

Overview and Scrutiny Committee

Minutes of the meeting held on Tuesday 7 March 2023 in the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Milton (Chair); Councillors Ashford, A Dearing, J Dearing, Illingworth, Jacques, King, Kohler, Leigh-Hunt, Skinner and Syson.

Also Present: Councillor Bartlett – Portfolio Holder for Economy & Culture, Councillor Day – Leader of the Council, Councillor Grainger – Portfolio Holder for Neighbourhood & Leisure, Councillor Hales – Deputy Leader and Portfolio Holder for Resources, and Councillor Tracey – Portfolio Holder for Transformation.

67. **Apologies and Substitutes**

- (a) There were no apologies for absence received.
- (b) Councillor Ashford substituted for Councillor Redford, Councillor Illingworth substituted for Councillor Noone and Councillor Skinner substituted for Councillor Cullinan.

68. **Declarations of Interest**

There were no declarations of interest made.

69. **Minutes**

The minutes of the Overview and Scrutiny Committee meeting held on 7 February 2023 were taken as read and signed by the Chair as a correct record.

70. **Record of the Fees & Charges meeting 2 November 2022**

Resolved that the record of the Fees & Charges meeting 2 November 2022 be noted and appended to the minutes of the meeting of the Overview & Scrutiny Committee 7 March 2023.

71. **Record of the Budget Review Group meeting 8 February 2023**

Resolved that the record of the Budget Review Group meeting 8 February 2023 be noted and appended to the minutes of the meeting of the Overview & Scrutiny Committee 7 March 2023.

72. **Development Management and Enforcement Performance Update**

The Committee considered a report from Place, Arts & Economy which provided a further update on the recovery of the Council's Development Management and Enforcement Services and the related ongoing actions to maintain and improve efficiency and effectiveness.

During the course of the pandemic, in line with a national trend, the Development Management service experienced a significant increase in the number of planning applications being submitted. This, combined with a number of other factors that had previously been identified in the previous update made in March 2022, resulted in a backlog of applications amounting at its greatest to over 300 cases.

In response to the increased workload, as well as filling vacant posts, a number of additional temporary posts were created within the service. Those posts remained in place, but most of them would be drawing to a close over the course of 2023.

At its greatest, during early 2021, there were over 500 applications on hand, of which 200 were being actively worked on whilst 300 were waiting to be allocated to a Planning Officer. The backlog of work waiting to be allocated to a Planning Officer was eliminated in December 2021 and currently there were 267 applications on hand, all of which were being worked on by a Planning Officer. This was a decrease of 69 applications since the last update to the Committee in September 2022, with the overall total number of applications under consideration now at a much more manageable level relative to resourcing.

Over recent years, the Planning Enforcement team had experienced significant issues with long term sickness, vacant posts (including the Team Manager role) and poor response levels to recruitment resulting in an under resourced team over much of that period.

At its worst, that situation contributed to an enforcement caseload of 434 cases of which 275 were awaiting investigation. This in turn led to a low level of customer satisfaction and increased numbers of service complaints.

Since that time, the Enforcement Manager post has been filled, albeit temporarily on an agency basis and two key members of staff had returned from long term sickness. The team was continuing to work proactively to investigate cases in the most effective manner and to move towards a position where an increasing amount of time was spent on addressing the most harmful cases rather than administering the backlog of work.

The current position was that the overall enforcement caseload had further reduced to 171 cases, of which 27 were awaiting investigation. This compared to the position in September 2022, when the Committee received its last update which was 225 cases on hand, of which 114 were awaiting investigation.

Since the September 2022 update, the team had served 28 formal Notices and there were a further 13 cases currently being considered for potential enforcement action with legal colleagues.

It was also proposed to recruit to a further two posts within the Team – a Senior Enforcement Officer and an additional Enforcement Officer to provide further stability in the longer term and enable the increased proactive management of cases and issues within the District.

Paragraphs 1.17 to 1.24 in the report detailed the actions that had been taken and were also planned. Notably, attention was drawn to the issues revolving around recruitment and retention of staff within both the Development Management and Enforcement teams, alongside sickness levels. There remained a shortage of experienced planners and enforcement professionals available for the public sector.

