicating factor in how this would be achieved and over what period. In the opinion of the Committee, the plan for harmonisation would be closely linked to the proposed discussions with the Warwickshire Association of Local Councils (WALC) and representatives of parishes and towns about the devolution of powers, responsibilities and assets.

The Committee considered the Programme Risk Register (Appendix 6). It noted that this superseded the risk assessment made by Deloitte in its report. The Committee expressed a view that the risk ratings for PR004 and PR007 ("democratic deficit" and "integration of culture") were underscored but accepted

that the Register was dynamic and the Committee would have the opportunity to consider future iterations of it should the programme go ahead.

The Committee also thanked officers and Members for the significant work that had gone into the report and the appendices, and for the balanced way in which they were written.

Response from Cabinet:

In response to comments from Scrutiny Chairs, the Leader clarified these in consultation with the Chairs of the Scrutiny Committees during the meeting. As a result, responses were proposed by the Leader for the Cabinet to consider. These were agreed as set out at resolutions four and five below.

(4) In response to the comments from the Finance and Audit Scrutiny Committee, the Cabinet asked the Chief Executive to circulate to all Councillors confirmation of the savings that other District Councils have achieved through political merger.

(5) All the officers involved for this exemplary report and all Members for their cross-party work on this be thanked.

Response from Council:

Council resolved that a formal submission be made to the Department for Levelling Up, Housing and Communities to create a South Warwickshire District Council. It also resolved that a joint member working group be established to review the issues raised in Section 4 of the report and in addition to agree that the working group works with WALC and other key parish and town councils to undertake a community governance and function review for South Warwickshire.

A consultation with staff and Trades Unions on options for addressing harmonisation of staff terms and conditions including pay was agreed but if there was failure to agree or if Council did not agree the terms, an emergency Council meeting would be arranged in early January so that a revised strategic approach could be considered prior to the setting of the annual budget for 2022/23 and beyond.

5 Quarter 2 Budget Report

The Finance & Audit Scrutiny Committee supported the recommendations in the report. The Committee also welcomed the fact that the Everyone Active (EA) forecast income was showing a positive variance. The Committee requested an analysis of the income received from EA to-date for each year of the current contract including compensation from the Government during the Covid-19 pandemic for lost concession fees.

Response from Cabinet:

The recommendations in the report were approved.

7 Housing Revenue Account Business Plan Review 2021

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

Response from Cabinet:

The recommendations in the report were approved.

10 Outdoor Sports Review Proposed Delivery Models for Council Owned Facilities

The Finance & Audit Committee recommended to Cabinet that recommendation 4 in the report should be amended to specifically include reference to basketball facilities, to read:

“4) That a procurement exercise is undertaken to appoint one or more tennis operators to run community-based tennis programmes at the Council’s four tennis venues. The procurement will make explicit that the tennis programmes are to take account of the basketball facilities at Christchurch Gardens and Abbey Fields and will permit basketball to continue at these venues.)”

The Cabinet was required to vote on this because it formed a recommendation to them.

The Finance and Audit Scrutiny Committee raised a question whether using a different model for tendering could be looked at and discussed with the Portfolio Holder for Culture, Tourism & Leisure and Chair of Finance & Audit Scrutiny Committee.

The Committee also recognised that the Council was bound by its Standing Orders in how it conducted procurement exercises. Nonetheless, the Committee wished to encourage an approach to the proposed tender that required evidence of excellence and the achievements of the outcomes that the Council wished to see from the new strategy as well as commercial innovation in providing the wider access and participation it sought.

Response from Cabinet:

The recommendations in the report, along with the recommendations from the Overview and Scrutiny Committee & the Finance and Audit Scrutiny Committee.

12 Costs Associated with the Re-Development of Waverley Riding Stables, Cubbington

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

Response from Cabinet:

The recommendations in the report were approved.

9 February 2022

4 Review of Warwick District Council Members’ Allowances Scheme - 2021

The Finance & Audit Scrutiny Committee raised a question from one of the political groups about the rationale for adopting the recommendations of the independent review regarding the increase in Special Responsibility Allowances in the current economic climate. It received clarification about the decisions that the Council

could take on the review, noting that the last review had been held in 2017 and there had been changes in the roles and expectations of those Councillors who held positions of responsibility and leadership subsequently as the review noted. It had no further questions on the review of the Scheme.

Cabinet Response:

The recommendations in the report were approved.

