

Chair's Introduction

I'd like to start this year's report by thanking all the officers who have supported the Committee over the last twelve months. This includes all those who've come and presented to us along with portfolio holders but it's only right to pay particular thanks to Lesley Dury, Graham Leach and Andy Jones. All three have been invaluable to me in supporting the functioning of the Committee but also with the occasional helpful steer when needed.

I'd also like to thank all the Members of the Committee. It's been a hard year at times with the expanded remit of the Committee and they have continued to do a good job of scrutinising the work of the Council in a way that is appropriate, respectful but most of all helps improve things for our residents. This goes for Members of all party groups, and the willingness of Members to challenge constructively, regardless of party, only strengthens the work of the Committee and shows that scrutiny is most effective when divorced from party-politics. This is evidenced by the 11 recommendations that have been accepted by Cabinet as a result of work by the Committee.

Having attended the Joint Cabinet on a number of occasions it is obvious that not all Councils welcome comments from scrutiny committees and in this regard, I think we are managing to find the right balance to speak on behalf of our residents.

In pulling together this report I invited all Members of the Committee to share their thoughts on how we have worked and what could be made better in the future in order to benefit the next administration. These comments fell into three main categories:

- 1.) The breadth and volume of what we deal with as a committee makes it difficult to deal with issues to the level of detail required.

Over the last twelve months, particularly with the dissolution of Finance & Audit Scrutiny, the breadth of the Committee's remit has increased significantly. The ability of Councillors to ask targeted, direct questions has helped to keep the length of meetings within manageable bounds but with the level of detail we are reviewing there is a point at which scrutiny becomes ineffective.

The volume of Cabinet activity has also meant that we have been able to spend less time on our own proactive agenda, thus reducing the benefit that we provide to residents. This will be somewhat addressed by the introduction of additional meetings, but it does mean that being a Member of the Scrutiny Committee is one of the largest workloads a Councillor can take on.

- 2.) Cabinet reports need to be better organised to enable effective scrutiny.

As Chair I've witnessed improvements in the way that Cabinet reports are presented and written over the last three years. However, there is still room for improvement.

Members still receive reports which whilst comprehensive are overly long and often include detail which isn't really needed for the Committee. We see examples of changes to standard policies where the changes aren't made clear

and the only way to identify the papers is by a 'compare and contrast'. There is also a need to show how data and insight are being used to translate into and inform future policy in a clear and obvious way, rather than the two feeling unconnected.

3.) Effective scrutiny of the Council's finances needs specialist skill.

The finances of the Council are a complex matter for many people to understand and since taking this within our remit we have not had the specific training support that we have requested. This is a significant risk for the Council and potentially for the residents that we serve and needs urgent addressing. Members have worked hard on trying to give financial matters effective scrutiny but even with all our best efforts there are gaps which need closing.

Despite the challenges that the Committee has faced I have enjoyed my third year as Chair. With a new administration coming into being in May, and new Members as part of that, it's important that these issues are addressed quickly in order to ensure the future effectiveness of the Scrutiny function.

Councillor Andrew Milton
Chair, Overview & Scrutiny Committee

Items considered by Overview & Scrutiny Committee 2022/23

Overview & Scrutiny Committee Work Programme Items

2022:

- Climate Change Action Programme Update
- Update on the Cessation of the Proposed Merger with Stratford-on-Avon District Council
- Work Programme Update – Digital Update
- Development Management and Enforcement Performance Update
- Treasury Management Activity Report for the period 1 October 2021 to 31 March 2022
- Annual Treasury Management Report 2021/2022 (At its meeting 28 September, the Overview & Scrutiny Committee recommended to Council that in future, updates on Treasury Management should be considered by the Audit & Standards Committee. Council approved this recommendation at its meeting 19 October.)
- Regulatory Services Software Replacement Project – Review and Termination of Supplier Contract
- Report on the reasons for cost increases in the Castle Farm Leisure Centre and Abbey Fields Swimming Pool projects
- Climate Change Action Programme Update
- Waste Enforcement Update

2023:

- Equalities Task & Finish Group
- Revisions to Scrutiny Arrangements (At its meeting 7 February, the Overview & Scrutiny Committee agreed that from the municipal year, the Committee would hold four additional meetings. It also recommended to Council the remit for the Budget Review Group, subject to support from Audit & Standards Committee. Council, at its meeting 28 February, approved the recommendation, and also approved the Audit & Standards Committee recommendation to include the consideration of the Annual Treasury Management Strategy.)
- Development Management and Enforcement Performance Update
- Waste Enforcement Update
- Annual Update of the Destination Management Organisation – Shakespeare’s England
- Overview & Scrutiny Committee’s End of Term Report
- The role, responsibilities, and performance (2022/2023) of the South Warwickshire Community Safety Partnership
- Noise Nuisance Investigations (Noise Policy & six-month review and service area performance in respect of all forms of nuisance)
- Work Programme Update – Digital Strategy.
- Reports sent to all District Councillors for comment:
 - Children’s and Adults Safeguarding Champions: End of Term Briefing Note
 - Annual Outside Bodies and Champions’ Statements and Review

Routine Items:

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

Task & Finish Group Work:

Equalities

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. Phase One was completed by the Group in 2021.