In response to questions from Members, the Development Manager explained that:

- All enforcement cases were investigated. The enforcement cases that had been removed from the list had been investigated, but the majority of these fell within the category where officers had formed the view that there was no requirement for further action to proceed.
- Officers waited for complaints to be submitted to them from the public or Councillors before checking that Developers were working within the Condition set on the Planning Consent. This was how many Councils operated. It was hoped that when the recruitment of the two additional posts within the Enforcement team had occurred, that a more proactive approach could be taken.
- The proportion of enforcement cases taking a significant amount of time to process was reducing. It was intended to attain a consistent performance level of above 90% for the proportion of applications determined within the statutory or extended timescale. The aspiration would be to achieve 100%. Once the two posts had been recruited, 90% to 95% performance level would be consistently achievable.
- There were currently two agency staff out of a team of 30 to 35 people. Recruitment to more senior roles was proving challenging. Agency staff were used when recruitment of new staff proved difficult.
- It was hoped that when a new IT system was implemented, efficiencies in work methods could be introduced.

The Committee requested a further update in six months' time, focussing on the enforcement side.

The Chair, on behalf of the Committee, thanked Development Management and the Enforcement team for the improvements that had been made.

(Councillor Leigh-Hunt arrived near the start of this item.)

73. **Waste Enforcement Update**

The Committee considered an update from Neighbourhood and Assets following on from the previous update given in December 2022. The December update had detailed the impact on Contract Services following the end of the planned arrangements to share waste enforcement duties with Stratford District Council, as part of the merger with Stratford-on-Avon District Council.

Rugby Borough Council (RBC) were approached to re-establish the previous Service Level Agreement with them providing support to waste

enforcement activities, including issuing fines. Unfortunately, RBC had confirmed that because of internal organisational changes, this work could not be taken.

In light of the response from RBC, a plan was formed by WDC to create a new two-year Waste Education & Enforcement Officer post to cover an Area Contact Officer vacancy created by secondment. The Contract Operations and Enforcement Officer would be the line manager and would approach RBC to discuss opportunities for the new post holder to shadow their more experienced officers.

The work of this post would be monitored during the two years by the Contract Operations & Enforcement Officer so a more holistic long-term view could be taken as to whether to keep waste enforcement "in-house" or to outsource to a private contractor.

The Service Area now had three full time Area Contract Officers in the team, monitoring the four Public Realm Contracts (Waste, Street Cleansing, Grounds Maintenance and Corporate Building Cleaning). This included dealing with reports of litter, fly tipping, waste accumulations, and abandoned vehicles.

Appendix 1 to the report gave details on the number of fly tips per month in the District and Appendix 2 to the report broke this down to show the type of locations where this occurred by month from April 2022 to January 2023. Appendix 2 also broke these incidents down showing the type of objects that were being fly tipped, the volume being fly-tipped and the weight.

Contract Services would be meeting with CCTV to discuss the potential for using re-deployable CCTV with automated numberplate recognition functionality which had been used successfully by other authorities to deter or catch fly-tippers.

In response to questions from Members, the Head of Neighbourhood and Assets and Councillor Grainger, the Portfolio Holder for Neighbourhood & Leisure explained that:

- All four members of the team dealt with enforcement in the course of their duties. The new role being recruited to would be more focussed on education and enforcement.
- The funding being provided by Warwick University would be used to educate students on their responsibilities and how the system worked to dispose of waste properly. In respect of landlords, the upcoming registration scheme for HMO's would form part of the methods the Council could use to enforce standards on landlords.
- The University would want landlords to receive information on disposal of waste responsibly, as well as students to avoid the assertion that it was always students that were to blame for fly-tipping.
- Over the two-year period the University was providing funding, new students would be educated, but long-term, the education of landlords was hoped to ensure that the message was not forgotten.
- The education provided would include recycling.

- Fly-tipping in rural areas was a problem because generally the offenders ensured there was no means to identify them from what was dumped.
- Enforcement was not a quick process which often left the impression that nothing was being done.
- Figures for fly-tipping in rural areas would be provided in the next report if possible.
- The introduction of "heat maps" allowed identification of locations where fly-tipping was a problem and would allow evaluation of where CCTV may help.
- Additional resources would be required if the Rapid Response Team was to return to two members of staff from the one currently in situ.
- Whilst looking at an option to join with Coventry City Council for enforcement support because Rugby Borough Council was not in a position to help was a potential proposition, it was felt that trialling doing it "in-house" when the additional staff member was trained was worth pursuing to start with and seeing how successful that was. Coventry City Council had been considered before but had been unable to help.
- The option to use domestic property CCTV footage to identify offenders would be explored; it was unclear at this time if it would be legally possible.

The Committee was keen to see more focus on enforcement. In the next update, the Committee requested more information on hot spots. The next update was requested for August 2023.

