

OVERVIEW AND SCRUTINY COMMITTEE

Minutes of the meeting held on Tuesday 17 April 2012 at the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillor Gifford (Chair); Councillors Mrs Blacklock, Boad, Mrs Bromley, Brookes, Davies, Dhillon, Mrs Falp, Gill, Mrs Mellor, Weber, Wilkinson and Wreford-Bush.

Councillor Wreford-Bush substituted for Councillor Ms De-Lara-Bond.

Apologies for absence were received from Councillors Ms Dean, Ms De-Lara-Bond and Mrs Higgins.

96. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

97. **MINUTES**

The minutes of the meeting held on 5 March 2012 were agreed and signed by the Chair as a correct record.

The minutes of the meeting held on 13 March 2012 were agreed with the addition of Councillor Dhillon to the list of those present at the meeting, and signed by the Chair as a correct record.

98. **COMMENTS FROM THE EXECUTIVE**

The Committee considered a report from Civic and Committee Services which detailed the response the Executive had given to their comments regarding the reports submitted to the Executive in March.

The report was produced to create a dialogue between the Executive and the Overview and Scrutiny Committee and it ensured that the Overview and Scrutiny Committee were formally made aware of the Executive's responses.

The Committee requested that Executive made fuller comments especially in respect of any recommendations received from the Overview and Scrutiny Committee.

RESOLVED that the report be noted.

99. **FORWARD PLAN**

The Committee considered the Forward Plan which had been published for May 2012 to August 2012.

The Committee requested that Ian Coker, Head of Neighbourhood Services, send an email to all Members of the Committee with a copy of the Action Plan that had arisen from the Open Water Risk Assessment.

OVERVIEW AND SCRUTINY COMMITTEE MINUTES (Continued)

RESOLVED that the report be noted.

100. REVIEW OF THE WORK PROGRAMME

The Committee considered a report from Civic and Committee Services on the Committee's work programme from April 2012 to September 2012.

Councillor Wilkinson was concerned that dogs were being allowed to roam without control on an open space next to All Saints Church in Royal Leamington Spa. It was noted that the Task and Finish Group scheduled to start in September 2012 aimed to review how the Dog Control Orders had worked over the previous 12 months. As the procedure to add churchyards under the remit of Dog Control Orders would need to go out to full consultation, the Committee suggested that a motion to Council could be made.

RESOLVED that the report be noted.

101. PRAYERS AT FULL COUNCIL MEETINGS

The Committee considered a report from the Deputy Chief Executive and Monitoring Officer, Andrew Jones, that advised Members on the legal position in respect of Warwick District Council's practice of holding prayers prior to Full Council meetings. Whilst prayers were not part of the meeting's agenda, it was custom and practice that before proceedings commenced, all councillors gathered in (were summoned to) the Council Chamber and the Chairman of the Council invited her or his religious nominee to lead on prayers.

On 10 February 2012, the High Court ruled that "The saying of prayers as part of the formal meeting of a council is not lawful under section 111 of the Local Government Act 1972, and there is no statutory power permitting the practice to continue."

The Monitoring Officer was asked to clarify the matter for all councillors and devise a solution.

The Overview and Scrutiny Committee discussed the report and several members were opposed to some of the implications of the report which included some suggestions for a compromise position to satisfy those who wished to continue to say prayers, and those that did not. It was felt that by asking Members who did not wish to pray to wait outside the Council Chamber and then enter before the start of the official meeting, gave an impression of exclusion.

The Monitoring Officer explained that the report gave no recommendation on how prayers should be handled as this was solely the decision of the Council. The report set out the legal position and the factual context. The Monitoring Officer explained that Council could use the General Power of Competence within the Localism Act to decide on prayers. If the Council decided to include prayers as part of the formal agenda then the Council's Constitution would need to be amended.

OVERVIEW AND SCRUTINY COMMITTEE MINUTES (Continued)

RESOLVED that the Overview and Scrutiny Committee recommend that the report should be presented to Full Council (not at the Annual Meeting of the Council). Furthermore, the Committee recommend that prayers should be separate from Council meetings.

102. **END OF TERM REPORT 2011/2012**

The Committee considered a report from Civic and Committee Services on the work the Overview and Scrutiny Committee had undertaken for the municipal year 2011/2012. Under Article 6 of the Council's Constitution, Overview and Scrutiny Committees were required to provide an end of term report to the Council on work they had undertaken during the year.

