

Overview & Scrutiny Committee

Tuesday 8 March 2022

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Tuesday 8 March 2022, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor Milton (Chair)

Councillor G Cullinan

Councillor V Leigh-Hunt

Councillor A Dearing

Councillor R Margrave

Councillor J Dearing

Councillor T Morris

Councillor O Jacques

Councillor P Redford

Councillor P Kohler

Councillor D Russell

Emergency Procedure

At the commencement of the meeting, the emergency procedure for the Town Hall will be announced

Agenda

1. Apologies & Substitutes

- (a) to receive apologies for absence from any Councillor who is unable to attend; and
- (b) to receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

2. Declarations of Interest

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be disclosed during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

3. **Minutes**

To confirm the minutes of the meeting held on 8 February 2021. **(Pages 1 to 5)**

4. **Work Programme, Forward Plan & Comments from Cabinet**

To consider a report from Democratic Services. **(Pages 1 to 13)**

5. **Update on Joint Work of WDC and SDC**

To consider a report from the Chief Executive. **(To follow)**

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

To consider a report from Development. **(Pages 1 to 8)**

7. **Fly-tipping Enforcement – working with Stratford Street Scene Team**

To consider a report from Environment & Operations **(To follow)**

8. **Cabinet Agenda (Non-Confidential Items and Reports) – Thursday 10 March 2022**

To consider the non-confidential items on the Cabinet agenda which fall within the remit of this Committee. The only items to be considered are those which Committee Services have received notice of by 9.00am on the morning after Group meetings.
(Circulated Separately)

9. **Public & Press**

To consider resolving that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within the paragraphs 1,2, 3 & 7 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

10. **Summary of the role, responsibilities, and performance of the South Warwickshire Community Safety Partnership (SWCSP)**

To consider a report from Community Protection. **(Pages 1 to 19)**

11. **Cabinet Agenda (Confidential Items and Reports) – Thursday 10 March 2022**

To consider the confidential items on the Cabinet agenda which fall within the remit of this Committee. The only items to be considered are those which Committee Services have received notice of by 9.00am on the morning after Group meetings.
(Circulated separately)

Published Monday 28 February 2022

General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.
Telephone: 01926 456114
E-Mail: committee@warwickdc.gov.uk

For enquiries about specific reports, please contact the officers named in the reports. You can e-mail the members of the Committee at

oandscommittee@warwickdc.gov.uk

Details of all the Council's committees, councillors and agenda papers are available via our website on the [Committees page](#)

We endeavour to make all of our agendas and reports fully accessible. Please see our [accessibility statement](#) for details.

The agenda is available in large print on request,
prior to the meeting, by telephoning (01926)
456114

Overview and Scrutiny Committee

Minutes of the meeting held on Tuesday 8 February 2022 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Milton (Chair); Councillors Ashford, Cullinan, A Dearing, J Dearing, Jacques, Kohler, Leigh-Hunt and Russell.

Also Present: Councillor Rhead – Portfolio Holder, Climate Change.

44. **Apologies and Substitutes**

- (a) An apology for absence was received from Councillor Redford.
- (b) Councillor Ashford substituted for Councillor Morris.

45. **Declarations of Interest**

There were no declarations of interest made.

46. **Minutes**

The minutes of the Overview and Scrutiny Committee meeting held on 7 December 2021 were taken as read and signed by the Chair as a correct record.

47. **Cabinet Agenda (Non-Confidential items and reports) – Thursday 10 February 2022**

The Committee considered the following items which would be discussed at the meeting of the Cabinet on Thursday 10 February 2022.

Item 13 – Decarbonisation of Council Assets

The Committee recommended to Cabinet that:

- (1) Standards set out by the Government for de-carbonisation and retrofitting and those the Council would apply, should be included within the report.
- (2) The Climate Emergency PAB, within the terms of its remit, should be involved more in developing some of the schemes outlined in the report.
- (3) A schedule/plan showing when stages of the process would be implemented, and the expected impact as a result, should be produced.

Item 9 – Net Zero Carbon Development Plan Document

Appendix 4 - Net-Zero Carbon Development Plan Document: Revised Viability Study, a lengthy document, was only circulated late on the day of the meeting. This gave Members of Overview & Scrutiny Committee insufficient time to review it properly. The Committee was informed that

the delay was due to unavoidable staff absence. The Director for Climate Change provided a brief verbal summary of the content.

It was explained that Recommendation 3 in the report, that delegated authority should be given to the Head of Place and Economy in consultation with the Portfolio Holder for Climate Change to make further non-substantive amendments to the draft DPD prior to consultation commencing, meant that Members would have the opportunity to feed through comments once they had been able to properly review the Appendix. If the changes requested were substantive amendments, then these had to be approved through Cabinet.

The Committee supported the report.

The Committee expressed concern about maintaining the 40% affordable housing commitment when viability was questioned and asked that the Council investigated mechanisms to defend this through the planning process.

(Councillor Rhead left the meeting.)

48. Update on Joint Work of WDC and SDC

The Committee considered a report from the Chief Executive which set out the progress of the work being done to enable effective scrutiny of the proposals to achieve joint working with Stratford-on-Avon District Council.

Appendix 1 to the report set out the Programme Risk Register.

Both Warwick District Council (WDC) and Stratford-on-Avon District Council (SDC) had agreed a vision to create a single statutory South Warwickshire Council covering all of the activities currently carried out by SDC and WDC by 1 April 2024.

Overview & Scrutiny Committee and Finance & Audit Scrutiny Committee had agreed that at each of their meetings, a progress report would be submitted for consideration whilst work was ongoing to merge the service areas of both Councils and depending on the response from the Secretary of State, to enable scrutiny of the political merger also.

The Chair asked Members to consider what the Committee should be looking at now that the merger process had moved to the next stage following the decision made by both Councils on 13 December 2021 to formally apply to the Secretary of State for Levelling Up, Housing and Communities to become the South Warwickshire District Council.

Various ideas/points raised by Members were:

- Should time be set aside to look at what actions needed to happen in the time prior to receiving the Secretary of State's decision.
- To look at service areas where joint working was already happening to find out if there were things that required improvement as the merger progressed. Delivery of services to residents.
- Climate Change was something both Councils were driving forward very well so was there a need to continue to scrutinise this within the context of the scrutiny of the merger.

- The shape of the future democracy of the Councils should be considered for scrutiny.
- Continuing consultation and engagement with residents.
- Impact of joint working with SDC on WDC's work and ambitions.

The Deputy Chief Executive explained that the process of integrating teams at both Councils had only just started, so it would be difficult to determine what difference this would make right now and to give meaningful data. The main change to have taken place so far was Heads of Service covering the service areas at both Councils, so in effect, managing two teams. Work had been ongoing about governance and recommendations would be coming forward on how joint scrutiny by SDC and WDC could be carried out going forward. He asked Members to wait for the outcome on suggestions coming forward from the next meeting of the Joint Arrangements Steering Group (JASG) when governance arrangements would be discussed. He hoped to give clearer advice to the Committee at the meeting in April.

In response to a question from Councillor Kohler, the Deputy Chief Executive explained that the Programme Risk Register was discussed and updated weekly by an officer programme board. More proposals had been considered in respect of the highest rated risk, the integration of ICT systems across the two councils. Following on from comments made on these, more detailed proposals for sign off would be coming forward and it was hoped that the risk rating for ICT would then reduce.

Councillor J Dearing raised a concern that both Councils might be driving forward Climate Change ambitions with slightly different approaches in terms of staffing and budget resource and that it was still appropriate to keep a watching brief to help WDC achieve its ambitions. The Deputy Chief Executive advised raising these concerns through their political groups and then the group leaders could raise these at the Leadership Coordination Group.

The Deputy Chief Executive would liaise with the Chair to bring proposals for joint scrutiny to the April meeting.

49. **Fly-tipping Enforcement Update**

The Chair advised Members that the report on fly-tipping enforcement had not been completed in time for proper consideration at the meeting. He had agreed that it would be delivered in time for the meeting in March but had asked for additional information to be added to it which was:

- details of the number of reported fly-tipping incidents over recent years (ideally broken down by Ward level);
- details of the number of reported fly-tip incidents that the Council was obliged to clear;
- the response time for clearing the incidents;
- a summary of any consequential action taken against fly-tipping offenders; and
- the risk-based analysis of the impact of the 123+ on fly-tipping in the District.

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

The Committee considered its work programme for 2022 as detailed at Appendix 1 to the report. Appendix 2 gave responses from the Cabinet to the comments and recommendations the Committee had made to Cabinet reports it had scrutinised.

Councillor Kohler gave an update on the Service Area Dashboard and was pleased to announce that it was now a lot more useable on an iPad. Members asked for:

- all councillors to receive training on how to use the Dashboard; and
- a briefing for all councillors.

Once all Members had access to the Dashboard, then the Committee would need to decide how to use the information provided on the Dashboard to identify areas requiring scrutiny.

Councillor Kohler asked for a document written by the Performance Management Officer called "Workaround to Intranet and Business Intelligence site access for iPad for Councillors" to be circulated. However, it was proving difficult to read this document on an iPad at the same time as trying to follow its instructions to access the Dashboard on an iPad. The Deputy Chief Executive suggested that he would ask the Performance Management Officer to review the problem of reading the document at the same time as trying to use it to access the Dashboard before the document was circulated.

It was agreed to invite the Head of Development Services, Adrian Harding, to the next meeting to speak about the issues faced in Development Services for dealing with the processing of planning applications within the statutory deadlines and the backlog of work within planning enforcement. The report should include an update on recent performance and plans to improve performance for residents in the near future. Staffing levels were a concern in light of recent staff turnover within the department.

An item was withdrawn from the Work Programme in respect of the sustainability gap on listed buildings which had been covered by NZC4 in Appendix 2 of the Net Zero Carbon Development Plan Document.

The Chair referred Members to Appendix 3 which was a record of a scrutiny session held to discuss the "Developing a Digital Strategy for South Warwickshire" report which was considered by Cabinet in December 2021. It was noted that an action had been placed on Councillor Milton as a result of the session to liaise with the Portfolio Holder – Transformation & Resources and the Head of ICT to liaise to agree the key points in the project when a report should come to the Committee for scrutiny.

