

Overview and Scrutiny Committee

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

Present: Councillor Milton (Chair); Councillors Ashford, Barton, Cullinan, J Dearing, Jacques, King, Kohler, Leigh-Hunt, Redford and Syson.

Also Present: Councillor Hales – Deputy Leader and Portfolio Holder for Resources, Councillor Mangat, Councillor Matecki – Portfolio Holder for Housing & Assets, and Councillor Tracey – Portfolio Holder for Transformation.

The Chair reminded those present that the Budget Review Group would be meeting the next evening to scrutinise four financial reports on the Cabinet agenda. The meeting would be live streamed to YouTube. He thanked Councillors for the diligence they had shown in reviewing all reports on the Cabinet agenda and sending in their questions on these reports. Pre-Scrutiny questions and answers were available on the Council's website. The Council had received positive feedback from the public about posting these questions and answers being available on the website.

Item 20 on the Cabinet agenda "Ecological Emergency – Preparing a Biodiversity Action Plan" would not be scrutinised at the meeting because the Green Group had withdrawn its call-in following liaison between it and the Programme Director for Climate Change. An addendum had been published on the website with agreed amendments to the report. The questions raised on this report by the Liberal Democrat Group would be covered in the Budget Review Group's meeting.

Item 11 on the Cabinet agenda "Riverside House Disposal Options" would be scrutinised. It had been missed from the list of called in reports following a misunderstanding but the Chief Executive had stated that he could answer questions on the report.

57. **Apologies and Substitutes**

- (a) An apology for absence was received from Councillor A Dearing.
- (b) Councillor Ashford substituted for Councillor Noone.

58. **Declarations of Interest**

There were no declarations of interest made.

59. **Minutes**

The minutes of the Overview and Scrutiny Committee meeting held on 6 December 2022 were taken as read and signed by the Chair as a correct record, subject to an amendment showing that Councillor Barton was present at that meeting.

(Councillor Leigh-Hunt arrived during this item.)

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

The Committee considered the following items which would be discussed at the meeting of the Cabinet on Thursday 9 February 2023.

Item 10 – 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 would be provided with a report six months post-opening to ensure that the needs of residents were being met.

Item 11 – Riverside House Disposal Options

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

Item 16 – Significant Business Risk Register

The Committee asked the Deputy Chief Executive to liaise with the Audit & Risk Manager to request that the next SBRR report contained a summary of risk movement detailing why changes to risk rating had occurred from the previous evaluation. The SBRR would be added to the Committee's Work Programme as a standing item for call-in off the agenda for Cabinet.

The Committee thanked officers for their work on the report and drew emphasis on the need for future Councillors to receive a good level of financial training to help with their responsibility to scrutinise financial reports.

The Committee enquired whether the new entry in Risk 16 referring to "Working with partners to address local risks – e.g., Severn Trent Water on water quality issues caused by storm overflows" would be better placed under Risk 17 because it did not have much to do with carbon neutrality.

Under Risk 17 it was noted that the wording had changed slightly to state "colder changes and increased rainfall/flooding". The Committee noted that the weather had not become really cold and suggested "greater variability in seasonal temperatures" might be a more apt description to use rather than "colder changes".

Item 15 – Future High Street Funds Update

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

(The remainder of the comments relating to the confidential appendix, Item 26 on the Cabinet agenda, were recorded in the Confidential Minutes of 7 February 2023.)

61. **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 Number	Paragraph Number	Reason
62	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

62. **Cabinet Agenda (Confidential items and reports) – Thursday 7 February 2023**

The Committee considered the following confidential item which would be discussed at the meeting of the Cabinet on Thursday 9 February 2023.

Item 26 – Confidential Appendix to Item 15 – Future High Street Funds Update

The Committee discussed the confidential appendix and the comments made to Cabinet were recorded in the Committee’s confidential minutes 7 February 2023.

(The meeting resumed public session.)

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

The Committee considered the following item which would be discussed at the meeting of the Cabinet on Thursday 9 February 2023.

Item 13 – Warwick District Council Change Management Programme

Committee Members were conscious of the potential impact of the proposals on the workforce and wished to be kept informed on staff satisfaction levels and wellbeing.

The Committee recommended that:

1. Aspects of wellbeing were included in the Terms of Reference programme; and

2. Members were involved in helping to shape the programme prior to the elections in May (the appropriate PAB was suggested as the means for this to happen).