The Group, comprising of Councillors Mangat (Chair), C Gifford, Illingworth and Tangri presented its recommendations for the second phase of the project to Overview & Scrutiny Committee at its meeting in February 2023. These were approved by the Committee. The appropriate recommendations were then considered and approved by Cabinet at its meeting in March 2023.

Cabinet / Joint Cabinet reports scrutinised by the Committee, the Fees & Charges Review Group & the Budget Review Group:

(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.)

O&S meeting 24 May 2022:

Milverton Homes Ltd Business Plan and Confidential Appendices

The Committee expressed its support for the report and for the aims and objectives of Milverton Homes Limited.

Members were keen that more information should be made available in the public domain.

Members asked a number of questions about the financial projections and potential risks of the organisation and were satisfied with the answers provided.

Associated Costs for the Purchase of 60, section 106 dwellings, Birmingham Road, Hatton, Warwickshire

The Committee noted the report.

Programme Team (Green Spaces) – Resourcing Delivery of Live Projects

The Committee noted the report.

O&S meeting 27 June 2022:

South Warwickshire Local Plan – Settlement Analysis Evidence Report

The Committee:

- (1) was keen that we stayed close to housing demand numbers and interrogated them when they were published along with the requirements for infrastructure within the areas;
- (2) wished to know when the budget shortfall would be addressed; and
- (3) requested that information should be added to the report up front to provide clarity on:
 - a. how the greenbelt is impacted (or not) by this report and when that will be addressed.

- b. the definition of a twenty-minute neighbourhood, with examples provided, for people to better understand the concept;
- c. densities and the impact these might have on future issues and options; and
- d. the distinction/difference between the Scoping and Call for Sites consultation results and the analysis done in this report and at what stage the results from both would come together.

Recommendation to Joint Cabinet:

The Committee recommended that the District Councils should engage with Town and Parish Councils earlier in the process to validate the findings for particular settlements.

Joint Cabinet response:

Did not accept the recommendation made by Overview & Scrutiny Committee. Instead, it substituted in its own recommendation as follows:

That parish and town councils are given the opportunity to comment on the settlement analysis prior to the Issues and Options consultation; and the Heads of Development, in consultation with the Portfolio Holders for Place and Economy and Planning and Place, make any subsequent factual and consistency changes, and any changes, as appropriate, following consultation with parish and town councils, and ward members.

O&S meeting 5 July 2022:

New projects for the Leisure Development

The Committee supported the recommendations in the report. Members were keen to ensure the individual projects were referred to the Programme Advisory Boards.

Recommendation to Cabinet:

Some broad comments were made about the provision of sports facilities across the District and the Committee recommended to Cabinet that these should be discussed at the Programme Advisory Boards (PABs)

Cabinet response:

Approved the recommendation made by O&S

Continuation of Hydrogen Hub Project and Confidential Appendix

The Committee supported the work going forward and was keen to see the business case develop, particularly relating to the return on investment and the case for electric vehicles vs hydrogen vehicles and how these technologies evolve over time.

South Warwickshire Electric Vehicle Charging EV Strategy

Recommendation to Cabinet:

The Committee recommended that this item continue to be discussed by the Climate Change Programme Advisory Board (PAB) in order to shape the strategy before it returns to Cabinet.

Cabinet response:

Approved the recommendation made by O&S

Supporting our Communities

The Committee supported the recommendations in the report. Members wished to reinforce its appreciation of the outstanding effort of officers and Members,

recognising the work that has been put in to keep services going to residents throughout the last two years.

The Committee also recommended that Members take part of a public round of applause for staff at the next full Council meeting on 28 July.

The Committee welcomed the service area plans. Members recognised the amount of that work that had gone into them and expressed a desire to see these in the context of historical data.

Members also recognised the high amount of information received and requested that attention is paid to how best to communicate changes to key performance indicators.