Resolved that

- (1) appendices 1, 2 and 3 to the Work Programme report be noted;

- (2) training and a briefing be provided to all Councillors in respect of the Service Area Dashboard;
- (3) the Head of Development Services be invited to attend the next meeting to discuss issues faced in the service area; and
- (4) the policy gap on the sustainability on listed buildings be removed from the Work Programme.

(The meeting ended at 7.37pm)

CHAIR
8 March 2022

Overview & Scrutiny Committee
8 March 2022

Title: Work Programme, Forward Plan & Comments from Cabinet
Lead Officer: Lesley Dury, Principal Committee Services Officer
Portfolio Holder: Not applicable
Public report
Wards of the District directly affected: Not applicable
Accessibility checked: Yes

Summary

This report informs Members of Overview & Scrutiny Committee:

- (1) of the Committee's work programme for 2022/2023 (Appendix 1); and
- (2) responses that Cabinet gave to comments and recommendations made by Overview & Scrutiny Committee regarding the reports to Cabinet on 10 February (Appendix 2).

Recommendations

- (1) That Members consider the work programme (Appendix 1) and agree any changes as appropriate.
 - (2) That the Committee:
 - identifies any Cabinet items on the [Forward Plan](#) on which it wishes to have an input before the Cabinet makes its decision; and
 - nominates a Member to investigate that future decision and report back to the Committee.
 - (3) That Members note the responses made by the Cabinet on the Comments from the Cabinet report (Appendix 2).
-

1 Background/Information

- 1.1 The five main roles of overview and scrutiny in local government are: holding to account; performance management; policy review; policy development; and external scrutiny.
- 1.2 The pre-decision scrutiny of Cabinet decisions falls within the role of 'holding to account'. To feed into the pre-decision scrutiny of Cabinet decisions, the Committee needs to examine the Council's Forward Plan and identify items which it would like to have an impact upon.
- 1.3 The Council's Forward Plan is published on a monthly basis and sets out the key decisions to be taken by the Council in the next twelve months. The Council only has a statutory duty to publish key decisions to be taken in the next four months. However, the Forward Plan was expanded to a twelve-month period to give a clearer picture of how and when the Council will be making important decisions.

- 1.4 A key decision is a decision which has a significant impact or effect on two or more wards and /or a budgetary effect of £50,000 or more.
- 1.5 The Forward Plan also identifies non-key decisions to be made by the Council in the next twelve months, and the Committee, if it wishes, may also pre-scrutinise these decisions.
- 1.6 There may also be policies identified on the Forward Plan, either as key or non-key decisions, which the Committee could pre-scrutinise and have an impact upon how these are formulated.
- 1.7 The Committee should be mindful that any work it wishes to undertake would need to be undertaken without the need to change the timescales as set out within the Forward Plan.
- 1.8 At each meeting, the Committee will consider their work programme and make amendments where necessary, and also make comments on specific Cabinet items, where notice has been given by 9am on the morning after Group meetings. The Committee will also receive a report detailing the response from the Cabinet, on the comments the Committee made on the Cabinet agenda in the previous cycle.
- 1.9 The Forward Plan is considered at each meeting and allows the Committee to look at future items and become involved in those Cabinet decisions to be taken, if members so wish.
- 1.10 As part of the new scrutiny process, the Committee is no longer considering the whole of the Cabinet agenda.
- 1.11 On the day of publication of the Cabinet agenda all Councillors are sent an e-mail asking them to contact Committee Services, by 09.00am on the day of the Overview and Scrutiny Committee meeting to advise which Cabinet items they would like the Committee to consider.
- 1.12 As a result, the Committee considered the items detailed in appendix 2. The response the Cabinet gave on each item is also shown.
- 1.13 In reviewing these responses, the Committee can identify any issues for which they would like a progress report. A future report, for example on how the decision has been implemented, would then be submitted to the Committee at an agreed date which would then be incorporated within the work programme.

2 Conclusion/Reasons for the Recommendation

- 2.1 The work programme should be updated at each meeting to accurately reflect the workload of the Committee.
- 2.2 The proposed plan at Appendix 1 has been developed in order for the Committee to focus on the four agreed core themes (Covid 19, Climate Change, Medium Term Financial Strategy and Business Plan). While this Committee will not have as much focus on the Medium-Term Financial Strategy, it will have to spend significant times looking at the other areas in detail.
- 2.3 Two of the five main roles of overview and scrutiny in local government are to undertake pre-decision scrutiny of Cabinet decisions and to feed into policy development.

Agenda Item 4

- 2.4 If the Committee has an interest in a future decision to be made by the Cabinet, or policy to be implemented, it is within the Committee's remit to feed into this process.
- 2.5 The Forward Plan is actually the future work programme for the Cabinet. If a non-cabinet member highlighted a decision(s) which is to be taken by the Cabinet which they would like to be involved in, that member(s) could then provide useful background to the Committee when the report is submitted to the Cabinet and they are passing comment on it.
- 2.6 Appendix 2, Comments from Cabinet, is produced to create a dialogue between the Cabinet and the Overview and Scrutiny Committee. It ensures that the Overview and Scrutiny Committee is formally made aware of the Cabinet's responses.
- 2.7 Where Overview and Scrutiny Committee has made a recommendation as opposed to a comment, the Cabinet is required to respond to the recommendation(s) made, including whether or not it accepts the recommendation(s).

Meeting Date: 8 March 2022

Title	Where did item originate from	Format	Lead Officer / Councillor	Next report date if applicable	Completion Date / Notes
Update on Joint Work of WDC and SDC	December 2021	Written report	Chris Elliott	April 2022	
Issues in respect of approval and processing of planning applications within the statutory deadlines and Planning Enforcement backlog. Report to include an update on recent performance and plans to improve performance for residents in the near future; staff numbers in light of recent staff turnover.	February 2022	Written report	Adrian Harding		
Summary of the role, responsibilities and performance of the SWCSP	This is a mandatory report.	Written report	Liz Young / Marianne Rolfe.	March 2023.	This is an annual report.
Fly-tipping Enforcement Update - A report on the Stratford Street Scene Team and on how its fly tipping enforcement service differs from the one	February 2021	Written report	Zoe Court		


Appendix 1 – Overview & Scrutiny Committee Work Programme

Title	Where did item originate from	Format	Lead Officer / Councillor	Next report date if applicable	Completion Date / Notes
<p>operated currently at Warwick District Council.</p> <p>Report to include:</p> <ul style="list-style-type: none"> • Details of the number of reported fly tipping incidents over recent years (ideally broken down by Ward level) • Details of the number of reported fly tip incidents that the Council was obliged to clear • The response time for clearing the incidents • A summary of any consequential action taken against offenders of fly tipping • The risk based analysis of the impact of 123+ on fly tipping in the district 					

Appendix 1 – Overview & Scrutiny Committee Work Programme

Title	Where did item originate from	Format	Lead Officer / Councillor	Next report date if applicable	Completion Date / Notes
Task & Finish Group – Equality & Diversity – Phase 2	July 2021	Written report	Councillor Mangat	Every meeting until completed	
Joint working WDC/SDC - Arising from February O&S meeting: Governance - Steer on how the joint scrutiny arrangements may work, through to Joint Cabinet	February 2022	Verbal update	Andrew Jones in liaison with Councillor Milton		

Meeting Date: 12 April 2022

Title	Where did item originate from	Format	Lead Officer / Councillor	Next report date if applicable	Completion Date / Notes
Overview & Scrutiny End of Term report.	Standing Annual Item.	Written report.	Committee Services Officer.	April 2023.	This is an annual report.
Task & Finish Group – Equality & Diversity – Phase 2	O&S July 2021	Written report	Councillor Mangat	Every meeting until completed	
HEART Shared Service update including the implementation of the new IT system	April 2021	Call in the report going to Cabinet	Lisa Barker / Nick Cadd (nick.cadd@stratford-dc.gov.uk)		
Annual update from Shakespeare's England.	29 August 2018	Call in the report going to Cabinet	Martin O'Neill and Councillor Bartlett	March 2023.	This is an annual report.
Item to carry forward on the Work Programme until all O&S Members have received a briefing and training on the Service Area Dashboards: Decide what the data may be used for and how it may be fed into the Scrutiny process	February 2022	Discussion	Councillors Kohler, Jacques and Cullinan		 Re_ Request for Members' Training & 9/10 Feb 2022 - Requests were made to Committee Services for: <ul style="list-style-type: none"> - Training for all Members; - A briefing for all Members; - To ensure all O&S

Appendix 1 – Overview & Scrutiny Committee Work Programme

Title	Where did item originate from	Format	Lead Officer / Councillor	Next report date if applicable	Completion Date / Notes
					Members had access to the Dashboards; - Individual training for Members of O&S asap

Briefing Notes to All Councillors – April 2022: Not for O&S Agenda

Title	Where did item originate from	Format	Lead Officer / Councillor	Next report date if applicable	Completion Date / Notes
Children's and Adults' Safeguarding Champions: End of Term Report.	Standing Annual Item.	Briefing note	Marianne Rolfe.	April 2023.	This is a briefing note to all Councillors.
Members' Annual Feedback on Outside Appointments / Annual review of membership/participation of Outside Bodies (Includes a short synopsis on Champions)	Standing Annual Items	Briefing note	Phil Grafton	April 2023	This is a briefing note to all Councillors.

Municipal Year 2022/23

24 May 2022

Title	Where did item originate from	Format	Lead Officer / Councillor	Next report date if applicable	Completion Date / Notes
Election of Chair if not done on the night of Annual Council				1 st meeting of the municipal year	

5 July 2022

Title	Where did item originate from	Format	Lead Officer / Councillor	Next report date if applicable	Completion Date / Notes
Update on the merging of ICT systems and data as the merger of the service areas of the two Councils moves forwards, including plans if authorisation for full political merger is denied.	O&S November 2021	Written report	David Elkington	February 2023	Every six months
The Progress and Impact of the Equality & Diversity Task & Finish Group's Recommendations in the report that was presented to O&S 6 July 2021	O&S 6 July 2021	Written Report	Tracy Dolphin/Graham Leach		

9 August 2022 - No reports scheduled as yet.

20 September 2022

Title	Where did item originate from	Format	Lead Officer / Councillor	Next report date if applicable	Completion Date / Notes
Park Exercise Permits – annual review of the scheme	August 2020 (Last report made to O&S - 21 September 2021)	Briefing Note	Padraig Herlihy	Annual update	

1 November 2022 - No reports scheduled as yet.

6 December 2022 - No reports scheduled as yet.

Meetings scheduled in 2023 - 7 February, 7 March and 18 April.