(The meeting was adjourned at 8.04 pm for a comfort break. It resumed at 8.13pm.)

64. **Equalities Task & Finish Group**

The Committee considered a report from the Equalities Task & Finish Group which brought forward the conclusion of the work of the Group.

In June 2020 the Council approved a motion, as part of the international response following the death of George Floyd, and as a result of that Motion, the Overview & Scrutiny Committee was asked to establish a Task and Finish Group. The Task and Finish Group (the Group) was established by the Scrutiny Committee and charged with undertaking a review of the Council's approach to equality and diversity, especially with regard to race. Its report to the Committee would include an action plan with a view to the Cabinet adopting the Committee's recommendations in the report and its action plan. The progress and outcomes of the action plan would be monitored by the Overview & Scrutiny Committee, with the expectation that measurable improvements would be made by 2023.

The Overview & Scrutiny Committee supported the request and appointed a Task & Finish Group at its meeting on 22 July 2020, along with its Scope as set out at Appendix 1 to the report. The Group was initially formed of Councillors Carolyn Gifford, Mangat, Noone and Tangri, with Councillor Noone being replaced by Councillor Illingworth in late November 2020.

The Group split the work into two phases, internal (looking at equalities issues relating to the internal practice and policies, and the experiences of employees who were from ethnic minorities), and phase two that would review service delivery, as set out within its scope, including details of community engagement and including the officer and other resources needed to support this process.

The second phase commenced in October 2021 but was delayed due to the impact of the integration with Stratford-on-Avon District Council and the officer commitments in delivering this. This was then followed by work to undo planned integration, the Commonwealth Games and the death of Her Majesty the Queen. In addition, it took longer than expected to recruit to the role of Equalities, Diversity & Inclusion Business Partner (three rounds of recruitment), who would be a key officer for supporting the work of the Group and the successful candidate did not start with the Council until December 2022.

This limited the operation of the Group which was committed to completing the work for February 2023 to enable the overall work to be completed by the end of this Council.

These constraints aside, a number of positive pieces of work had been able to be completed, including analysis of the public engagement with residents' surveys against base data from the Census in 2021 and 2011.

The Census 2021 data on ethnicity within the District was released in late 2021. This, set out at Appendix 2 to the report, allowed comparison between the 2011 census, to see change within the District and also how representative the residents' surveys undertaken by the Council in 2021 and 2022 were.

The primary issues these results identified were that the Census in 2021 used different data categories for ethnicity than were used in the residents' surveys. This had provided some limitations for direct comparisons but still provided a strong illustration of the representativeness of the survey responses. Overall, the Task & Finish Group was pleased with the representative data, noting that the surveys were undertaken with a fair process for random selection and weighting subsequently added to the results. This process would be reviewed for any future all-residents' surveys to consider the significant change in respect of decrease in proportion of people identifying as White: English, Welsh, Scottish, Northern Irish or British.

In addition to this, all Councillors had been provided with a breakdown of the District to Ward level for ethnicity for their reference. This had also been shared with senior officers across the Council to help with planning of engagement events in specific areas. Further analysis of the Census 2021 was now being undertaken by officers in respect of gender, disability and age in relation to the residents' surveys.

The learning from this data would be used as a reference point for work being undertaken by the Council and could also be used as part of the consideration when completing equality impact assessments for delivery of services.

In addition to this work, the Council now had an Equalities, Diversity and Inclusion (EDI) Business Partner for an 18-hour a week post. The new EDI Business Partner started on 1 December 2022 and was an experienced professional with awareness of WDC policies and processes, and also had significant experience in EDI from both an employer's and other perspectives. This had been welcomed by the Task & Finish group as a significant step forward in recognising equalities as a key aspect of all service delivery within the Council.

The EDI Business Partner was reviewing the work of the Council to highlight immediate priorities and longer-term action of the EDI agenda within the organisation. These priorities would be fed back to service areas as appropriate for them to take forward.

To compliment the work on equalities the Group had recognised the more inclusive approach that was being taken more generally across the Council. For example, the Council had just supported Black History Month and had promoted a series of other awareness initiatives, such as menopause awareness, in October. The speakers, in respect of menopause awareness, were both male and female, to get a different perspective and impact from a legal point of view in term of equalities.