Recommendation to Cabinet:

The Committee recommended to Cabinet that:

1. officers could look at other ways to distribute the information in the Energy Price Rise Leaflet (appendix 3 to the report) via Parish/Town Councils / District Councillors;
2. The Committee asked officers to produce a definition of the RAG status to be used across the Council for consistency; and
3. The Committee asked that the performance measures are reviewed by the PABs to ensure they measure things of importance and are clear in what they are measuring.

Cabinet response:

Approved the recommendation made by O&S

O&S meeting 9 August 2022:

Net Zero Carbon Development Plan Document – submission

This report was not called in for scrutiny by Overview & Scrutiny Committee because the Committee had reviewed the draft Net Zero Carbon Development Plan Document at previous meetings; the Committee had also previously reviewed the Climate Change Action Programme. Minutes of a meeting when it was last reviewed had been circulated to Members ahead of the call-in deadline.

The Committee, in recognition of the importance of the work to the community and Council, expressed its thanks to officers for the work being done and supported the DPD.

Future Delivery of Noise Nuisance Investigations

The Committee thanked officers for their work on the policy and supported its implementation going forward.

Members would welcome the Council working more closely with the local Police to secure their support in addressing the issue of noise nuisance in the District.

The Committee agreed to review the policy and service area's performance in respect of all forms of noise nuisance more generally at its meeting in December 2022 because of the importance of the subject to residents.

Levelling Up Approach and Devolution Deal for Warwickshire

The Committee welcomed the engagement with parish and town councils and requested regular updates and engagement with District Councillors at appropriate times.

In reference to Recommendation 6 in the report, Members requested that the Bid submissions were made available to Councillors.

Recommendation to Cabinet:

The Committee recommended that Cabinet formally noted, and made appropriate representations about, the lack of reference to Sustainable Futures in the WCC Levelling Up objectives, despite it representing one of the high-level elements and having strong support from residents; and the lack of metrics (e.g. energy efficiency of housing stock) in the Evidence Base for gauging the potential for different districts and boroughs to achieve a sustainable future.

The Committee asked that Cabinet made these representations to the County Council.

Cabinet response:

Approved the recommendation made by O&S and agreed that these representations would be made to the County Council

Significant Business Risk Register

The Committee:

- welcomed a review of the inflation rate coming forward as soon as possible;
- Risk 7 – requested clarity on the reference to increased legal challenges; and
- requested more precision on events of national significance.

Recommendation to Cabinet:

The Committee recommended that Cabinet considered the addition of the following two points on the Register:

1. Local Government re-organisation – should be a risk in itself; and
2. The potential for disruption from industrial action – should be a trigger to be included in a number of risks (officers to review).

Cabinet response:

Approved the recommendation made by O&S

O&S meeting 28 September 2022:

Quarter 1 Budget Report

The Committee noted the report and thanked officers for their time in producing it. The Committee noted the positive impact the new financial system is having already and would like to thank officers and Members for the collaborative work on that.

Members highlighted their concerns on the impact of the energy crisis on Council finances and look forward to receiving an action plan on that in the near future.

Members have also asked that where emergency powers are used, full details should be made available in the Cabinet report to enable scrutiny to take place efficiently.

Final Accounts 2021/22

The Committee noted the report and congratulated officers on their efforts.

Relocation of Kenilworth Wardens

Members were concerned about the level of financial risk inherent in the project.

Recommendation to Cabinet:

The Committee recommended that the Cabinet should fully understand all different scenarios including project overspend, and that the Resources PAB should review the business case prior to disbursement.

Cabinet response:

Approved an arrangement that satisfied O&S

Notices of Motion from July Council

The Committee supported the report. In respect of Motion 1, the Committee asks that the legal advice provided by the Council's solicitors should be circulated to Cabinet ahead of its meeting. The Committee asks Cabinet to consider this advice before making its decision on the item.

With regards to Motion 2, the Committee received reassurance from the Head of Development Services that Policy H6 Guidance will be updated in due course, and that an updated Local Development Scheme will be brought to Cabinet in December.

Hydrogen Strategy

The Committee welcomed the report and recognised the complexity of the topic. The Committee welcomed the reassurance from the Portfolio Holder for Climate Change that this was an evolving situation and that a revised Hydrogen Strategy document will be brought forward in early 2023, alongside the business case.

Covent Garden Car Park

The Committee welcomed the report and thanked officers for their efforts in bringing it forward.

Recommendation to Cabinet:

The Committee recommended to Cabinet that the feasibility study should look at the potential for generating electricity for future, in line with the Council's ambitions.