Meeting Date: To Be Advised

Title	Where did item originate from	Format	Lead Officer / Councillor	Next report date if applicable	Completion Date / Notes
Decide if an update is required on the Catering and Events Concessions Contract – Royal Pump Rooms and Jephson Gardens Glasshouse.	Committee meeting 26 September 2019.	Informal update.	Dave Guilding / Philip Clarke.	TBA	D Guilding and P Clarke were asked when they can give an informal update considering the impact of Covid-19 on this service. A response from them is awaited.
Update on plans to improve accessibility to, and the condition / cleanliness of, toilets for people living with disabilities.	Committee meeting 26 September 2019 and briefing note 8 December 2020.	Briefing Note	Zoë Court	To be advised if applicable.	No officer will attend the Committee meeting unless there is a request.
Minimum Energy Efficiency Standards Enforcement Process – Private Sector Housing	O&S August 2020	Written Report	Lisa Barker		A review was requested once the scheme had been operation for 12 months. Covid Lockdown has meant that the 12 months has not been achieved yet.

**Response from the meeting of the Cabinet on the
O&S Committee's Comments – 10 February 2022**

Item Number: 9 – Net Zero Carbon Development Plan Document

Requested by: Chair- O&S and the Green Group

Reasons Considered:

Chair, O&S:

Because this is a significant goal in the areas of work the Council wishes to achieve and because information on two key priorities needed detail (viability and the sustainability assessment).

Green Group:

Call-in questions:

1. The proposed new standard is defined as percentage improvements on 2021 regulations. How do these percentages translate into minimum carbon emissions or energy usage in operation? Is it possible to replace percentages or provide alternative quantified standards in terms of maximum carbon emissions or energy demand, such as the one mentioned in the report by the CCC for desirable space heating demands of 15-20 kwh/m2/yr.?
2. Can you give a more precise range of carbon offsetting mechanisms that would be supported by or included within the WDC Carbon Offsetting fund?
3. The words 'feasibility' and 'viability' are used throughout the document. Feasibility is not dealt with separately, and section 11 'Viability' does not define 'viability'. It leaves the decision-making procedure for deciding upon what is 'viable' or 'non-viable' open to subjective assessments based on different accounting mechanisms and assumptions. Can the definition of these terms be strengthened or reference given to published guidance on these terms?
4. Recommendation (3). As an important part of WDC's Climate Action Plan, can we include the Climate Emergency PAB in the consultation process that makes amendments to the draft DPD? i.e. "... in consultation with the Portfolio Holder for Climate Change and the Climate Emergency PAB".

Scrutiny Comment:

Appendix 4 - Net-Zero Carbon Development Plan Document: Revised Viability Study, a lengthy document, was only circulated late on the day of the meeting. This gave Members of Overview & Scrutiny Committee insufficient time to review it properly. The Committee was informed that the delay was due to unavoidable staff absence. The Director for Climate Change provided a brief verbal summary of the content.

It was explained that Recommendation 3 in the report, that delegated authority should be given to the Head of Place and Economy in consultation with the Portfolio Holder for Climate Change to make further non-substantive amendments to the draft DPD prior to consultation commencing, meant that Members would have the opportunity to feed through comments once they had been able to properly review the Appendix. If the changes requested were substantive amendments, then these had to be approved through Cabinet.

The Committee supported the report.

The Committee expressed concern about maintaining the 40% affordable housing commitment when viability was questioned and asked that the Council investigated mechanisms to defend this through the planning process.

Cabinet Response:

The recommendations in the report were approved.

Item Number: 13 – Decarbonisation of Council Assets

Requested by: Green Group

Reasons Considered:

Call-in questions:

The Director for Climate Change wrote: "There is no doubt that the net zero ambition for 2025 is a big challenge". This could be interpreted as there is a serious risk of falling far short of this target. What ongoing monitoring can give us confidence that this ambitious programme of work is on-track?

2. Can the already-secured decarbonisation funding for replacing existing heating systems with air source heat pumps be included in the review?
3. Shouldn't the council work to official decarbonisation/retrofitting standards for non-commercial buildings, e.g. the Government's PAS 2038 guidance?
4. What proportion of 'old-fashioned' WDC lights have been replaced with LEDs since the climate emergency declaration in 2019?
5. Which is the provider for WDC's green tariff 100% renewable electricity?
6. Recommendation (4). As a key aspect of the WDC Climate Action Plan, can the Climate Emergency PAB be included in the development of specific schemes? (this is likely to be more important for Phase 2 than Phase 1 schemes, so the recommendation may need to be reworded.)
7. Can a recommendation be added that requires the council to publish annually the council's total energy usage (from all sources) as well as the carbon emissions from these properties. This should start for 2021 or earlier so there is an appropriate baseline.

Scrutiny Comment:

The Overview & Scrutiny Committee recommended that:

- (1) Standards set out by the Government for de-carbonisation and retrofitting and those the Council would apply, should be included within the report.
- (2) The Climate Emergency PAB, within the terms of its remit, be involved more in developing some of the schemes outlined in the report.
- (3) A schedule/plan showing when stages of the process would be implemented, and the expected impact as a result should be produced.

Cabinet Response:

The recommendations in the report were approved along with the recommendations made by the Overview & Scrutiny Committee.

Title: Update on Joint Work of WDC and SDC
Lead Officer: Chris Elliott (01926 456000)
Portfolio Holder: Councillor Hales
Wards of the District directly affected: All

Summary

It was agreed at a previous meeting of the Overview and Scrutiny Committee and of the Finance and Audit Committee that a report would be brought to each meeting to set out the progress of the work being done to enable effective scrutiny of the proposals.

Recommendation

That the contents of the report and appendices are noted and any comments arising are presented to the Cabinets of both Councils and the Joint Advisory Steering Group (JASG).

1 Background/Information

1.1 This report re iterates the vision agreed by both Councils and the reasons for undertaking this approach; sets out work done to date; the next steps; the key benefits; and the key milestones and intended overall outcome. The changes from the last report are set out in italics.

1.2 Vision – both SDC and WDC at their respective Full Councils agreed the following vision:

To create a single statutory South Warwickshire District Council covering all of the activities currently carried out by Stratford-on-Avon District Council and Warwick District Council by 1st April 2024.

1.3 Reasons for undertaking this approach:

- Both Councils have significant financial pressures
- Both Councils wish to continue to provide valued services to residents/businesses/local communities
- The two Councils have a good track record of partnership
- There is a shared economic geography between the two Councils
- There is a shared sense of community between the two Councils' areas
- There is a very strong political relationship in place
- The two Councils are within the same County Council area

1.4 Work done to date (including ongoing work) includes:

- Deloitte Report commissioned and agreed by both setting out the high-level business case for the creation of a single South Warwickshire Council
- Vision stated above (paragraph 1.2) agreed by both Councils
- The Cabinet portfolios for both Councils are fully aligned
- Joint contract awarded for the Refuse and Recycling Service
- Agreed to develop jointly a South Warwickshire Local Plan
- Published the first stage of that Plan and issued a call for sites
- Agreed a joint Regulatory Services Enforcement Policy
- Agreed to develop a South Warwickshire Economic Strategy
- Agreed a shared set of ambitions regarding the Climate Emergency
- Joint Staff/HR policies agreed
- Agreed and have appointed a Transformation Programme Manager and Programme Support Officer
- Established a governance regime via the creation of an officer Programme Board (which meets weekly) and the Councillor led Joint Arrangements Steering Group (Reports and Notes of meeting available on the South Warwickshire Together Hub)
- Work on due diligence financially undertaken by LGA consultant and reported to JASG
- Regular meetings with Unison (both branches) on a fortnightly basis
- Communication Hub for all Staff and Councillors of both Councils established – South Warwickshire Together Hub
- Leaders and CEOs meet fortnightly
- Joint Management Team meets fortnightly (2 vacancies immediately saved)
- Discussions have started with the Government regarding the creation of a single South Warwickshire District Council
- Agreed paper for public consultation proposals
- Sharing experience and likewise gaining experience from joint work of other Councils including those who have merged and those who are also considering the same step
- Update presentations given to Councillors, members of staff and Service Managers
- Scrutiny Chairs of SDC/WDC have met
- Start of public consultation on proposal from 6th September to 24th October – 600 representatives of the community directly surveyed; open form available for all to make their comments; stakeholders notified and asked for comments; focus groups for residents; parish/town council; community/voluntary; business
- Consultation on proposal has taken place.
- CEOs have held a consultation session with over 50 Parish/Town Councils; and with business representatives of the Chamber of Commerce; almost 600 staff have attended CEO briefing sessions. All 3 MPs have been briefed.
- Programme of Service Integration and principle of sharing an HQ was subject to a separate report that has been agreed by both Cabinets.
- Business Case for Joint Legal Service integration was agreed by both Cabinets
- Report to Employment Committee re use of Section 113 Agreements for the Service Integration process

- Both Councils considered and agreed to make a formal application to merge the two organisations to create a single South Warwickshire Council – on Monday 13th December
- The application has been acknowledged by a Minister who will lead the work on the assessment.
- Officers have contacted the civil servants to seek follow up meetings and to ensure requests for information are responded to quickly
- Have brought together both Council's Homelessness/Housing Advice teams under the same line manager along with the Community Teams from both Councils. This post will also provide support for the health and well-being work at South Warwickshire Place Partnership Board
- Signed the Joint Waste contract which will start on 1st August
- Published the call for sites in response to the proposed new South Warwickshire Local Plan.
- *Jointly agreed the LGA Code of Conduct for Cllrs*
- *Agreed the establishment of a Joint Appointments Committee*
- *Published a report on the next stage of the Joint Local Plan*
- *Secured a collective agreement re the use of S113 agreements with the Trade Unions*
- Incorporating the advised costs of support for integration into each Council's budget proposals.