There was planned training on EDI, including for Members, delivered by the new EDI officer, with a view to raising awareness and increasing

Councillors' confidence in challenging on equalities in respect of the work they saw. This would be used as a test event with learning being taken forward into training for the new Council, to further enhance the current training provision.

With support from the EDI Business Partner, the Group had defined a scope for recruiting a partner to secure engagement to enhance and maintain communication and feedback from existing community groups. The full scope for this work, which had been agreed by the Group in consultation with the Chairman of the Overview & Scrutiny Committee, was attached at Appendix 2 to the report. This brief had now been advertised for procurement with a view to competition in summer 2023, with the report being shared with members and actions brought forward as required.

To supplement this, equalities was now added as a standard agenda item for every Programme Advisory Board. This was not as a separate discussion point but to act as reminder when considering any paper or item to include any equalities matters. The new Committee report template also provided a reminder about the requirement for Equality Impact Assessments which the Equalities, Diversity and Inclusion Business Partner was developing further guidance and support for report authors.

Throughout the work of the Task & Finish Group, it had been supported and worked with a number of officers across the Council and it was considered important they were thanked for their time in supporting the Group in delivering this key piece of work.

The Chair of the Overview & Scrutiny Committee added the Committee's thanks to officers and to the Group. Councillor Mangat, Chair of the Task & Finish Group, reiterated thanks to officers and to the members of the Group.

In response to questions from Members, Councillor Mangat and the Democratic Services Manager & Deputy Monitoring Officer explained that:

- The budget of £5,000 stated in recommendation 3 was considered to be sufficient to undertake an equalities community review and engagement work was considered to be sufficient at this stage based on pre-engagement enquiries with the Procurement Team. In the future, when the next review was undertaken in three years' time, it might need to be reviewed. The cost of officers' time would need to be considered once it was known where the responsibility lay for each part of the review.
- When future residents' surveys were conducted it would be necessary to ensure the relevant parameters were fed into the algorithm which selected which residents to survey to ensure that each ethnic group was proportionately represented. It was recognised that surveys conducted had been biased to specific ethnicities, mainly White, because the algorithm had not been set up to ensure all elements of society were represented.

Recommended to Cabinet that:

- (1) a budget of £5,000 be approved to undertake an equalities community review and engagement work on a cyclical basis every three years with the next in 2026; and
- (2) officers align the equalities categories used by Council with those of the Census 2021.

Resolved that:

- (1) the Committee notes the outcome of the work of the Task & Finish Group including the brief for community engagement work, as set out at Appendix 3 to the report;
- (2) the Committee supports the positive outcomes that are being delivered as set out in the report; and
- (3) the Committee thanks the Members of the Task & Finish Group and Officers involved for their work.

65. **Revisions to Scrutiny Arrangements**

The Committee considered a report which brought forward changes to the Scrutiny arrangements for the Council in recognition of the concerns that had been raised by the Overview & Scrutiny Committee, the Monitoring Officer and the Section 151 Officer.

In May 2022, the Council agreed to move to a single Scrutiny Committee. This was a change from previous years when the Council had two Scrutiny Committees (one of which also acted as the Council's Audit committee). The two Committees undertook the scrutiny function from different perspectives.

The remit of the Overview and Scrutiny Committee, before May 2022, was to review items to be considered by the Cabinet, to review past decisions, policy development, health and wellbeing issues, specific issues and problems within any service area. It was also able to scrutinise any other matter not otherwise delegated to the Finance and Audit Scrutiny Committee.

The remit of the Finance and Audit Scrutiny Committee, before it was disbanded, was to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Authority's financial and non-financial performance to consider if it affected the Authority's exposure to risk and weakened the control environment, issues of an audit nature and to oversee the financial reporting process. The Finance and Audit Scrutiny Committee would:

- review the robustness of business cases;
- promote value for money and good procurement practice;

- make recommendations on good financial management practices;
- keep the treasury management performance under review;
- approve the Statement of Accounts in accordance with regulation 10f of the Accounts and Audit Regulations 2003; and
- review specific Cabinet items and past decisions.