6 General Fund 2022/23 Budgets and Council Tax

The Committee noted the questions that had been raised in writing by Councillors regarding the Budgets and decision on Council Tax prior to the meeting. Some members expressed concern about the continuing impact of a freeze on Council Tax on the medium-term financial position for the Council. The Committee examined the rationale for the assumptions on inflation, wage increases and other factors, the reserves position, the need for further savings, and noted the financial pressures and risks in the medium-term financial statements, notwithstanding that a balanced budget was being proposed for 2022/23. It also noted the CFO's statement at Appendix 1. Overall, the Committee was satisfied that appropriate statements had been made about the assumptions in the Budgets and MTFs, and in the statements of risk and projections that lay behind the proposals.

Cabinet Response:

The recommendations in the report were approved.

7 Housing Revenue Account Rent Setting and Budget 2022/23

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

Cabinet Response:

The recommendations in the report were approved.

9 March 2022

5 Treasury Management Strategy 2022/23

The Finance & Audit Scrutiny Committee supported the recommendations in the report and thanked officers for all of their hard work, especially that the work carried out so quickly and timely for the disinvestment from the two equity funds. Members noted that the timing of disposals had saved taxpayers money, alongside meeting the Council's objectives of not investing in fossil fuel.

Cabinet response:

Councillor Hales also thanked the Finance officers and then proposed the report as laid out.

7 Community Infrastructure Levy (CIL) Projects List for 2022/23

The Finance & Audit Scrutiny Committee supported the recommendations in the report. Members emphasised the need to ensure the Council was getting value for money from projects.

Cabinet response:

The Group Observers supported the recommendations but expressed concerns over money availability.

Councillor Cooke responded to these concerns, stating that we needed to be flexible and prepared for the possibility that funding priorities would shift. He had been in discussions regarding the issue of value for money, but it was not easy to guarantee. He then proposed the report as laid out.

8 Annual Review of Regulation of Investigatory Powers Act (RIPA) Policy

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

Cabinet response:

The recommendations in the report were approved.

13 April 2022

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

The Overview & Scrutiny Committee 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.

The Finance & Audit Scrutiny Committee noted that these items had been withdrawn from the Cabinet agenda and thanked Councillor Hales for attending. They welcomed the fact that all Councillors and staff, who are our most important asset, would be informed why these items had been withdrawn.

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

The Overview & Scrutiny Committee 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.

The Finance & Audit Scrutiny Committee noted that these items had been withdrawn from the Cabinet agenda and thanked Councillor Hales for attending. They welcomed the fact that all Councillors and staff, who are our most important asset, would be informed why these items had been withdrawn.

6 Amendments to the Constitution

The Finance & Audit Scrutiny Committee asked for all Councillors to be informed of how many Cabinet decisions, in the last 12 months, would have moved from being key decisions to no longer key decisions based on the change in the definition in the report.

The Finance & Audit Scrutiny Committee was content with the report with the exception of the following points:

That the wording of the remit of the new Audit and Standards Committee should be revised to highlight its role in reviewing risk for the Council.

That officers investigate the potential for the PAB agendas and minutes to be made public. That there should be a more consistent approach to the work of the PABs, and the format of their minutes.

The Committee welcomed the acknowledgment that the first year of the Audit and Standards Committee would be a learning process.

Councillors felt that current reports created a perception that Warwick District Council is changing its structures and procedures to align with Stratford District Council, and hoped that future reports will indicate where the reverse situation occurs.

Cabinet response:

The recommendations in the report were approved, including the recommendation from the Finance & Audit Scrutiny Committee that the wording of the remit of the new Audit and Standards Committee as defined at Appendix 2 to the report should be revised to highlight its role in reviewing the risk for the Council, and subject to the following amendment to recommendation 1 to read:

- (1) it approves the definition of a key decision ~~aligns with proposals for the Joint Cabinet Committee and the value set by Stratford-on-Avon District Council,~~ as set out at Appendix 1 to the report.

8 Significant Business Risk Register

The Finance & Audit Scrutiny Committee noted the risk register.

Cabinet response:

The recommendations in the report were approved.

14. Creative Quarter / Future High Street

The Finance & Audit Scrutiny Committee noted the recommendations in the report.

Cabinet response:

The recommendations in the report were approved.