1.5 The work in train includes the following:

- The recruitment of the staffing of the new Joint Legal Services team is progressing well. This team will take over WDC's legal work from 1st April 2022.
- *The plans for the service integration of the Environmental and Operational Service teams are to be subject to staff consultation.*
- *Recruiting to the Joint Head of Financial Services and Head of Development Services positions*
- Officers are planning to bring together standardised approaches on risk management; health and safety reporting; debtor management information; and management of S106 and CIL.
- *Setting out the proposal where there will be a single call centre for transactional issues by phone, to be reviewed and implemented as each service integration occurs.*
- Commissioning a report on options for a shared HQ.
- *Seeking Member agreement to an Inter Authority Agreement.*
- *Working up governance proposals for the Shadow Authority and interim ones for both Councils to be considered in the next cycle of meetings for operation from May.*
- *Undertaking an updated due diligence exercise.*
- Planning to meet the CEO of WALC to start to discuss delegation/devolution arrangements.

- Preparing a South Warwickshire Economic Strategy.
- Preparing a resident's survey as a benchmark.
- *Preparing a critical path gant chart for the merger process which will be reported to at a subsequent meeting and an updated and regularised form for reporting on progress overall.*

1.6 The expected benefits include:

- Delivery of significant net savings as envisaged in the Medium-Term Financial Strategy
- Enhanced partnership working
- Increased presence, influence, and strategic voice
- Increased service resilience
- Improved customer experience – residents and business
- Strengthened workforce opportunities arising from a larger workforce.

1.7 The key milestones are:

- Agreement to the business case to be submitted to Government on 13th December 2021 – **achieved**
- Approval granted by the Secretary of State within a year of the submission date
- Shadow Council in existence from April 2023 – elections inc. those of Parish deferred for a year
- All services merged by March 2024 having started the process in November 2021 - **underway**
- New Council comes into life on 1st April 2024
- Elections to new Council in May 2024.

1.8 The overall outcome would be that a new South Warwickshire Council which has a sustainable financial foundation and so is able to deliver transformed, and relevant services for the residents, businesses, and communities of the area.

2 **Alternative Options available**

2.1 Strategic options were evaluated as part of the work done for the public consultation and can be seen at the Hub. Both Councils have made the decision to seek a merger and previous decisions have agreed plans for service integration and HQ accommodation.

3 **Consultation and Member's comments**

3.1 The purpose of this report is to advise Members of current progress and to enable them to make comments.

4 **Implications of the proposal**

4.1 **Legal/Human Rights Implications**

4.1.1 As so decided by Members, and if so then by the Government, the proposal will have very significant legal implications in that both SDC and WDC will cease to exist and a new legal identify will come into being.

4.2 **Financial**

4.2.1 This report itself does not impact on the budgetary framework or budget, but the subject matter of the report will have an impact as was documented in the

report considered in December and in the budget, proposals being considered in February.

4.3 **Council Plan**

4.3.1 **Fit for the Future (FFF)**

4.3.2 The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects.

4.3.3 The FFF Strategy has 3 strands, People, Services and Money, and each has an external and internal element to it, the details of which can be found on the Council's website. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

4.4 **FFF Strands**

External impacts of proposal(s)

People - Health, Homes, Communities - The report will have no direct impact for the community at this stage, but the overall programme will assist with the ability to continue to provide services.

Services - Green, Clean, Safe – As above.

Money- Infrastructure, Enterprise, Employment – As above.

Internal impacts of the proposal(s)

People - Effective Staff – The joint work will offer better protection to staff than the alternatives and by being part of a larger workforce it will offer more opportunities for training and progress.

Services - Maintain or Improve Services – The joint work is intended to better enable the two Councils to maintain or improve their services.

Money - Firm Financial Footing over the Longer Term – It is intended that the work does provide for a firm financial footing over the longer term.

Supporting Strategies & Changes to Existing Policies – The joint work will impact on the two Council's policies. Part of the Programme of work will be to bring the policies of the two Councils into line over the period to 2024 and in some cases beyond that.

4.5 **Environmental/Climate Change Implications**

4.5.1 The Councils have agreed joint ambitions on Climate Change and a shared climate change action programme (CCAP). The CCAP provides the basis for joint working to reduce carbon emissions and to enable our communities, economy, and environment to adapt to climate changes. This approach recognises that responses to climate change should not be constrained by administrative boundaries. Furthermore, a single entity will enable a deeper review of the Councils' building assets to be undertaken with the potential to achieve additional carbon reduction measures. Joint working has the potential

to reduce carbon emissions from our buildings by enabling shared use of assets and combined approaches to planning and procuring decarbonisation projects.

- 4.5.2 Work is currently being undertaken to complete a joint carbon baseline exercise to show comparable and joint carbon emissions data for WDC and SDC over the last three years. This data will enable prioritisation to be more effective and will ensure progress on decarbonisation can be reported accurately on a regular basis.

4.6 Analysis of the effects on Equality

- 4.6.1 A high-level impact statement prepared in conjunction with public consultation can be seen on the consultation website and will also be published on the South Warwickshire Together Hub.

4.7 Data Protection

- 4.7.1 Not applicable.

4.8 Health and Wellbeing

- 4.8.1 The development of the South Warwickshire Place Partnership (Health) within the overall new structure for the sub region will greatly assist both Councils ability to help improve health and well-being for the area. As organisations the Councils are also seeking to integrate their approaches to health and safety reporting and response for staff. Both currently offer similar support packages to staff, and this will be integrated and standardised over time.

5 Risk Assessment

- 5.1 An updated risk register for the joint work is being developed and is attached as Appendix 1 for consideration and comment. This has not altered since it was last reported barley a month ago.
- 5.2 It is worth noting that some risks for Council partnerships elsewhere in the country have been realised. Just after the New Year a public announcement was made that in Hampshire two Councils – East Hampshire and Havant which had been in a partnership for 12 years were going separate ways. Currently they have a single management team and a single Chief Executive and had merged some but not all services and no political merger. A difference in strategic priorities is cited as the reason though behind this no doubt sits some other dynamics relating to style and approach. Some other partnerships have also broken up recently – Cherwell and Oxfordshire County Council; Gloucester City Council and Gloucester County Council; South Holland District Council, Breckland District Council, which has been replaced by a tripartite partnership of three South Lincolnshire District Councils.
- 5.3 Lack of political integration inevitably leaves a significant risk to the partnership of the two Councils.

6 Conclusion/Reasons for the Recommendation

- 6.1 This report sets out current position on the work being done jointly with SDC.

Report Information Sheet

Please complete and submit to Democratic Services with draft report

Committee/Date	Overview and Scrutiny/Finance and Audit Committee 8 th /9 th February 2022	
Title of report	Update on Joint Work with SDC	
Consultations undertaken		
Consultee *required	Date	Details of consultation /comments received
Ward Member(s)	-	
Portfolio Holder WDC & SDC *	28.02.22	Cllr Hales
Financial Services *	28.02.22	Mike Snow
Legal Services *	28.02.22	Phil Grafton
Other Services		
Chief Executive(s)	28.02.22	Chris Elliott
Head of Service(s)		
Section 151 Officer	28.02.22	Mike Snow
Monitoring Officer	28.02.22	Phil Grafton
CMT (WDC)	28.02.22	Chris Elliott, Andy Jones, Dave Barber, Tony Perks
Leadership Co-ordination Group (WDC)		
Other organisations	28.02.22	Tim Oruye - Programme Manager David Buckland SDC
Final decision by this Committee or rec to another Ctte/Council?		Recommendation to Overview and Scrutiny Committee/ Finance and Audit Committee
Contrary to Policy/Budget framework		No
Does this report contain exempt info/Confidential? If so, which paragraph(s)?		No
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?		No
Accessibility Checked?		File/Info/Inspect Document/Check Accessibility



Impact	5	Catastrophic	5	10	15	20	25
	4	Major	4	8	12	16	20
	3	Moderate	3	6	9	12	15
	2	Minor	2	4	6	8	10
	1	Negligible	1	2	3	4	5
Score			Rare	Unlikely	Possible	Likely	Very Likely
			1	2	3	4	5
			Likelihood				

Programme Risk Register

Ref	Risk Owner	Risk Description	Potential Consequences	Risk Rating			Mitigation	
				Likelihood	Impact	Overall Risk Rating	Existing Controls	Proposed Actions/Comment
PR001	Programme Board	One or both Councils revisiting the decision made on 13 December 2022	<p>Would put a halt to the current considerations by the Secretary of State of the business case proposal.</p> <p>Reputational damage to both Councils regarding the established partnership.</p> <p>Negative impacts on the overall outcome of the proposed constitutional and or operational merger model.</p>	2	5	10	<p>Continue to progress the various workstreams and projects of the transformation programme.</p> <p>Continue to build a strong record of collaboration between the two Councils, strengthening the rationale for merging.</p> <p>Continue to have open and regular engagement with elected members about the outcomes of all options ahead of key decisions</p>	<p>Explore, implement and promote opportunities for cohesion / alignment on key decisions from either Council to mitigate against any detrimental effects to the formation of a South Warwickshire District Council, to include the potential for joint Forward Cabinet Work Plans and joint OSC work programmes.</p> <p>Further development of joint decision-making committees, joint scrutiny arrangements and joint advisory working groups, to include mechanisms to enable engagement with all members of both Councils.</p> <p>Development of a joint member development working group, to provide the opportunity to devise a joint training programme for all members.</p> <p>Considering the possibility of a joint review of the respective Member Allowances Scheme by the Independent Remuneration Panel, to include any necessary alignment of member role descriptions.</p>

PR002	Programme Board	Failure of constituent Councils to come together to implement the decision to form South Warwickshire District Council	Protracted decisions could lead to delays in programme and operational delivery.	3	4	12	<p>Continue to progress the various workstreams and projects of the transformation programme.</p> <p>Continue to build a strong record of collaboration between the two Councils, strengthening the rationale for merging.</p> <p>Continue to have open and regular engagement with elected members about the outcomes of all options ahead of key decisions</p>	<p>Explore, implement and promote opportunities for cohesion / alignment on key decisions from either Council to mitigate against any detrimental effects to the formation of a South Warwickshire District Council, to include the potential for joint Forward Cabinet Work Plans and joint OSC work programmes.</p> <p>Heads of Service to continuously explore, implement and promote alignment of approaches, processes and service delivery for example when developing Service Plans.</p>
PR003	Programme Board	The Government may not give assent to the merger proposal.	<p>Both councils would have to seek further options to achieve savings and efficiencies</p> <p>Both Councils not realising the full potential of financial and non financial benefits</p> <p>Operational merger that follows a shared service model only, would be subject to further risk of being abandoned in the future with for example, changes to administration or priorities from either Council.</p>	3	4	12	<p>Continue to build a strong record of collaboration between the two Councils, strengthening the rationale for merging.</p> <p>Consult the public and show the results of this consultation along with the responses to any themed concerns</p> <p>Regularly engage with government officials to update on progress and receive any steer on direction</p>	<p>Build a strong business case showing clear financial and non-financial benefits.</p> <p>Further engagement with influential stakeholders.</p>
PR004	Programme Board	A submission to merge the district councils could trigger a local government reorganisation review for the whole Warwickshire area	An invitation from Government would have to be responded to within a given timescale.	3	3	9	<p>Previous scoping work has been undertaken in consultation with other district and borough councils that began to explore local government reorganisation options.</p> <p>Maintain dialogue with the DLUHC on position.</p>	To note, this is not the primary intention of the proposed merger of the two district councils.