The remit of the Finance & Audit Scrutiny Committee covered a number of areas that were the responsibility of an Audit Committee role rather than scrutiny function. While there would always be some overlap between the work of Scrutiny Committees and the Audit Committee, it was advised against them being a single Committee by both the Chartered Institute of Public Finance and Accountancy (CIPFA) and Centre for Governance & Scrutiny (CfGS).

The approach of combining the Audit Committee with an Overview & Scrutiny Committee risked conflicts of interest, spreading resources too thinly and losing clarity over both audit and scrutiny committees' important statutory functions. Both functions required distinct support and should be able to operate effectively independently. This aside, because the functions related to similar areas, there would be matters of common interest where it made sense to collaborate. Some examples were areas around mindset and culture, securing good governance risk, value for money and wider policy issues (including the impact of council strategy and financial management).

As a result, for the municipal year 2022/2023, Council approved a new structure around its Scrutiny function, with the Overview & Scrutiny Committee's remit being changed, to add scrutiny of finances as well, and the creation of a new Audit & Standards Committee.

The close working relationship between these two Committees should be delivered through regular dialogue between the Chairs, who should look at sharing information and areas the respective Committees wished to look at. At present, there was a strong working relationship between the Chair of the Audit & Standards Committee and Overview & Scrutiny and this was an area that officers would continue to support into the next municipal year, including ensuring they would be invited to the other's briefings prior to their Committee meetings.

A system of "pre-scrutiny questions" was introduced and these questions and the respective answers were posted on the Council's website. This allowed more focussed questions to be raised at the Overview & Scrutiny Committee's meetings and also reduced the number of Cabinet reports called in for scrutiny at meetings because simpler queries were answered outside of formal meetings. The introduction of Overview & Scrutiny Committee Procedure rule 21 as set out in Appendix 1 to the report also helped to decrease the number of Cabinet reports being scrutinised at meetings.

Despite this, concern was raised by Councillors and Senior Officers that some key strategic financial reports were not receiving robust scrutiny because of lack of time and capacity at meetings.

After consideration, the Chair of Overview & Scrutiny Committee formed the view that four additional meetings should be added to the timetable of meetings which would focus solely on reports on the Committee's work programme and not Cabinet matters, thereby creating more capacity to consider Cabinet reports at the meetings of the Committee just prior to a meeting of Cabinet.

The Chair also supported the continuation of the Fees and Charges Review Group and the Budget Review Group, and going forward, both these groups would be known by one title, the Budget Review Group. These groups were made from representatives of both the Overview & Scrutiny Committee and the Audit & Standards Committee, with a representative from each political group from both Committees. Appendix 2 to the report gave proposals for Terms of Reference for this group.

Concerns were also raised by Councillors about the level of training they had received in respect of local government finance, and more specifically, understanding Warwick District Council's finances. It was planned that on 6 June 2023, a training session would be provided to all Councillors covering the basic elements of District Council budgets, with more detailed sessions on both finances and scrutiny provided at appropriate times. This would form part of the proposals to be considered by the Audit & Standards Committee later in February 2023 on a programme of mandatory training for all Councillors.

Members raised a concern that PABs were overlapping and undertaking scrutiny functions that might be better dealt with by the Overview & Scrutiny Committee. PAB meetings were not public and there was not a requirement to publish minutes of meetings. The Chair stated that he would raise this concern again before the new Municipal Year.

In response to questions from Members, the Democratic Services Manager & Deputy Monitoring Officer explained that:

- He would circulate to Members the relevant parts of the Council's Constitution relating to both the Overview & Scrutiny Committee and the Audit & Standards Committee in respect of their roles in the scrutiny of finance and risk.
- The responsibility for organising meetings of PABs was the sole responsibility of the Chairmen of each PAB. He would raise the issue Councillor Ashford had raised about the Planning PAB not having met with the Chair of that PAB and the Portfolio Holder, but it was possible that because the remit of PABs was narrow, there may not yet have been any business to discuss.
- Whilst the scrutiny of Annual Governance Statement fell under the remit of the Audit & Standards Committee, if the Overview & Scrutiny Committee had a concern about the role undertaken by PABs and felt that this should form part of the Annual Governance Statement, this could be notified to the Audit & Standards Committee via the strong working relationship between the Chairs of both Overview & Scrutiny Committee and Audit & Standards. (The Chair of the Overview & Scrutiny Committee informed Members that he saw a draft version of the Annual Governance

Statement before it was considered by Audit & Standards Committee. He would ensure the concerns raised would be fed into the process.)