74. **Cabinet Agenda (Non-Confidential items and reports) – Wednesday 8 March 2023**

The Committee considered the following items which would be discussed at the meeting of the Cabinet on Wednesday 8 March 2023.

Item 4 – 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.

(*Revised Wording:

"Approved Countries for Investments

This list, as at 21 December 2022, is based on those countries which have sovereign ratings of AA- or higher, based on the lowest rating from Fitch, Moodys and S&P.

Significant levels of downgrades to Short and Long-Term credit ratings have not materialised since the crisis in March 2020. In the main, where they did change, any alterations were limited to Outlooks. However, more recently the UK sovereign debt rating has been placed on Negative Outlook by the three major rating agencies in the wake of the Truss /

Kwarteng unfunded tax-cuts policy. Although the Sunak / Hunt government has calmed markets, the outcome of the rating agency reviews is unknown at present, but it is possible the UK sovereign debt rating will be downgraded. Accordingly, when setting minimum sovereign debt ratings, this Authority will not set a minimum rating for the UK.

Based on lowest available rating

AAA

- Australia
- Denmark
- Germany
- Luxembourg
- Netherlands
- Norway
- Singapore
- Sweden
- Switzerland

AA+

- Canada
- Finland
- U.S.A.

AA

- Abu Dhabi (UAE)
- France

AA-

- Belgium
- Hong Kong
- Qatar
- **U.K.** ")

Item 11 – 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.

Item 12 – Barford Youth and Community Centre Grant Application

This report was not called in for scrutiny at the meeting because the pre-scrutiny questions and answers (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.

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 ensured that the requirement for biodiversity net gain to be maximised was part of the grant condition.

Item 13 Local Government Association Corporate Peer Challenge

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

The Committee recommended to Cabinet that the Chairs of Scrutiny were 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.)

75. **Annual update of the Destination Management Organisation – Shakespeare's England**

The Committee considered a report from the Business Manager, Projects and Economic Development, which gave an update on the activities of the District's Destination Management Organisation (DMO), Shakespeare's England, over the last 12 months in relation to the tourism sector.

Section 10 of the report gave an overview on the DMO and its current tourism activities. It was noteworthy that following an independent review of DMOs, the Government planned to introduce a new structured system for England, whereby DMOs that met specified requirements would become part of a "national portfolio" of accredited DMOs. Certain Government departments and agencies would only then engage with these accredited DMOs, which would be then known as Local Visitor Economic Partnerships (LVEPs).

Shakespeare's England would be working with its public and private stakeholders to decide whether to apply for LVEP status and how this might work:

- whether to partner with other DMOs;
- where would the governance of the LVEP sit if this was an entirely new body; and
- what geographic area would "our" LVEP cover.

Section 11 of the report gave details of Shakespeare's England's performance against the conditions of the grant funding the Council had agreed in July 2022 for two years. 13 conditions had been agreed on which performance would be measured and Appendix 1 to the report identified performance on these through RAG rating. Six of the conditions were on target, signified by "green" status, six were not yet on target but

were expected to be on target by the end of the funding period and were listed as having “amber” status in the appendix, and one was classified as “red” because it was significantly off target. The tourism sector, and particularly the overseas tourist market was still in recovery from Covid. That, together with the fact that the figures being quoted were 12 months in arrears, meant that at this point in time, it was difficult to project how these visitor numbers and spend would improve over the next 12 months, not only for the DMO, but also the national figures produced by VisitBritain. As the figures quoted in the report in respect of this condition related to 2021 (the first year after the Covid outbreak and subsequent lockdowns and travel restrictions), it was anticipated that the 2022 figures and in turn the 2023 figures would show year on year improvements.

In response to questions from Members, Councillor Bartlett, the Portfolio Holder for Economy & Culture explained that:

- The “free listing” for non-membership organisations provided just information that would be expected in a directory and nothing more than that. Whilst the Council was providing funding to the DMO, the intention was that the DMO would become self-funding through membership. The danger of providing much more information than that for non-members’ listing would be that they would not then consider the value of membership. Free listing was provided so that these organisations could see the value of what the DMO could provide and so would move to paying for membership.
- The Council’s own membership was to pay for high-level growth in visitors to the whole area.
- He would provide feedback to the DMO about the paucity of information published about free listings to see if there was any scope for improvement.
- It was not yet known whether the introduction of LVEPs would allow scope for stakeholders to have any say in how they functioned or if the changes would be “forced upon” DMOs.
- He would report back to the DMO the wish for more current data on condition 8, which was currently showing a red status, to see if there was any scope to utilise more recent data. He would report back to the Chair.