PR005	Programme Board	Establishment of a larger local authority could lead to a 'democratic deficit' as a result of the reduction in the overall number of elected members.	Residents feeling further removed from their representatives	2	3	6	Maintain established links with Town and Parish Councils.	<p>Establish arrangements to help elected members encourage community participation in decision making.</p> <p>Exploit the opportunities that modern technology offers to increase engagement between residents and elected members.</p>
PR006	Programme Board	A bigger council may result in diseconomies of scale	If unchecked, could risk long term sustainability of local government.	2	4	8	<p>Alignment of organisational policy, processes and contracts has begun.</p> <p>Any changes to services are carefully assessed and the right scale for all services should be found.</p>	Services do not have to be delivered at the super-district level if they are better delivered more locally. Economies of scale should only be made when suitable.
PR007	Programme Board	Lack of programme management and transformation capacity and capability to deliver the merger and transformation around the same time.	Failure to effectively manage interdependencies between transformation activities may lead to increased cost of delivery and / or implementation delays.	3	3	9	<p>Transformational funding will be required to fund additional Council Staff posts to manage the change. This has been initially agreed at £200k annually for a 3 year period and will be monitored by the programme board.</p> <p>Programme Management Office (PMO) established to track and monitor delivery of the programme, realisation of benefits (with measurable targets), risk management, member engagement, governance and reporting.</p>	<p>Take a phased approach where the merger is implemented first along with robust change management processes before wider large scale transformation takes place will help ensure there is sufficient change management capacity.</p> <p>Additional funding for ICT, redundancy and external advice will be required to enhance the full potential outcomes and benefits to be realised in time.</p> <p>Where appropriate buy in the skills and capacity needed.</p> <p>Ensure timescales are realistic based on the resources available.</p> <p>Assessment of support required by services for their alignment.</p>

PR008	Programme Board	Newly formed teams and organisational cultures are not fully integrated	Could lead to staff issues such as reduced morale and increased staff turnover.	3	4	12	<p>A clear rationale and set of principles for service integration are developed to integrate teams and enable further optimisation to take place afterwards.</p> <p>A communications strategy and plan should be produced explaining the transition process and the operating principles of the new authority.</p>	<p>Design and delivery of the 'One Team' Workstream will seek to implement culture change activities and initiatives.</p> <p>Identify opportunities to create capacity through new staffing models.</p> <p>Maximise the opportunities afforded by workforce agility, technology and partnership working with other public sector agencies.</p> <p>Senior leadership should model the new behaviours and actively manage culture change during the transition.</p> <p>Embed new ways of working into performance management and reward systems.</p> <p>Identify staff change champions.</p>
PR009	Programme Board	Anticipated savings are not achieved and/or transition costs exceed estimates.	This may impact on the financial resilience of the new council.	3	4	12	<p>Establishment of a programme management office.</p> <p>Undertake regular reviews of the savings profiles and calculations during implementation to ensure they remain realistic and achievable.</p>	<p>Develop thorough and realistic cost and savings plans. Use scenarios to stress test best and worst case outcomes.</p>
PR010	Programme Board	Failure to effectively manage interdependencies between transformation activities may lead to increased cost of delivery and / or implementation delays.	May lead to increased cost of delivery and / or implementation delays.	3	4	12	<p>Establishment of a programme management office</p> <p>Development of a detailed implementation plan.</p> <p>Implement a robust change management process.</p>	<p>Receive regular reports from workstream leads</p>

PR011	Programme Board	Integration of ICT systems across the two councils	The complexity of IT integration may undermine and put at risk the potential benefits of common working practices gained from IT integration.	4	4	16	<p>The future IT architecture will need to be defined and the current position baseline understood.</p> <p>A clear plan for migrating IT systems during the migration implemented within the ICT and Digital Workstream</p>	<p>Being realistic about the pace of ICT integration - it will take several years and a lot of investment.</p> <p>Needs to correlate with the digital strategy and customer access strategy, when developed.</p> <p>Plan and estimated cost (including support) of ICT intergation programme required.</p>
PR012	Programme Board	Preparing for the transition may draw resource away from delivering other council strategies and plans.	<p>Reduction in performance and service delivery levels.</p> <p>Increase the risk of service disruption and reduce resilience of the existing and new council.</p>	3	4	12	<p>Development of a robust implementation programme plan, including more detailed plans of contributory workstreams and change activities.</p> <p>Manage the resources required to contribute towards the development and implementation of the programme of change</p>	<p>Test resilience to ensure crisis systems, risk capacity and risk management systems are in place.</p> <p>Establish a clear split between those working on the merger and those running the operational business and bring in additional resources where there are capacity and skills gaps.</p>
PR013	Programme Board	The Grading Review as part of this process may result in potential extra costs due to some posts being uplifted and others being protected.	Could compromise the delivery of anticipated savings	3	3	9	<p>Review potential savings on a continual basis through the implementation phase, especially during service integrations.</p> <p>Implement agreed Joint HR Policies</p>	<p>Implement a single job evaluation scheme by the time of the proposed merger.</p> <p>Further alignment of Terms and Conditions</p> <p>Cost of job evaluation process, outcomes and salary protction to be estimated.</p>
PR014	Programme Board	Implementation of a major change may be seen as a capacity risk at a time when there will also be a major focus on COVID-19 recovery activities.	Reduction in performance and service delivery levels	3	4	12	<p>Joint management team to monitor matters arising within their service areas and to escalate to the Programme Board accordingly.</p>	<p>Set out clear timescales and resource implications for implementation, and ensure these can be met under the current ways of working and COVID-19 pressures (including any backlog of work due to the pandemic).</p> <p>Review capacity against the timescales and resource requirements, and identify gaps where recruitment / external support is required.</p>

PR015	Programme Board	The process of agreeing a new service design could lead to a service that is not ideal for either predecessor.	Reduced levels of service delivery for the existing councils now and threaten the effectiveness in a new Council.	3	4	12	Ensure the implementation plan allows enough time for services to be co-designed and agreed upon. Establish a clear rationale and principles for service integration and optimisation.	Any changes to services should be carefully assessed and the right scale for all services should be found. Services do not have to be delivered at the super-district level if they are better delivered more locally.
PR016	Programme Board	Significant changes in operational and political leadership	Could impact negatively on the appetite for shared services and joint working.	2	4	8	Robust terms of reference for the governance structures established for the programme A communications strategy and plan developed to explain and relay the transition process and principles of the change programme.	Senior leadership should model the new behaviours and actively manage culture change during the transition. Identify staff and member change champions across both Councils through One Team Workstream.
PR017	Programme Board	Lack of customer/stakeholder focus	Increase in complaints from customers. Loss of faith and support in current and proposed organisation of local government	2	4	8	Communications and engagement plan to include activities for key stakeholders including residents	Further engagement to take place at different stages in the run up to becoming a single Council
PR018	Programme Board	Underestimate of start-up and delivery costs	Increased budget spend could hamper any expected savings	3	3	9	Financials to be regularly reviewed through the programme lifecycle including spend and savings	Additional funding for ICT, redundancy and external advice will be required to enhance the full potential outcomes and benefits to be realised in time. Estimated costs being re-assessed for consideration by Board.
PR019	Programme Board	Loss of service performance and council reputation	Increase in complaints from customers. Loss of faith and support in current and proposed organisation of local government	3	4	12	Joint Management Team oversee KPIs for their service areas and to escalate	Programme schedule to be reviewed regularly to reduce impact on business as usual service delivery
PR020	Programme Board	Not standardising policies and procedures, especially at organisational level	Left unchecked, this could lead to issues of imbalance and increase potential for mismanagement and underperformance	2	4	8	Organisational policy alignment and harmonisation to be led through the Organisational Development Workstream Acknowledgment that this will take a considerable amount of time and effort.	Once integrated, service areas to further explore these through service delivery / action plans The corporate strategy workstream would seek to address this wider in the transitional run up to becoming one Council

PR021	Programme Board	Getting accurate comparable data on unit costs	Savings profile for both Councils could appear imbalanced	4	3	12	Acknowledgement of the current MTFPs of both councils and the associated savings.	Consolidating and creating a single MTFP
PR022	Programme Board	Political balance and constitution of each Council could present challenges for key decisions and milestones.	Protracted decisions could lead to delays in programme and operational delivery	3	4	12	The Joint Arrangements Steering Group, with agreed representation and the group leaders from both Councils is used as an initial discussion forum ahead of consideration at decision making committees.	The possibility of establishing further joint committees such as Cabinet and Overview and Scrutiny to be considered at an appropriate stage
PR023	Programme Board	Loss or absence of key officers during key activities of work in the programme such as Service Integrations	Implementation of service integrations could be hampered or delayed , impacting on the schedule.	3	4	12	Programme board to decide and implement interim measures to address these promptly. Key officers to be kept informed of programme's progress.	As a contingency, other service integrations may be brought forward.
PR024	Programme Board	Large proportion of officers leave during the transformation process and before efficiencies are realised.	The retained workforce could be insufficient to deliver services and implement further transformation	2	3	6	Joint organisational change policy, recruitment and redeployment procedures agreed and in place from April 2021. Ensure service integration is staggered so that there is sufficient staff to establish new processes and support the new organisation to manage the loss of any knowledge and experience. Implement a robust change management process with service areas as they integrate and then look to optimise over time..	Once new processes are established, consider further efficiencies and enhancement opportunities.

