

Pre-Scrutiny questions and answers on reports being considered by Cabinet on 6 July 2022

(This forms part of the considerations at Group meetings before a decision is made on which Cabinet reports will be called-in for scrutiny by the Overview & Scrutiny Committee)

4. Programme Advisory Boards

(Report author, Graham Leach, Democratic Services Manager & Deputy Monitoring Officer)

Question(s) from Councillor John Dearing:

In the PAB report there is no explanation as to how PAB discussions are fed back to the decision-making process beyond passing actions back to committee services. Some reports to Cabinet (e.g. Item 6 in this agenda) briefly summarise prior discussions within PABs but this is not a consistent practice. Has there been consideration of: a) including an additional line in the Report Information Sheets under 'Consultations undertaken' or 'Officer/Councillor Approval' to register whether or not the report has been discussed at a PAB; and/or b) summarising discussions as a paragraph in the report (e.g under Consultation and Member's comments)?

Response(s):

Thank you for this.

At present the report template is under review and due to be considered by SLT later in the summer (very much depending on time available for me to complete the work). There is recognition that PABs are not operating consistently at present. For that reason the Leader and I are in the process of arranging to meet the new PAB chairs to discuss their operation.

With the report template there will be associated guidance on including the response from the PAB on the proposals. The options you listed are the two approaches that are being considered.

Question(s) from Councillor Richard Dickson:

Three questions if I may:

1. Given that the majority of PABs failed to meet at least 4 times in the 10 months between August 2021 and May 2022, how realistic is it to require that they do so in the current year in which already three months have passed?

Response:

This is a good point as in addition to this the Council will also enter the pre-election period from March 2023. This is a point I will discuss with the Leader.

2. It's proposed (Appendix 3) that only project leads will have the power to bring items for discussion at PAB meetings. Why are PAB Chairs and Portfolio Holders being prevented from bringing items for discussion even though they may consider that such items could help deliver policies and projects for WDC?

Response:

This has not changed since the PABs were introduced. The Portfolio Holder will be liaising with officers before items come forward to a PAB. It is important to recognise that PABs are working parties which normally have sole focus on a specific project, which would be led by officer/portfolio holder. In this instance though the group has a broader area of work to be involved in.

3. It's noted that it's proposed that PABs will continue to meet in secret. What are the three pieces of legislation that are referred to in Paragraph 1.6 of the report?

Response:

The three areas of legislation are the Freedom of Information Act, Environmental Information Regulation (EIR) and GDPR/UK Data Protection Act. All of which carry various exemptions on why information may not be shared with the individual requesting the information. There is a requirement for Committee agendas to be made public (less exclusions within the Local Government Act 1972, as amended) there is not for informal meetings such as the PABs. In my view there is an expectation of PABs in enabling a more informal debate or discussion of confidential matters some of which may never come forward into the public domain. The removal of this safe space for discussion of ideas has the potential for having a negative effect open discussion with members in developing ideas i.e. it may inhibit discussion. This said officers are developing an updated report template (along with associated guidance) we will be looking for officers to provide an explanation when a confidential report could become public (this makes them easier

to review in the future). We could ask for the same within the minutes of the PABs. This does not mean we will automatically change a document to public at a set time, but that it would be reviewed for publication if requested, taking into consideration the guidance within the document).

5. New projects for the Leisure Development Programme

(Report author, Padraig Herlihy, Programme Manager)

Question(s) from Councillor Milton:

Thanks for the work on the cabinet paper regarding the new leisure initiatives.

My questions I think are general rather than specific.

Can you give a bit more information about the Leisure Development Programme as a whole? What projects are currently on this list and how are projects prioritised for moving forward?

Also are there any plans to cater for the demand for outdoor swimming in the district within the programme?

A response was not received by the set deadline.

Question(s) from Councillor Syson:

I am aware that a new budget is being prepared and new Medium Term Financial Strategy following the ending of the proposal to merge with Stratford.

The new projects for the Leisure Development programme require funding, even in the short term. I assume you have checked with Andrew Rollins, or one of his staff, the various finances referred to in your report. Is that right?

A response was not received by the set deadline.