Title: Overview & Scrutiny Committee End of Term Report
Lead Officer: Lesley Dury, Principal Committee Services Officer
Portfolio Holder: Not applicable
Wards of the District directly affected: Not applicable

Summary

This report is the annual end of term report to the Council on the work the Overview & Scrutiny Committee has undertaken during the municipal year 2021/22. The Committee met nine times during the year, although its first meeting was just to appoint the Chair of the Committee. It also held an informal meeting to scrutinise the "Developing a Digital Strategy for South Warwickshire" report.

Recommendations

- (1) That Council notes the list of matters considered by the Overview & Scrutiny Committee during the municipal year 2021/22, as detailed in Appendix A to the report; and
 - (2) That Council notes the contents of an addendum that will be issued on 11 May 2022 giving details of the matters considered by the Committee on the 10 May 2022.
-

1 Background/Information

- 1.1 The way the Overview & Scrutiny Committee operates is spelt out in Part 4 of the Council's Constitution, pages E31 to E36. Article 6 in the Constitution defines the Committee's remit.
- 1.2 Article 6 mandates that the Committee must report annually to Council on its workings and make recommendations for future work programmes and amended working methods if appropriate.
- 1.3 The Committee has its own Work Programme, the content of which is set by the Members of the Committee and "in so doing they shall take into account wishes of Members on that Committee who are not Members of the largest group on the Council".¹
- 1.4 The Committee also call in for scrutiny reports that are to be considered by Cabinet and the criteria for call in is laid out in the Overview & Scrutiny Procedure Rules in the Constitution.

2 Alternative Options available to Overview & Scrutiny Committee

- 2.1 There are no alternative options because this report complies with the requirements of Article 6 of the Council's Constitution.

¹ Constitution, Part 4, Overview & Scrutiny Procedure Rules

3 Consultation and Member's comments

- 3.1 Not applicable because the report content is taken from minutes of meetings that have already occurred. The Chair of the Committee, Councillor Milton has written the Chair's Introduction.

4 Implications of the proposal

4.1 Legal/Human Rights Implications

- 4.1.1 There are no legal or human rights implications in this report.

4.2 Financial

- 4.2.1 There are no financial or budgetary considerations in this report.

4.3 Council Plan

- 4.3.1 This report is for governance purposes and allows an overview of the previous 12 months' work.
- 4.3.2 The work carried out by the Committee helps the Council to improve in line with its priority to manage services openly, efficiently, and effectively.
- 4.3.3 The report is made annually as a matter of good practice and Council policy.

4.4 Environmental/Climate Change Implications

- 4.4.1 There are no environmental or climate change implications

4.5 Analysis of the effects on Equality

- 4.5.1 There are no effects on equality.

4.6 Data Protection

- 4.6.1 There are no Data Protection implications

4.7 Health and Wellbeing

- 4.7.1 There are no Health and Wellbeing implications.

5 Risk Assessment

- 5.1 There are no risks associated with this report which is purely provided as a matter of good practice and Council policy concerning Scrutiny Committees.

6 Conclusion/Reasons for the Recommendation

- 6.1 Under Article 6 of the Council's Constitution, Overview & Scrutiny Committees and Policy Committees are required to provide an end of term report to the Council on the work they have undertaken during the year.

- 6.2 The matters considered during the year are attached at Appendix A to the report. This will be updated to include matters considered at this meeting before it is submitted to Council.

- 6.3 A full account of the work undertaken by the Overview & Scrutiny Committee for the municipal year 2021/22 will be submitted to Council.

Background papers:

Only minutes of both Overview & Scrutiny Committee and of Cabinet have been referred to in the preparation of this report. These are published on the Council's website.

Report Information Sheet

Please complete and submit to Democratic Services with draft report

Committee/Date	Council, 11 May 2022	
Title of report	Overview & Scrutiny Committee End of Term Report	
Consultations undertaken		
Consultee *required	Date	Details of consultation /comments received
Ward Member(s)	N/A	
Portfolio Holder	N/A	
Financial Services *	N/A	
Legal Services *	N/A	
Other Services	N/A	
Chief Executive(s)	17.03.22	Andrew Jones
Head of Service(s)	18.03.22	Phil Grafton
Section 151 Officer	N/A	
Monitoring Officer	18.03.22	Phil Grafton
CMT	17.03.22	Andrew Jones
Leadership Co-ordination Group	N/A	
Chairman, O&S Committee	25.04.22	Councillor Milton
Final decision by this Committee or rec to another Cite/Council?	Yes	
Contrary to Policy/Budget framework	No	
Does this report contain exempt info/Confidential? If so, which paragraph(s)?	No	
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?	No	
Accessibility Checked?	Yes	

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.