Title: Development Management and Enforcement Performance Update
Lead Officers: Adrian Harding (07976 206246);
Gary Fisher (01926 456502)
Portfolio Holder: Councillor Grainger
Wards of the District directly affected: All

Summary

The purpose of this report is to update the Committee on the recent performance of the Council's Development Management and Enforcement Services and to set out the ongoing and proposed actions to maintain and improve efficiency and effectiveness.

Recommendation(s)

- (1) It is recommended that the report is noted and that the proposed actions are endorsed by the Committee.
-

1 Background/Information

Background

- 1.1 Members may be aware that during the course of the recent pandemic, in line with a national trend, the Development Management service experienced a significant increase in the number of planning applications being submitted.
- 1.2 In particular, over the period October 2020 to June 2021, on average there was a 25% increase in the number being received, amounting to an additional 300 cases, the majority of which comprised householder applications.
- 1.3 During that period, which occurred in the midst of the ongoing pandemic, the service was also carrying several longstanding vacancies and experienced increased levels of sickness whilst also prioritising work on a number of complex major proposals – for example, the Kenilworth Leisure Centre proposals; the Newbold Comwyn scheme; the legal agreement associated with the Kings Hill development along with the Gigafactory proposal at Coventry Airport and the Covid Testing Laboratory in Leamington.
- 1.4 That increase in workload also coincided with the time immediately following a period of adjustment when all staff started working remotely and the despatch of the necessary equipment had been rolled out to facilitate that.
- 1.5 As a result of that unforeseen imbalance of demand relative to resource, over that period and the following few months, a backlog of applications developed, at its greatest amounting to nearly 300 cases.
- 1.6 Our experience in that regard, is not dissimilar to that of many Councils around the country.

- 1.7 Members will also be aware that historically, the service has performed exceptionally well on a consistent basis with regard to the timescales for determining planning applications.
- 1.8 For several years prior to September 2020, over 90% of planning applications were consistently determined within the statutory period (8 or 13 weeks depending on the type of application) or an extended period which had been agreed with the applicant.
- 1.9 However, since that time, for the reasons outlined above, up to the quarter to December 2021 that performance has steadily dropped.
- 1.10 By way of response to the increased workload, during the latter part of 2021, the vacant posts referred to above were filled along with a number of additional temporary posts which were created to assist processing the unexpected increase in applications submitted.
- 1.11 As a consequence, the backlog of work waiting to be allocated to a Planning Officer, steadily reduced throughout the latter part of 2021 until December when the backlog was eliminated.
- 1.12 At present, those additional cases are working their way through the planning application process; being assessed by a Planning Officer and determined either under delegated powers or by Planning Committee.
- 1.13 As members will be aware, our approach to the consideration of planning applications is to work closely with applicants and negotiate revisions to schemes where that is considered necessary to make them acceptable wherever possible. The alternative would be to refuse proposals without doing so which would increase the speed of decision making and assist with performance in that regard, but reduce the quality of the service being offered, increase the number of appeals being received, and extend the overall timescale from the customers perspective.
- 1.14 The period of time over which those cases were waiting to be allocated to an officer in the backlog queue has significantly increased the overall application determination timescale. It is within this context that officers have been experiencing challenges agreeing an extended determination period with applicants, and it is this that is currently being reflected in the lower performance figures for the proportion of applications determined within the statutory or extended timescale.
- 1.15 Nevertheless, Members are asked to note that as that surge in planning applications works its way through the assessment and determination process, and officers continue to work closely with applicants in doing so, the performance in that regard is beginning to improve again. That most recent upturn in performance is reflected in the performance figure for the current quarter to date which is being closely monitored by Officers and which is currently 66% of decisions being made within the statutory or extended timescale.
- 1.16 Members will also be aware that over the last 18 months, the Planning Enforcement team has 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 that period.
- 1.17 That situation, which continues today has contributed to a significant queue of enforcement requests awaiting investigation amounting to some 275 cases over and above the 159 active ongoing investigations.

- 1.18 Nevertheless, over the period of the last financial year to date, the team have closed 191 investigations and there are 23 ongoing cases where formal action has either been, or is proposed to be taken, along with 2 appeals against Enforcement Notices that have been issued, both of which are being handled by way of a Public Inquiry.

Actions

- 1.19 It is considered that the application backlog and uncharacteristic subsequent downturn in planning application performance has been a consequence of a combination of factors, most particularly the increase in the volume and complexity of the team's workload described above; the vacant posts that were being carried at the time; and sickness within the team during the pandemic.
- 1.20 Since that time, the following actions have been undertaken to address the workload situation:-
- i. November 2020 onwards: recruitment to existing vacant posts commenced, following which they were filled over the next few months.
 - ii. January 2021 onwards: ongoing review of processes and protocols within the team to enhance effective working wherever possible.
 - iii. May 2021: recruitment to additional temporary posts commenced to increase capacity within the team, those posts being filled over the next few months.
- 1.21 Those actions are considered to have been key to the elimination of the backlog of unallocated work and the progression of those applications to the consideration stage of the process.
- 1.22 Nevertheless, the recruitment and retention of staff within the team continues to be a concern particularly as there is known to be a shortage of experienced planners available for the public sector. This is being exacerbated by other Councils within the sub-region offering more attractive remuneration packages which has been recently evidenced by low levels of external interest in some roles and the loss of existing staff to nearby Councils.
- 1.23 In addition, the actions that have been taken to seek to address the ongoing imbalance of demand for enforcement investigations relative to resourcing are:-
- June 2021 onwards: Exploration of potential opportunities for joint working with SDC. To date, no immediately available opportunities have been identified.
 - June 2021: Following the departure of the previous Enforcement Manager, the commencement of recruitment to that role. Following their appointment, 1 week before commencement in post, the successful candidate withdrew from the position. This post is currently being readvertised with the intention of filling it on an interim basis via a Recruitment Agency until such time as it has been filled permanently.
 - September 2021: Extension of the Enforcement Project Officer role secured for a further 2 years with the existing postholder remaining in post.
 - November 2021: Commencement of recruitment to 2 additional temporary posts – Senior Enforcement Officer (2 years) and Enforcement Officer (1 year). This recruitment didn't yield any suitable candidates and is intended to be repeated shortly.

- Work is currently ongoing to review the team priorities and streamline processes wherever possible to increase effective working and ensure that those priorities are achieved.

1.24 In addition to the above, the Head of Development in conjunction with the Development Manager and Team Leaders is formulating a Service Improvement Plan to address known issues within the Development Management and Enforcement Services and to address the current suppressed levels of performance.

1.25 That Plan will cover the following areas:-

- Extended performance data reporting and performance management measures.
- A recruitment and retention strategy.
- A succession planning strategy.
- The procurement of a new back office system.
- The digitizing of microfiche records.
- Proactive and robust joint working with the SDC team.
- The increased use of Planning Performance Agreements to fund increased capacity within the Team.
- Proactive on-going coaching and mentoring of team members.
- The completion of the review of enforcement priorities and processes.

2 Alternative Options available to the Overview and Scrutiny Committee

2.1 Other than noting the report and endorsing the proposed actions, there are no other alternative options before the Committee at this time.

3 Consultation and Member's comments

3.1 No comments received.

4 Implications of the proposal

4.1 Legal/Human Rights Implications

4.1.1 There are no specific legal or human rights implications of the proposal.

4.2 Financial

4.2.1 The Service Improvement Plan is anticipated to be funded within the existing budget envelope and increases in income brought about through charging for discretionary services and in particular Planning Performance Agreements and pre-application advice.

4.3 Council Plan

4.3.1 The proposals are directed at improving the current reduced performance of the development management and enforcement services which in turn will contribute to good development being delivered more effectively within the District to the benefit of residents, workers and visitors, and the environment.

4.3.2 The proposals are also intended to ensure that the service operates at an optimum level to ensure a high quality service going forward.

4.4 Environmental/Climate Change Implications

- 4.4.1 Increased effectiveness within the development management and enforcement services which in part will be sustained by ensuring that capacity within the teams is at the right level, in turns supports the quality of decision making and the ability to secure the environmental benefits to address the climate crisis agenda.

4.5 Analysis of the effects on Equality

- 4.5.1 The proposal is not anticipated to impact upon equality.

4.6 Data Protection

- 4.6.1 The Service Improvement Plan referred to above is intended to ensure that the service fulfils its data protection obligations and any issues are addressed quickly and appropriately.

4.7 Health and Wellbeing

- 4.7.1 Increased effectiveness within the development management and enforcement services will contribute to the right development occurring in the right place and at the right time securing outcomes from the Health in All Policies programme through mitigation measures and infrastructure delivered by new development which will benefit the health and well-being of residents, workers and visitors within the District.

5 Risk Assessment

- 5.1 Local Council's performance on the determination of planning applications and appeals is reported to and monitored by the Department for Levelling Up, Housing and Communities.
- 5.2 In the circumstances where Councils are considered to be consistently performing poorly in that regard, there is a risk that they will be designated as a Special Measures Authority.
- 5.3 Such designation would mean that customers could decide whether they wished to have their planning applications determined by the Council or by the Planning Inspectorate, thereby potentially removing local accountability and is therefore to be avoided.
- 5.4 Whilst such designation is infrequent, there are instances where that has occurred and Officers are therefore mindful of this risk.
- 5.5 The current criteria for Councils potentially being considered for Special Measures include failing to determine on aggregate 60 per cent of major and 70 per cent of non-major applications within the statutory or extended period or having more than ten per cent of major or non-major applications overturned on appeal, over a 2 year timeframe. Performance on enforcement matters isn't the subject of potential designation.
- 5.6 Such designation is only likely to be considered where a Council's performance consistently falls below those levels over an extended period. As indicated above, this Council's performance, until recently has been consistently significantly above those levels and whilst that performance has currently dipped, the risk of such designation is considered to be low.
- 5.7 As also set out above, actions are being taken and further actions planned to ensure a return to that high performance to reinstate that level of service for our customers and eliminate any risk of future designation.

6 Conclusion/Reasons for the Recommendation

- 6.1 This reports sets out the background to the Council's current reduced performance on the timescales for determining planning applications and enforcement investigations; the actions that have been taken to date; and those planned to return that performance to pre-existing high levels and sustain that in the longer term.
- 6.2 Members are asked to note the report and endorse the actions that are proposed.