- Various options had been considered when preparing the report because it was recognised that there was such a tight timeframe between the pre-scrutiny questions and the Group meetings. Officers had inadequate time to respond to the questions ahead of Group meetings, and Councillors had inadequate time to digest the responses that had been received. One option considered had been to move the meeting of Cabinet to the following week which would allow more flexibility for when Overview & Scrutiny met. But other considerations in the timetabling of all committee meetings presented an obstacle, such as the need for Planning Committee to meet every four weeks. There were operational considerations that formed a barrier as well because the Town Council also used the Chamber for its meetings. The Democratic Services Manager advised caution and to wait to find out the direction the new Council would wish to take before making any changes to scheduling.
- It was good practice that going forward from the start of the 2023/24 municipal year, the Chairs of both the Overview & Scrutiny Committee and the Audit & Standards Committee would be members of the Budget Review Group whilst they remained in the position of Chair of those committees. They should also represent the seat of their political group on the Budget Review Group to maintain political proportionality.

Resolved that:

- (1) from the municipal year 2023/2024, the Overview & Scrutiny Committee has four additional meetings (once a quarter);
- (2) the remit of the Budget Review Group as set out at Appendix 2 to the report, is supported and, subject to support from the Audit & Standards Committee, is recommended to Council for Annexing to the Constitution, subject to:

the Chairs of both the Overview & Scrutiny Committee and the Audit & Standards Committee being members of the Budget Review Group but will represent the place allocated to their political group to maintain political proportionality; and
- (3) the Chair, Overview & Scrutiny Committee will ensure that the concerns raised by Members on PABs are communicated appropriately and that relevant concerns raised by the Committee are fed into the Annual Governance Statement process prior to its

consideration by Audit & Standards Committee.

66. **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, as well as responses from the Joint Cabinet had made to the comments the Committee had made in respect of the South Warwickshire Local Plan Part 1 – Issues and Options Consultation report.

The Chair conveyed his thanks to Councillor Day (who was not present at the meeting) for his support in ensuring the comments made by Overview & Scrutiny Committee in respect of the South Warwickshire Local Plan report were given due consideration by Joint Cabinet and this helped ensure that the Committee's wish for user testing on the consultation.

The Q3 budget report would not now be coming to the March meeting of Overview & Scrutiny Committee because its contents formed part of the content of the current Budget Report on the Cabinet agenda. The Q4 Budget Report would be scheduled for call-in on the Committee's Work Programme.

It was agreed that there would be no need for an officer to attend the Committee meeting when the annual update from Shakespeare's England report was considered. The same approach was agreed for the Development Management and Enforcement report and the annual South Warwickshire Community Safety Partnership Report unless Councillors indicated that there was a matter of crucial importance that required discussion, in which case officers would be requested to attend the meeting.

The Chair had agreed to postpone the Noise Nuisance report and the Digital Strategy Report could be delayed until April because of workload. In respect of the Digital Strategy Report, this was now going to be a report to Cabinet in April, but the Head of ICT had suggested that he would circulate an advance draft version of the report to Overview & Scrutiny Committee Members for their input, which would then be included in the final report going to Cabinet. Councillors could decide if the final report required call-in for further scrutiny in April. An update would be scheduled for around October 2023 in line with the requirement for regular half-yearly updates.

Resolved that:

- (1) appendices 1 and 2 to the Work Programme report be noted;
- (2) the Q4 budget report be added to the Work Programme for call-in;

- (3) there was no need for officers to attend the Committee meeting when the annual Shakespeare's England report was considered;
- (4) there was no need for officers to attend the meeting when the Development Management and Enforcement report and the annual South Warwickshire Community Safety Partnership Report was discussed unless Councillors indicated that there was a matter of crucial importance that required discussion;
- (5) the Noise Nuisance report would now be scheduled for April on the Work Programme; and
- (6) the Digital Strategy report going to Cabinet in April would be called-in if necessary. Members of Overview & Scrutiny Committee would be given an opportunity to add their input at the draft stage of the report which would be circulated to them in March. The next update to Overview & Scrutiny Committee would be added to the Work Programme for around October 2023.

(The meeting ended at 8.43pm)

CHAIR
7 March 2023