Question(s) from Councillor Richard Dickson:

Unless mistaken, the staff resources set out in paragraph 1.9.1 are currently focussed on ensuring the two complex Kenilworth leisure projects are delivered no later than December 2023. In order to take on the work involved in the proposed four new projects, what is the risk of project overload, requiring a combination of extra budget being needed for project staff or one or more of the six projects being delayed or both? Also will the Kenilworth projects be the top two priorities?

It is good to be reminded (paragraph 1.1) that the objective of having good leisure facilities in the District is to encourage healthy and active lifestyles. So, when considering these four new projects, what evidence has WDC collected of the direct and/or indirect impact of the improved facilities at Newbold Comyn and St Nicholas park on the physical and mental health of residents? For example, how have obesity levels and teenage alcohol admissions in Warwick District changed in the past five years?

A response was not received by the set deadline.

6 & 13. Continuation of Hydrogen Hub Project and Confidential Appendix

(Report authors, Katie McAuley, Project Officer (Enabling Development) / Dave Barber, Director for Climate Change)

Question(s) from Councillor King:

Appendix 2 is marked as confidential so presently I don't have access to that and it might answer this next question.

That is- why doesn't the report (item 06) mention other UK hydro hubs, for example Lancaster, that we are modelling ours on?

Response:

The main hydrogen hub comparator used for the feasibility study is Tyseley Energy Park. This is relatively local and is operational and therefore provides a rich source of comparative data. There is no reference to the Lancaster example. As part of the next step on the project we would be happy to investigate Lancaster further to establish what learnings can be taken from their work to date. However, our current understanding is that they have run a feasibility to look at hydrogen production using a very different energy source.

Question(s) from Councillor Cullinan:

Can we use the example of Lancaster and be assured there will be a shared risk and benefits in a partnership with a private company, particularly in light of these uncertain times on costs?

Response:

As part of the next step on the project we would be happy to investigate Lancaster further to establish what learnings can be taken from their work to date. Subject to the recommendations of the report being agreed by Cabinet, we will work with the "commercial partnership adviser" (recommendation 2) to maximise the benefits for the Council. This will involve ensuring that the arrangements with any future development partner incorporate a fair balance of risk and reward for both the development partner and the Council, including taking full account of the uncertainties relating to costs. The detail of this will be subject to a further Cabinet report (recommendation 4).

7. South Warwickshire Electric Vehicle Charging (EV) Strategy

(Report author, Graham Folkes-Skinner, Sustainable Transport Project Officer)

Question(s) from Councillor John Dearing:

Great to see this report brought to Cabinet - it's a major step forward.

However I do have a problem with some of the data in Table 2 of the CENEX report on which the assessment of EV charging infrastructure is based. The numbers of plug-in-vehicles (PiVs) shown are not easy to reconcile with the government statistical reports on which they are purportedly based (shown below Table 1 -though I cannot find all these tables at this website). One issue is that 'cars and vans' as a category in Table 2 is not used in the official statistical tables for licensed ULEVs and PIVs (VEH0132 and VEH0142 <https://www.gov.uk/government/statistical-data-sets/vehicle-licensing-statistics-data-tables#plug-in-vehicles>). The categories in these tables are 'private' and 'company' which do not necessarily map on to cars and vans. Using the VEH0132 data (which is virtually the same as VEH0142), I calculate that CENEX's calculations for all PiVS/ULEVS are quite different and significantly lower than the latest available data 2021 Q4 for private plus company vehicles (see attachment). They may have other statistics for 'cars and vans' but they do not refer explicitly to the source for this table. If there is an under-estimation this may radically affect the assessment of the need for EV charging infrastructure as described in the rest of the report. Could you check with CENEX the source of the data in Table 2 and whether there is a valid discrepancy with table VEH0132?



[Vehicle licensing statistics data tables - GOV.UK](#)

All vehicles Licensed vehicles. Overview. VEH0101: Vehicles at the end of the quarter by licence status and body type: Great Britain and United Kingdom (ODS, 51.1 KB) Detailed breakdowns. VEH0105 ...

www.gov.uk

Many thanks

Response:

Of course I will ask Cenex

Question(s) from Councillor Richard Dickson:

It's noted that the Cenex report has looked at just one new site in Kenilworth in addition to the existing sites e.g. at Abbey End and Oaks Precinct. What was the reason for excluding Castle Farm car park, projected to have 198 car park spaces, which surely will be busier than Abbey Fields car park with its 108 spaces?