Background papers:

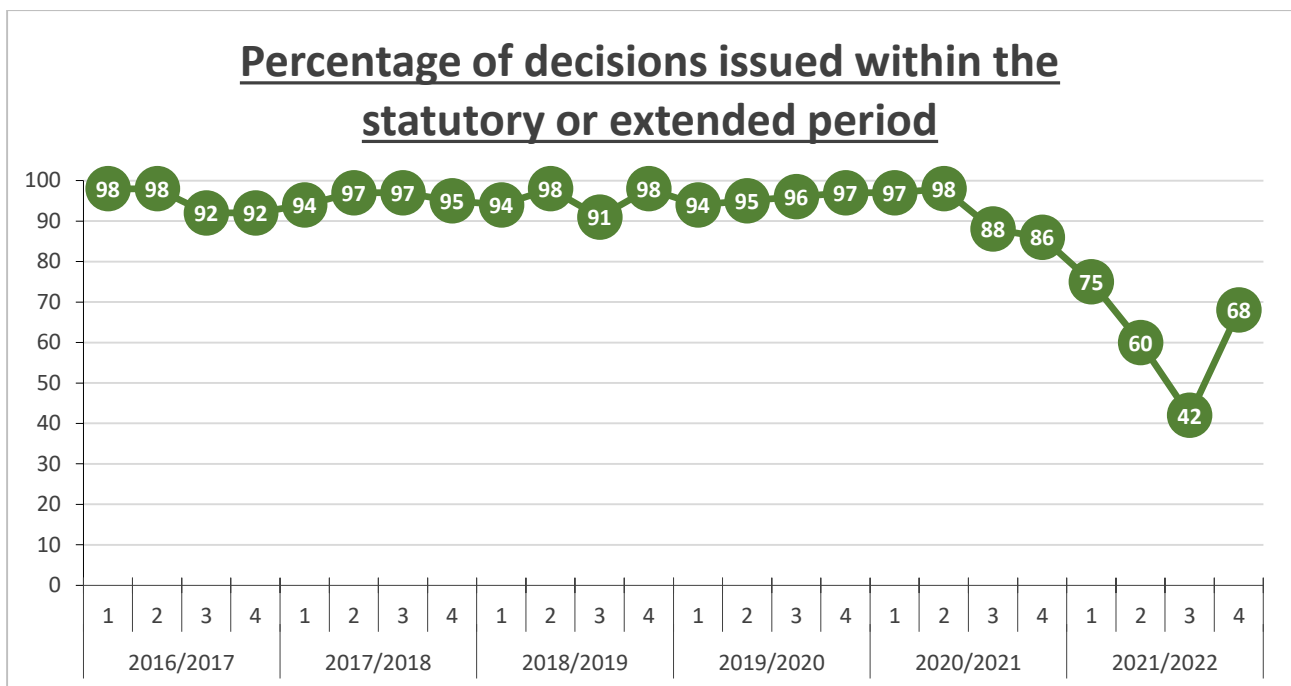
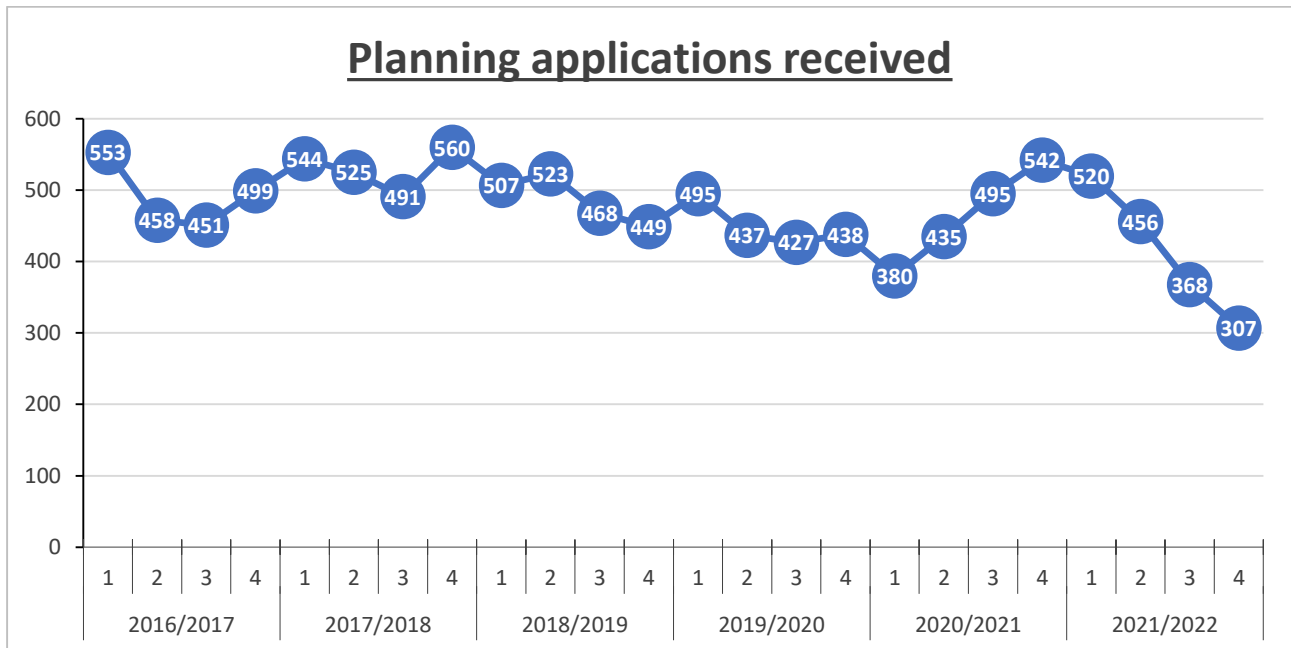
Please provide a list of any papers which you have referred to in compiling this report and are not published documents. This is a legal requirement.

You must also supply these when submitting the report.

Supporting documents:

This is not a legal requirement but may assist others in identifying documents you have referred to in producing the report.

Performance Timeline



Report Information Sheet

Please complete and submit to Democratic Services with draft report

Committee/Date	8 March 2022	
Title of report	Development Management and Enforcement Performance Update	
Consultations undertaken		
Consultee *required	Date	Details of consultation /comments received
Ward Member(s)	N/A	
Portfolio Holder WDC & SDC *	24/2/22	
Financial Services *	N/A	
Legal Services *	N/A	
Other Services	N/A	
Chief Executive(s)	24/2/22	
Head of Service(s)	23 and 24/2/22	
Section 151 Officer	24/2/22	
Monitoring Officer	24/2/22	
CMT (WDC)	24/2/22	
Leadership Co-ordination Group (WDC)	N/A	
Other organisations	N/A	
Final decision by this Committee or rec to another Ctte/Council?	Y	Recommendation to :Cabinet / Council
Contrary to Policy/Budget framework	N	No/Yes
Does this report contain exempt info/Confidential? If so, which paragraph(s)?	N	No/Yes, Paragraphs :
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?	N	No/Yes, Forward Plan item – scheduled for (date)
Accessibility Checked?	Y	File/Info/Inspect Document/Check Accessibility

Title: Environmental Enforcement update
Lead Officer: Zoë Court 01926 456314
Portfolio Holder: Councillor Rhead
Wards of the District directly affected: All

Background

Overview and Scrutiny Committee have requested an update on the shared environmental enforcement service, previously undertaken with Rugby Borough Council. Due to Covid, enforcement by Rugby Borough Council was stopped. At the same time closer working relationships were developed with the Street Scene Team within Stratford District Council. The following information is an update as requested from the last briefing note in February 2021

Update

The Street Scene Team at Stratford District Council (SDC) now support the WDC Contract Services Team as required. Both are managed within Environmental and Operational Services, of which Julie Lewis is the joint Head of Service. Some early training commenced by SDC staff who were more experienced in areas of enforcement with the longstanding aim of enforcement being undertaken by one joint team. At this time, it was announced that the Environmental and Operational Services team would be the first team to go through the joint council integration.

Waste Enforcement training was put on hold pending this Service Area restructure, which will bring the Warwick District and Stratford District teams together into one integrated team. The restructure started on February 11th, later than originally anticipated. The restructure has carefully considered the issue of enforcement going forward, balancing the objectives and aims of the restructure, of entire service delivery, resources, and savings. The business case for the restructure recommends that flytipping enforcement is examined in detail once the key officers are in place. No additional resources are available to expand the current team to deal with fly tipping. Once different options have been considered a committee report will be presented to both councils.

Fly-tipping is environmental vandalism – it's unpleasant, unnecessary, and unacceptable. Sadly, like many local authorities we must spend money each year tackling litter and fly-tipping. There will always be those that think it is acceptable to dump rubbish somewhere else, blighting other residents' areas. These fly tippers are anti-social people committing a criminal act, but prosecution is expensive, not often successful, and rarely effective. Proposals for the future need to be carefully considered as there is no one simple solution. Officer time to carry out investigations leading to possible prosecution can frequently exceed 30 hours which equates to costs of over £700 with no guarantee of a successful conviction.

Idverde become the Street Cleansing contractor in April 2021 the contractor responsible for the removal of fly tips from Warwick District Council (WDC) owned land. Improved use of technology and an integrated software outlined in the previous

briefing note has started. The new method of reporting flytipping via the website went live in Summer 2021, with reports being logged directly onto a new system called Sales Force (Arcus). Work is ongoing with Idverde to integrate this system with their system called Acorn to allow service requests to upload directly to operatives handhelds enabling real time information being received and sent with minimal officer intervention.

Reported fly tips have continued to be cleared quickly, generally within two working days. Crews look for evidence and officers have issued over 50 warning letters in the past six months. Working with experienced officers at Stratford has enabled our officers to issue Fixed Penalty Notices (fines) as required.

Additionally, a trial of redeployable CCTV cameras (purchased for the Commonwealth Games) is currently being undertaken in Sydenham, which involves WDC staff working with the local Safer Neighbourhoods Team (Police) and local ward councillors.

Next Steps

A summary of the results of the CCTV trial will be shared in April 2022 and it is hoped that after the Commonwealth Games the team dealing with waste enforcement can make more use of these cameras for future enforcement work.