On behalf of the Committee, the Chair thanked Councillor Bartlett, the Portfolio Holder for Economy & Culture, and officers for their work on the report.

76. **Public and Press**

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

Minute Numbers	Paragraph Number	Reason
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(The meeting was adjourned at 8.00 pm for a comfort break. It resumed at 8.09pm still in Confidential session. Councillors Day and Hales were still in attendance.)

77. Cabinet Agenda (Confidential items and reports) – Wednesday 8 March 2023

The Committee considered the following confidential item which would be discussed at the meeting of the Cabinet on Wednesday 8 March 2023.

Item 19 – Contract Dispute – Dictate2Us Transcription Services

The Committee thanked officers for their work on the report and recognised that the issues had been taken seriously.

The Committee recommended to Cabinet that a learning and action plan should be developed and formalised and brought before Scrutiny for consideration to ensure that the likelihood of this situation re-occurring was reduced.

78. Confidential Appendix 3 to Item 4 – Work Programme, Forward Plan & Comments from Cabinet

Resolved that the confidential appendix be noted.

79. Minutes

The confidential minutes of the Overview and Scrutiny Committee meeting held on 7 February 2023 were taken as read and signed by the Chair as a correct record.

(The meeting resumed public session.)

80. Work Programme, Forward Plan and Comments from the Cabinet

The Committee considered its work programme for 2023 as detailed at Appendix 1 to the report. Appendix 2 to the report gave responses from the Cabinet to the comments and recommendations the Committee had made to Cabinet reports it had scrutinised.

In respect of the Digital Strategy Update report, this report was originally scheduled to go to Cabinet in April but since that meeting of Cabinet had recently been cancelled, the Committee requested that a report be purpose written for its April meeting.

In respect of the South Warwickshire Community Safety Partnership report that would be considered by the Committee in April, the Chair had been notified that the report author wished to invite a member of the

Police to attend the meeting with her at the meeting to help give more detailed responses to questions.

Resolved that:

- (1) appendices 1 and 2 to the Work Programme report be noted;
- (2) the Digital Strategy Report be considered by the Committee at its next meeting in April; and
- (3) the request to invite a member of the Police to attend the meeting in April to assist in providing information in respect of the South Warwickshire Community Partnership report is welcomed.

(The meeting ended at 8.56pm)

CHAIR
19 April 2023

Fees & Charges Review Group

Record of the meeting held on Wednesday 2 November 2022 in the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillors: Cullinan, Davison, R Dickson, King, Margrave, Milton, Redford, Syson and Wright.

Also Present: Councillor Hales, Portfolio Holder – Resources.

81. Appointment of Chair

Councillor Milton was appointed to Chair the meeting.

82. Apologies and Substitutes

There were no apologies for absence.

83. Declarations of Interest

There were no declarations of interest made.

84. Cabinet Agenda (Non-Confidential items and reports) – Thursday 3 November 2022

Item 4 – Fees and 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 the 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 looked at opportunities to reduce the impact of the increases on 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.

(The meeting ended at 7.05pm)

Budget Setting Review Group

Record of the meeting held on Wednesday 8 February 2023 in the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillors: Cullinan, Davison, J Dearing, R Dickson, Jacques, King, Kohler and Wright.

Also Present: Councillor Hales, Portfolio Holder – Resources.

85. **Appointment of Chair**

Councillor Davison was appointed to Chair the meeting.

86. **Apologies and Substitutes**

There were no apologies for absence.

87. **Declarations of Interest**

There were no declarations of interest made.

88. **Cabinet Agenda (Non-Confidential items and reports) – Thursday 9 February 2023**

Item 5 - 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 was communicated clearly and simply to all residents and targeted to those who the Council considered to be eligible.

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

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

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

Item 6 - Council Tax Support Fund

The Group supported the recommendations in the report.

Item 8 - HRA Budget and Rent Setting

The 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 was not a proposal for cuts, if the restrictions on rent continued 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.

Item 7 - General Fund Revenue and Capital Budget

The 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 had 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
- The budget assumed no government funding in 2024/25 but the Chancellor had indicated (with no detail or figures) that this would not be the case
- CEAP reserve of £500k per annum had not been increased to allow for inflation and would be used to fund £70k work on biodiversity (as set on Cabinet agenda)
- There was 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 would 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 and calculations that lead to the MTFS forecasts

(The meeting ended at 7.05pm)