A response was not received by the set deadline.

Question(s) from Councillor Milton:

I've got a couple of questions in advance please.

- In the planning assumptions what is the level of modal shift that is anticipated away from the private motor car and to other more sustainable forms of transport?

Response:

I will ask Cenex the question over Modal Shift

- What was the rationale for choosing Abbey Fields as the only car park in Kenilworth to be assessed?

Response:

With regards to Abbey Fields. As part of the report, Cenex asked me to choose 10 car parks across South Warwickshire for them to concentrate on. I attempted to choose a variety of different types of car park, short or long stay for example. I chose Abbey Fields as I believe it is one of the few, if only WDC car park that offers residential permits. Clearly we have a lot more car parks than 10 and Dave and I have had discussions with Cenex, as to how we can extrapolate the information from the 10 into gaining an insight into the requirements for the rest of our portfolio. That is ongoing

Question(s) from Councillor King:

According to the District commissioned Cenex report, by 2025, this district needs to increase standard charge points by a factor of four, fast charge points by the factor of eight, it needs to double the number of Rapid Charge Points, and it needs 13 times the number of Ultra Rapid Charge Points it presently has.

At numerous points throughout, the report states in national comparison, how far behind we are in EV Charge point provision. We need a solutions fast. What are they?

Response(s):

I will ask the question of Cenex and come back to you

Question(s) from Councillor Cullinan:

A number of on-street EV charging points are designated as mixed access to EV and other vehicles? Is this counter productive to encouraging residents to have an EV vehicle, especially in these early stages of EV charging provision? The report makes no mention of ongoing plans concerning this?

Response(s):

As you are probably aware, in this two tier authority, WCC are responsible for on-street charging and us, as WDC & SDC, are responsible for off-street chargers and I am aware of the mixed use for EV bays on-street. There needs to be good liaison between us and WCC over EV infrastructure and this will no doubt form part of ongoing discussions

8. Future Funding of Shakespeare's England

(Report author, Martin O'Neill, Business Manager Projects & Economic Development)

Question(s) from Councillor Milton:

Thanks for the work on the Shakespeare England paper for cabinet - and the work that's gone in to restructuring the arrangement.

Just two questions from me in advance:

- The additional budget of £25k seems relatively modest but could you confirm where this is being funded from please.

Response:

The additional budget of £25,000 was approved as part of the Revenue and Capital Budget Report presented to Cabinet on 10th February 2022 – included in Appendix 10. The addition came from the 2022/23 New Homes Bonus allocation.

- In s4.3b of Appendix One there is a target to achieve an increase in members of 30%. Could you confirm how this is calculated please? Is that just members currently in the top two tiers or is the increase expected across the current cumulative 110 members? And am I right to assume that 'listings' will not be included in this figure?

Response:

The target to increase membership is 30% in each of the membership categories and does not include the free listings.

Question(s) from Councillor Alix Dearing:

I like the list of Targets and conditions and benchmarks eg review of the website, monitoring of social media channels - these look achievable.

My question is, is SE capable of reaching the wider remit as outlined in the De Bois Report?

For example, target "N" - "encourage to travel using climate friendly modes"

Surely this depends on close links between rail companies/ bus routes/ shuttle services with English Heritage, road networks County Council provision of coach parking (none in Kenilworth), is SE (with 3 people - Helen the CEO, and two digital media employees) going to do that kind of liason work to achieve this practically?

Given the De Bois report which states that the most important aim for DMOs is - to stich offers together by creating itineraries. obtaining grants, etc, how capable is SE of doing this? Is digital marketing plus a few forum groups alone going to achieve the hoped for target increase in tourist numbers?

Response(s):

The role of Shakespeare's England is to support, encourage and promote the District as a green tourism destination – their role in this objective will be limited but it is felt that it is an achievable target through closer collaboration between both District Councils and the Shakespeare's England Board in relation to their respective Climate Change Emergencies. The proposed new model of funding for the DMO as set out in this report is specifically designed so that the limited resources available to Shakespeare's England are targeted at achieving an improved and greener tourism offer for Warwick District.