The team is exploring running a similar initiative to Keep Britain Tidy's Better Streets programme, which they recently worked in partnership with at Newham Council to tackle flytipping. There were various interventions, one includes using crime investigation tape and social impact temporary stencils at flytipping hot spot areas. This had a positive impact at Newham Council and flytipping reduced by up to 73%.

Ahead of the new 123+ waste collection contract going live on 1st August 2022 the team are monitoring the locations and quantities of household waste being fly tipped. The redeployable CCTV cameras can then be set up in any 'hot spot areas' identified by the team. There has been an ongoing issue across the district with a small amount of household waste being left next to certain litter bins, which is also classed as flytipping. To try and reduce these issues, notices are being added to these litter bins advising that leaving additional waste is classed as flytipping and if the household is struggling to cope with their waste to get in touch with the team. A closer relationship has also been established between the waste collection contractor and the street cleansing contractor to co-ordinate collections of excess waste and reduce collection costs.

As part of the new Environmental & Operational Services structure the new Operational Development Manager will be tasked with developing enforcement processes for areas such as fly tipping, exploring alternative ways of delivering enforcement including implementation of agreed solutions. This role can report back to the committee by the end of 2022.

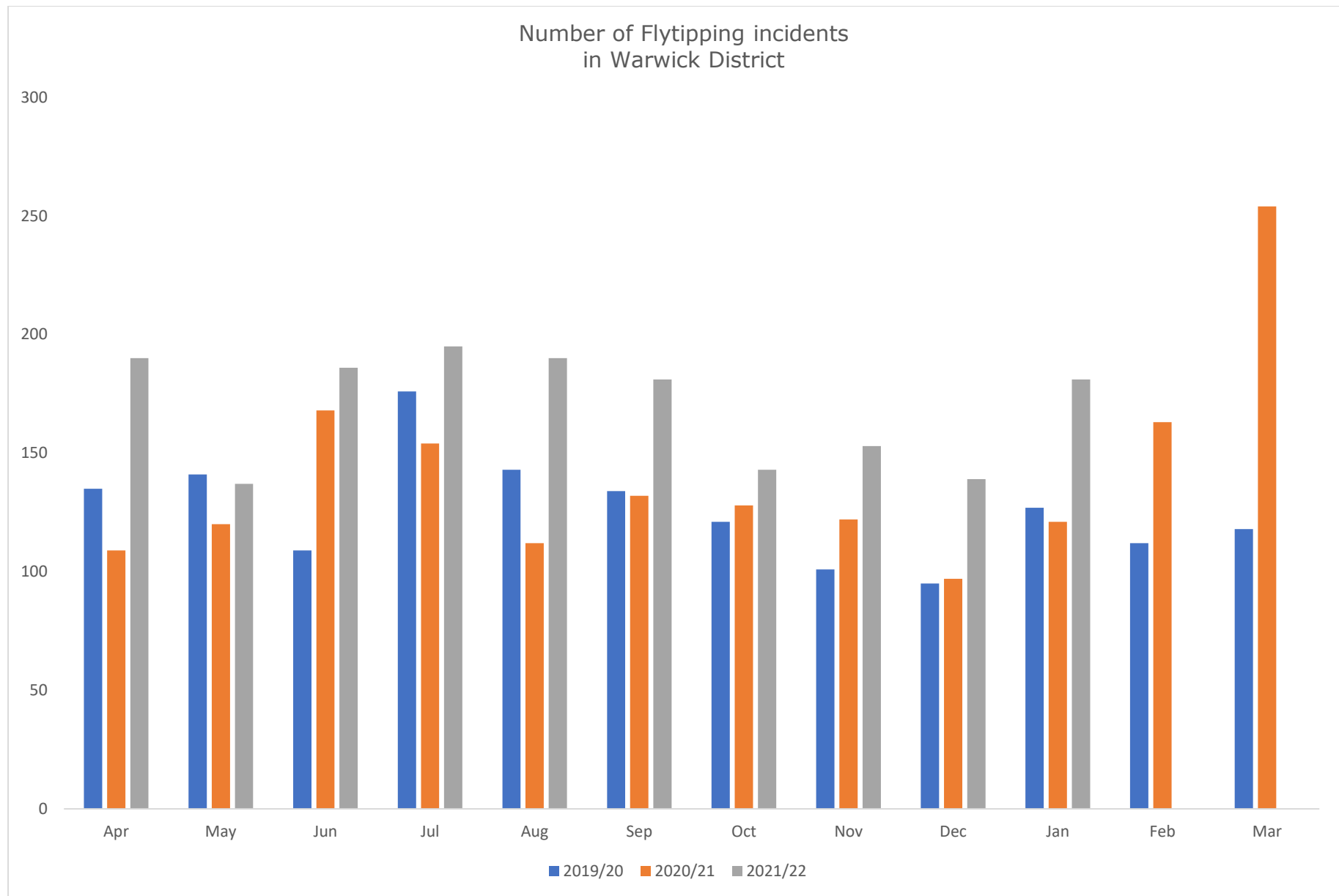
Please see Appendix 1 for flytipping data since 2019 to January 2022, postcodes are recorded, we do not currently have broken down by ward.

Briefing Note Information Sheet

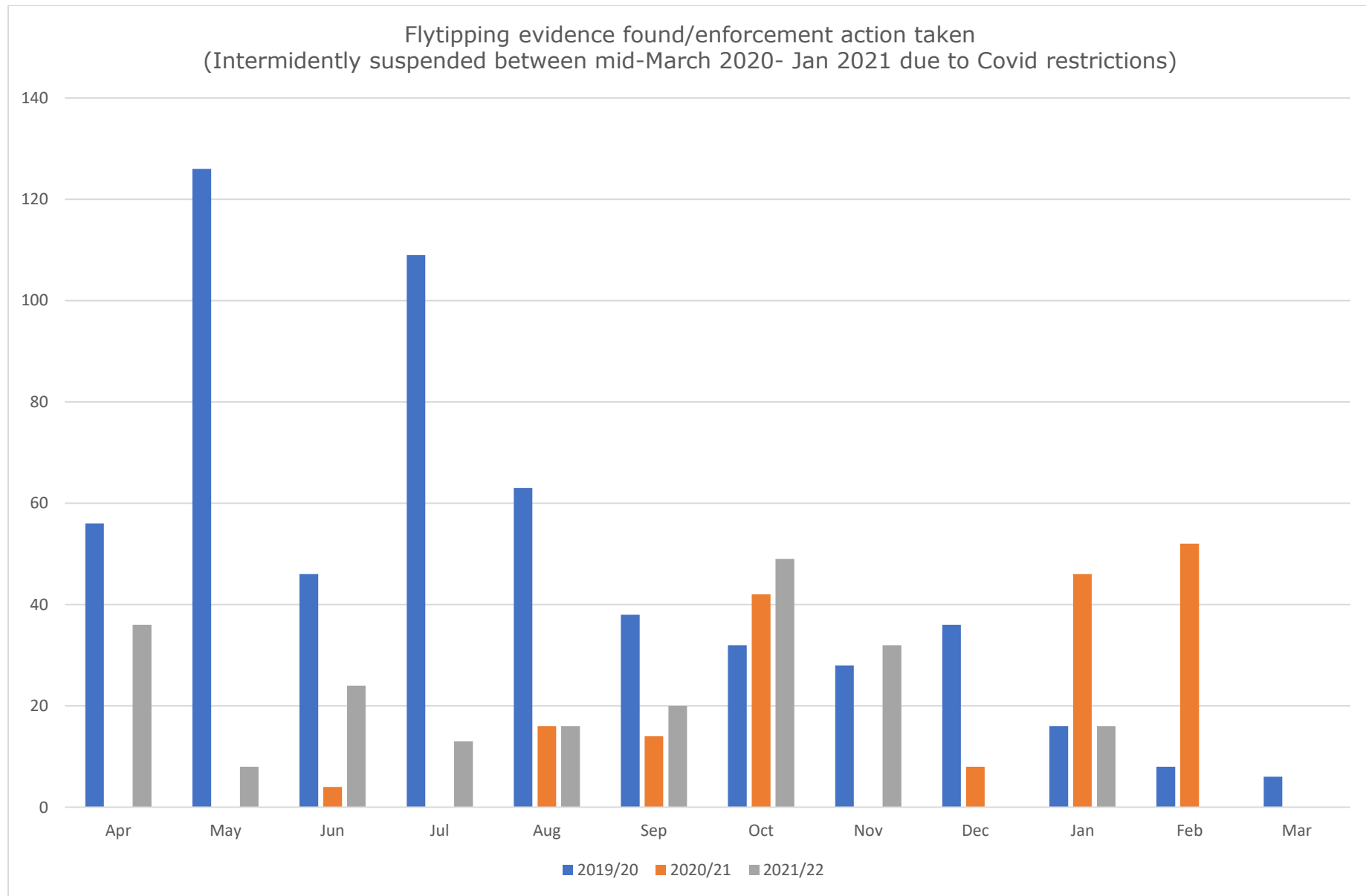
Please complete and submit to Democratic Services with Briefing Note

Committee/Date		
Title of Briefing Report	Environmental Enforcement Update	
Consultations undertaken		
Consultee *required	Date	Details of consultation /comments received
Ward Member(s)	N/A	
Portfolio Holder WDC & SDC *	22/2/22	Cllr Rhead approved content
Financial Services *	N/A	
Legal Services *	N/A	
Other Services	N/A	
Chief Executive(s)	N/A	
Head of Service(s)	22/2/22	Julie Lewis approved
Section 151 Officer	N/A	
Monitoring Officer	N/A	
CMT (WDC)	N/A	
Leadership Co-ordination Group (WDC)	N/A	
Other organisations	N/A	
Contrary to Policy/Budget framework		No
Does this briefing note contain exempt info/Confidential? If so, which paragraph(s)?		No
Does this briefing note relate to a key decision (referred to in the Cabinet Forward Plan)?		No
Accessibility Checked?		File/Info/Inspect Document/Check Accessibility

Appendix 1 - Flytipping Enforcement (working with Stratford Street Scene Team update)



Appendix 1 - Flytipping Enforcement (working with Stratford Street Scene Team update)



Appendix 1 - Flytipping Enforcement (working with Stratford Street Scene Team update)