Cabinet response:

Approved the recommendation made by O&S

O&S meeting 1 November and Budget & Fees Review meeting 2 November 2022:

Fees & Charges

The fees and charges review meeting:

1. Thanked officers for their work on report and responses to the volume of questions that came through.
2. Recognised that Council was dependent on the professional judgement of Officers and Portfolio Holders on Fees & Charges and that there was no perfect solution.

3. Recognised the potential financial challenges faced by the community over the next 12 months and it was keen that services remained accessible to them.
4. Recognised the overall financial challenge for the Council and this was one of three strands of the budget, the others being the government and Council Tax setting.
5. Recognised the challenges faced with elasticity of demand in that if fees were reduced in one area it may (or may not) result in increased demand that equated to extra income (above that anticipated from the proposed higher fee) from increased usage.
6. Asked that Officers look at opportunities to reduce the impact of the increases in sports facilities by keeping any increase below 15% to increase demand, especially being mindful of the legacy of the Commonwealth Games.
7. Asked Officers and Portfolio Holders to look for additional sources of income around potential sponsorship of works or assets or their maintenance.

Significant Business Risk Register

The Committee noted the report and thanked officers for their detailed work on it and the responses to the questions that had been asked before the meeting.

The Committee asked that:

1. In future reports, the future actions should be dated so as to avoid checking back when it became an action; and
2. In future reports, a short summary be included to provide a general overall of risk to the Council, i.e., generally is the risk increasing or decreasing.

Future Delivery of the Domestic Pest Control Service

The Committee had concerns about the removal of the service and asked that:

1. The service continues to monitor to record and report the number of complaints received; and
2. That non-co-operation by HMO Landlords with enforcement activity is reported to private sector housing so they are aware when licenses are being considered for renewal.

O&S meeting 6 December 2022:

Quarter 2 Budget Report

The Committee thanked officers for their work and noted the report. Concerns were raised about the continuing issues relating to staff recruitment. Whilst these issues meant that the Council's budget position had improved, recruitment had not.

Draft Local Transport Plan – Consultation Response

The Labour Group had called this report in for scrutiny but the Overview & Scrutiny Committee Chair decided that because it did not concern a Warwick District Council policy, but instead was for a response from this Council to a County Council consultation exercise, a better approach would be for Councillor Cullinan to consult

with officers and bring forward to Overview & Scrutiny Committee proposals for comments to be made to Cabinet.

The Overview & Scrutiny Committee:

1. Requested that the report should clarify that the reference to road planning in planning applications related to safety assessments and not the planning of routes.
2. The Council should make clear in its response that it is supportive of the proposals on pedestrian active travel rather than giving no comment.

HEART Shared Service Partnership

The Committee thanked officers for their work. Members noted that it was a complicated service to get right and recognised that it was heading in the right direction.

Corrections were required to reflect the reasons for the underperformance at that time at 1.3.1 in the report.

The Committee welcomed the commitment to some form of a continued Break Clause in the contract going forward.

Asylum Seekers Dispersal Scheme

The Committee thanked officers for their work and noted the report.

South Warwickshire Local Plan Part 1 – Issues and Options Consultation

1. The way that the reports were published (as one block, rather than as separate documents) created practical problems for Members in reviewing and scrutinising the content. Whilst recognising that the report was a technical topic, it was requested that the report should be better divided and structured to make it easier to manage.
2. Concerns were raised about the robustness of the process of the Sustainability Assessment and therefore the conclusions drawn from this. The Committee looked forward to feedback from the consultants in this regard.

Recommendation to Joint Cabinet:

The Committee recommended that wording, process and navigation for the consultation is tested using a broad range of people to ensure that the type of responses are what would be expected.

Joint Cabinet response:

Approved the recommendation made by O&S

O&S meeting 7 February & Budget Review Group meeting 8 February 2023:

Local Council Tax Reduction Scheme

The Budget Review Group supported the recommendations, in doing so recognising the administration burden for the Council of chasing the demand for any percentage of Council Tax to be paid against the balance of lost income.

The Group encouraged the Cabinet to ensure the message on eligibility is communicated clearly and simply to all residents and targeted to those who the Council consider may be eligible.

The Group welcomed the assurance from the Portfolio Holder to provide, to District Councillors, a one page eligibility sheet so they can help direct/filter enquiries.

The Group highlighted that any communication that is issued should highlight the process for making a claim, including an in person option.

The Group requested that all members are provided a breakdown of the number of properties within each Council Tax Band to supplement the Table as set out in 1.4.

Council Tax Support Fund

The Budget Review Group supported the recommendations in the report.

General Fund Revenue and Capital Budget

The Budget Review Group did not take a formal view on supporting or not the budget proposals.