Question(s) from Councillor Richard Dickson:

The Council attaches high priority to achieving its climate change objectives. Given the size of the tourism sector in the district, there is huge potential for it to contribute towards this objective. However, the deadline of August 2024 for Shakespeare's England to show how it will encourage visitors to travel using climate friendly modes and for businesses to reduce their carbon footprint seems very generous. Is there some reason why, given our declared climate emergency, this date cannot be brought forward at least 12 or even 18 months to Q1 2023?

Response(s):

The tourism sector in general is striving to improve its sizeable contribution to the climate change agenda – nationally and internationally. During the discussion with Shakespeare's England Board around this and the other conditions, it was felt that the original target timeline (which was suggested to be Q1 2023) did not provide adequate time and opportunity to achieve a realistic and measurable impact. The industry is still recovering from the devastating impacts of the pandemic. The intention of this report and the conditions attached are for both Warwick District and Stratford District Councils to have an agreed set of measurable outcomes by which to measure the performance of the DMO and officers and the relevant Portfolio Holders will ensure that all efforts are made in as short a timescale as is possible to make in-roads into this important element of the tourism sector going forward as recommended in the De Bois report.

9. Supporting our Communities

(Report author, Andrew Jones, Deputy Chief Executive)

Question(s) from Councillor Milton:

There's obviously a lot happening and it's good to see the service plans being revitalised. I have a number of questions below if you can help.

- Appendix C - how are the Energy Saving Leaflets going to be distributed to residents? And will the content be used through over channels as well.

Response:

All of the information is on our website [here](#). We just turned that into a leaflet so it was more easily digestible. There's no intention to distribute to all 60,000 households.

- Many of the service plans are lacking in targets. What date will these targets be completed by?

Response:

Assuming the service plans are approved we'll complete the work to populate the target columns. This is a new methodology and will take time to develop.

- How are acceptable targets being arrived at? i.e. what data points are being looked at to ensure that these targets are being set at the right level?

Response:

The individual Service Heads will use their own knowledge of the service to determine the target. They will use various pieces of information to arrive at a realistic target. For example, in the case of Community Protection, they are based on analysis of the last 4 years of regular service (excluding 20/21). They are also based on the statutory requirements and priorities as laid down by the agencies to which we are required to have regard.

- How are residents being involved in determining the acceptable level of council performance?

Response:

Residents aren't ordinarily involved in deciding what is acceptable. This is decided by the Heads of Service in consultation with the Portfolio Holder, although where there is a statutory requirement for engagement, Heads of Service will adhere to this.

- Where projects are given a RAG status, what are the definitions being used to define these and are those definitions consistent across teams?

Response:

Red – not started/out of scope/budget etc, no delivery of outcomes,

Amber - in progress/within scope/budget etc, partial delivery of outcomes,

Green - completed/ongoing, outcomes delivered, in scope/budget

- Measurement of the waste contract makes reference to the tracking of social value. How is this being measured?

Response(s):

The amount of social value associated with the new waste collection contract will be measured with reference to the Social Return on Investment (SROI) Social Value Framework.

Biffa has committed to the following annual contract targets:

- Year 1: £3.3m (baseline)
- Year 2: +4% from baseline
- Year 3: +4.5% from baseline
- Year 4: +11% from baseline
- Year 5: +13% from baseline
- Year 6: +13.5% from baseline
- Year 7: +18% from baseline
- Year 8: +15% from baseline

If Biffa fails to meet the annual contract targets from Year 2 of the contract, an annual contract target deduction of £5,000 shall apply which will be ring-fenced for social value improvements.

It would be fair to say that WDC needs to do a bit more digging on this as Julie (former Joint Head) led on the contract and since the merger proposals ended, we're having to get fully up-to-speed.

Question(s) from Councillor Richard Dickson:

The proposed measures in the Applause initiative are noted. How do these compare with measures taken by other Councils who have chosen to recognise the contribution of staff during the pandemic?

Response:

No research has been undertaken into what other Councils have done to acknowledge the work of their staff. The Leader, and through him his Cabinet, and the Chief Executive wanted to demonstrate their appreciation of what staff have done and believe that the Applause measures recognise the collective effort.