RESOLVED that it be recommended to Council that the list of matters considered by this Committee during the municipal year 2011/12, as detailed in appendix A to the report, be noted.

103. **EXECUTIVE AGENDA (NON CONFIDENTIAL ITEMS AND REPORTS) – WEDNESDAY 18 APRIL 2012**

The Committee considered the following non-confidential items which would be discussed at the meeting of the Executive on Wednesday 18 April 2012.

Item 5 – Fit for the Future Change Programme Update

The report gave an update on progress in achieving benefits from the Fit for the Future Change Programme. The report sought approval from the Executive for changes to the Programme as well as agreement of the 2012/13 Service Area Plans and Portfolio Holder Statements.

The report included details of how, as part of Fit for the Future, the Council intended to secure the revenue savings required so as to be able to continue to have a balanced budget for the future. The report suggested key projects and feasibility studies to be worked upon, using funding from the Council's reserves where necessary.

The Liberal Democrat Group had requested that this item be discussed by Overview and Scrutiny because of the importance of its impact on the Council's budget and services. The Labour Group had requested this item because Members had queries, particularly about Service Area Plans, the report presentation of which were not thought to be very "user-friendly".

Committee Members had concerns that savings targets would not be met and questioned how Portfolio Holders would be held to account. Members also felt that the grid format for the Service Area Plans was not easy to read and made scrutiny difficult, especially given the length of the grid. Members would have preferred a more descriptive analysis of the services.

The Overview and Scrutiny Committee accepted the recommendations in the report, but had concerns on achievability and about how Overview and Scrutiny could effectively scrutinise. The Committee had concerns that if the savings were not achieved, it may lead to cuts in services.

OVERVIEW AND SCRUTINY COMMITTEE MINUTES (Continued)

Item 7 – Draft Green Space Strategy

The report was written to seek the endorsement of the draft Green Space Strategy for public consultation with external stakeholders and to approve the approach taken to prioritising future investment plans.

The Liberal Democrat Group had requested that this item be discussed by Overview and Scrutiny because of its importance to the residents of the District and because it was important to understand the strategy.

Members agreed that there were plenty of green space areas in the District but these were of varying quality which meant that there was a need to address this inequality and prioritise the improvement of green space. There might be a need to sell off some land to raise income to achieve this. Suitable sites would need to be identified and this might mean working closely with the communities concerned, possibly through local community forums. This would need to be tied into the Local Plan.

The Overview and Scrutiny Committee accepted the recommendations in the report but wanted to ensure that the whole issue of the Green Space Strategy tied in with the Local Plan.

Item 10 – Joint Working with Bowls England

The report outlined the recent approach made by Bowls England to Warwick District Council to consider the relocation of their headquarters, the venue for the Men's National Championships and other national bowls events to Victoria Park's bowling greens.

The Liberal Democrat Group had requested that this item be discussed by Overview and Scrutiny because of its importance to the local economy.

Members noted that the bowls championship was a big tourist attraction and brought economic opportunities to the district. Whilst the effects on the local residents had to be borne in mind and treated with sensitivity, Members were aware that the business potential was enormous. The report stated that local residents would be consulted.

The Overview & Scrutiny Committee was very keen that Bowls England relocate to the District as it had the potential to bring great economic benefit to the community. The Committee felt that consultation with both local residents and the Royal Leamington Spa Bowls Club was vitally important.

Item 11 – The Dogs Exclusion Order 2011

At the Executive meeting on 16 November 2011, a list of play areas to be included in the Dogs Exclusion (Warwick District Council) Order 2011 was recommended for approval.

Officers were requested to invite Town and Parish Councils to propose sites under their management which should also be considered for inclusion and to report back to the Executive in the New Year.

OVERVIEW AND SCRUTINY COMMITTEE MINUTES (Continued)

The Labour Group requested this item because Members had queries about the consideration of additional sites.

Some Members of the Overview and Scrutiny Committee were disappointed that despite the good response from Town and Parish Council about potential sites for inclusion within the Dogs Exclusion Order, many of these suggestions had been refused, principally because sites had to be properly demarcated. The Committee then considered what should define a demarcated area and agreed that this should be agreed alongside the Task and Finish Group work.

The Overview and Scrutiny Committee agreed that it would consider what constituted demarcation and try to set some sort of standard, when the Task and Finish Group looked at Dog Control Orders in the autumn.

(The meeting finished at 8.00 pm)