The Group raised a number of points that the Cabinet and Council should take into consideration when finalising the budget and Council Tax setting for the 2023/24 financial year:

- The Council only has sufficient reserves for about two years (23/24 and 24/25) to sustain projected deficit of £3.5million.
- The change management strategy, from 24/25 onwards, was a key with proposing a positive budget effect of £1.5million recurring reducing the demand on Council reserves.
- Not increasing Council tax had a net adverse effect on the budget of just under £300,000 per annum for the Council.
- Assumptions had been in the budgeting on a lower anticipated number of new homes and inflation based on OBR, Government and advisors.
- Budget assumes no government funding in 24/25 but chancellor has indicated (with no detail or figures) this will not be the case.
- CEAP reserve of £500k per annum has not been increased to allow for inflation and would be used to fund £70k work on Bio Diversity (as set on Cabinet agenda).
- There is no further news on the business rate retention reset proposal.

The Group noted that:

- Further details of the proposed £160k for Abbey Fields Cycle route will be shared with all Councillors.
- There was an error on the totalling in Appendix 5b and a revised one would be circulated to all Councillors.
- Officers would share the split of right to buy receipts between the one to one budget and any purpose capital budget.
- Officers would share with all Councillors the assumptions & calculations that lead to the MTFs forecasts.

HRA Budget and Rent Setting

The Budget Review Group supported the recommendations in the report.

The Group were concerned that while the HRA was on target for delivering its plans for 2023/24, in the following financial years the Council may have to reduce the ambitions in terms of development, decarbonising, decent home standards and support to customers, because of the impact in rental income reduction. While at this time there is not a proposal for cuts at this time if the restrictions on rent continue there may be a need to.

The Group welcomed the agreement that the Head of Housing would share contact details of the Housing Team Financial Inclusion Officers with all councillors to help them filter and direct cases.

Relocation of Office Accommodation and the Provision of Public Facing Access to Council Services

The Committee thanked officers for their work on the report and the project. Members were satisfied that the proposals would provide access to Council services and facilities for the most vulnerable, however more detail was requested on how more disruptive visitors would be controlled, and how the space as a whole would operate.

The Committee requested that it be provided with a report six months' post-opening to ensure that the needs of residents were being met.

Riverside House Disposal Options

The Committee thanked officers for their work and noted the report.

Future High Street Funds Update

The Committee discussed the additional risk this placed on the Council and requested regular reports to Overview & Scrutiny Committee on a quarterly basis.

A comment was made on the confidential appendix, but it did not form a recommendation to Cabinet. The content of the comment was recorded in the confidential minutes of the meeting.

O&S meeting 7 March 2023:

Treasury Management Strategy 2023/24

The Committee thanked officers for their work on the report. The Committee supported the changes to the wording relating to the UK Risk Rating*. The Committee noted that further consideration should be given to Environmental Social and Governance (ESG) criteria and other countries for investments in the next Council.

Housing Revenue Account Business Plan Review 2023

The Committee noted that this had been an important and substantial amount of work and thanked officers.

The Committee asked that the new Council should consider how finance, particularly Housing finance, should be scrutinised to be effective.

How finance should be scrutinised would be added to the Committee's Work Programme for consideration by the next Overview & Scrutiny Committee.

Barford Youth and Community Centre Grant Application

This report was not called in for scrutiny at the meeting because the pre-scrutiny questions and answer (published on the Council's website) had addressed matters.

The Committee supported the grant and welcomed the installation of photovoltaic cells at an earlier stage of the project.

Recommendation to Cabinet:

Back in October 2022, when the Council was considering biodiversity, the Motion that was agreed contained the sentence "biodiversity net gain should be maximised in all developments that WDC has a financial interest in".

The Committee therefore recommended to Cabinet that officers be asked to determine an appropriate phrase for a condition to be attached to the grant application that ensures that the requirement for biodiversity net gain to be maximised is part of the grant condition.

Cabinet response:

Approved the recommendation made by O&S

Local Government Association Corporate Peer Challenge

This report was not called in for full scrutiny at the meeting.

Recommendation to Cabinet:

The Committee recommended to Cabinet that the Chairs of Scrutiny are included in the review process of the first draft of the report*.

(*The Deputy Chief Executive had drawn the Committee's attention to the fact that this recommendation was dependent on the gift of the next Leader.)

Cabinet response:

Approved the recommendation made by O&S

Contract Dispute – Dictate2Us Transcription Services

Recommendation to Cabinet:

This was a confidential report. The Committee made a recommendation to Cabinet.

Cabinet response:

Approved the recommendation made by O&S