Has the Council taken any soundings from samples of local residents as to how the introduction of these additional staff benefits might be perceived?

Response:

No such soundings have been undertaken. The initiative is financed with no impact on Council services and whilst you can argue there is an opportunity cost in that the finance could be deployed elsewhere for an alternative initiative, the leadership of the Council felt that the use of the Council's balances was reasonable and proportionate.

In the Energy Price Rises leaflet at Appendix C, why was the Kenilworth Centre not included in the list of community centres?

Response:

I assume this has been an oversight. I've copied-in the Media team so we can be publicise the Centre in future.

10. HMO Licensing & Planning Permission Policy

(Report author, Paul Hughes, Private Sector Housing Manager)

Question(s) from Councillor Cullinan:

1.2.9

The addition of 'or clear history' makes no reference to how this might be assessed? What will a landlord need to show and over what period is 'history'?

Response:

The types of information used to be able to document HMO use for a continuous 10 year period, typically include copies of old tenancy agreements which the landlord would provide and/or information from Council Tax.

Will there be checks on issues that might have occurred over this period, eg. Noise problems, repairs not carried out, waste management, ASB?

Response:

Yes, although not related to the HMO Licensing and Planning Permission Policy, checks are routinely made on every HMO licence renewal, having regard to any complaints in the previous 5 year period, and the actions that have been taken by the licence holder/manager to mitigate them.

How will this affect the issue of giving a license? Could a shorter licence be trialled in certain situations?

Response:

In situations where the following has occurred, Head of Housing has the ability to issue a shorter 2 year licence:-

- Improvement Notice served (disrepair and hazards)
- Prohibition Order served (to restrict occupancy)
- Civil Penalty (various housing offences)
- Noise Abatement Notice served
- Community Protection Notice served (refuse issues)
- Breach of HMO licence conditions

Where the licence holder is adjudged to have taken inadequate steps to deal with noise, waste or anti-social behaviour issues, this represents a breach of licence condition.

Question(s) from Councillor King:

Appendix.

p6 paras 1,2 and 3 have no specs or measurement data; they sound like ideas or aspirations.

para 5: what are the terms of reference here?

Response(s):

We cannot find the reference for these queries. Appendix 1 and 2 each have 3 pages and paragraphs are listed 1.0 – 4.0. so we are not clear on this question.

Additional Question from Councillor Syson:

The report states in 3.1 "Members of SOLAR and the Landlord Steering Group have been consulted in respect of these proposals" but doesn't appear to say whether these groups had any comments to make or were happy with the proposals.

Did SOLAR and/or the Landlord Steering Group have any comments to make on your proposals or were they happy with them?

Response(s)

Landlord Steering Group member

'Further to our discussion yesterday at the Landlord Forum meeting ,I would like to document my concerns with regard to providing evidence of continuous HMO use for issuing of certificate of lawfulness.

My understanding is 10 years of evidence is needed. We have many properties which have been in continuous use since 2006 for student accommodation if not earlier.

We only let through agents or to Warwick University directly. Due to laws governing storage of information the agents only hold information for a maximum of 7 years but most commonly 5. We clearly have evidence of rent collection from 2006 but contracts held by agents are not available. Confirmation of lettings from agents can be made available and WDC has records of applications made by tenants for council tax exemption which can verify the status.

Hence providing information dating back 10 years is made difficult because certain information can only be held for 5-7 years legally.'

SoLAR Group member

'this is to thank you for a very helpful discussion this morning. I now feel I have a better understanding of why this tweak to the policy is being proposed and, in spite of an apparent softening of your stance on enforcement, I was reassured by your commitment to take robust action in situations where the evidence available to you indicates it is warranted. We acknowledged the limitations imposed by the scarcity of resources but also recognised that the across-dept role played by xxxxx is essential to the maintenance of close oversight of the fluid state of affairs with licensed and especially non-licensable HMOs. Your recognition was welcome that as residents frequently act as the Council's eyes and ears with respect to reporting legislative breaches, it's reasonable to provide them with feedback as appropriate, and moreover that publicising successful actions against landlords in the press will serve to deter others and convey the message that the Council means business in this respect. '

Both group members indicated their understanding and acceptance of the policy amendment.