

# Overview and Scrutiny Committee

Minutes of the meeting held on Tuesday 25 September 2018 at the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Mrs Falp (Chairman); Councillors Boad, Mrs Cain, D'Arcy, Davison, H Grainger, Naimo, Parkins, Mrs Redford, Shilton and Weed.

**Also Present:** Councillors Coker and Grainger.

## 35. Apologies and Substitutes

- (a) There were no apologies for absence made.
- (b) Councillor Weed substituted for Councillor Bromley.

## 36. Declarations of Interest

### Minutes 38 and 39 – Leisure Development Programme Phase 2 – Kenilworth Facilities

Councillors Mrs Cain and Shilton declared an interest because they were both Kenilworth Town Councillors. Councillor Shilton stated that one of the public speakers might be known to him.

Councillor Shilton made a general declaration of interest because he was a member of Warwickshire County Council, in case any matters arose concerning this Council.

## 37. Minutes

The minutes of the meeting held on 29 August 2018 were taken as read and signed by the Chairman as a correct record.

## 38. Leisure Development Programme Phase 2 – Kenilworth Facilities

The Committee received a verbal update from the Head of Cultural Services and Councillor Coker, Portfolio Holder – Cultural Services, on the second phase of the Leisure Development Programme. A report would be presented to Executive the following evening and Members were referred to this report which was agenda item 4 on the Executive agenda.

Phase 1 of the Leisure Development Programme was very nearly completed. The initial public reaction to the new-look leisure centres at Newbold Comyn and St Nicholas Park had exceeded expectations and the usage/financial performance was also exceeding initial expectations.

It was agreed at the start of the Leisure Development Programme in 2015 that Kenilworth facilities would form a Phase 2 of the Leisure Development Programme, once the Local Plan gave more certainty as to the future development of the town.

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The report to the Executive sought approval from for the various options to be presented to stakeholders and members of the public as part of a RIBA stage 1 consultation.

Three members of the "Restore Kenilworth Lido" group addressed the Committee because they wanted a suitable outdoor swimming pool to remain in Kenilworth and wanted to ensure that the consultation process was robust and all-encompassing. They asked that the report that was going to Executive on the following evening for decision should be referred to Council for consideration. These speakers were Ms Cogan, Mr Peacock and Mr Jones.

In response to questions from the Committee, Councillor Coker and the Head of Cultural Services explained that:

- Officers had considered the possibility of extending the indoor pool tank at Abbey Fields so that a six lane pool was feasible, but technical advice revealed that to do so would mean the complete removal of the current tank, with the likelihood that the roof would need complete reconstruction, which might mean the whole roof-line would need to be reconstructed. This could mean demolishing that part of the building and starting over. Therefore officers had discounted this option because of viability.
- Two indoor pools at Abbey Fields would give opportunities for a far more flexible programme of activities in the pool because two types of activities could be held at the same time; one in each pool. This would lead to operational benefits.
- Outdoor swimming pools did not count towards Sport England's planning model on how much pool provision was required because the use of outdoor pools was largely seasonal.
- According to the Sport's England model, the District was about two swimming lanes short, and that was one of the considerations the Council was trying to address. Retention of the outdoor pool did not allow the Council to meet this shortfall, so ways were being sought to provide more water space.
- A full consultation would be presented. Details of this were not currently available and would not be available until the options on the plans were agreed. The consultation would be open and transparent; anyone wishing to participate would be allowed to do so, and a range of ways to consult would be offered.
- Previous surveys would be taken into account but caution would be needed using data from older surveys.
- "Everyone Active" was being consulted for its experience managing lidos.
- The Council would balance all arguments when making its decision so that it would not be based purely on finance.
- There was no opportunity for "wet and dry" facilities at Abbey Fields because of the constraints of the site and the fact that this would make the site financially unviable. The option had therefore been considered for Castle Farm but had been discounted because it was felt that the site could not cope with the additional traffic this would involve.
- The old lido tank confines were still largely in situ with the current outdoor pool falling within these. The proposed new indoor pool

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would cover a lot of this old tank, so a new outdoor tank would be required.

- The "Mace Team" was working on figures to provide a 25m x 10m outdoor pool. Mace had confirmed that physically it could "just" fit in the pool, but other matters entered into the consideration before reaching a decision such as space for changing rooms. The Council would need this information before it could consider if there could be an option for a 25m x 10m outdoor pool.
- Options were being discussed with the Scouts (& Guides) based at Castle Farm for where they could meet.

The Deputy Chief Executive and Monitoring Officer was asked to explain why the results of the consultation might not be binding. He informed Members that from a Monitoring Officer's viewpoint, he would look at the approach to the consultation and what the Council was required to do. A consultation should mean that minds were not closed to any option at the start of the process, but then feedback from the consultation would be weighed against the criteria that were set, such as affordability. It was perfectly acceptable to have parameters when going out to consultation because of the work done in advance on what was required. If during the consultation process, proposals were submitted outside of these parameters, the Executive would then consider if these were a reasonable addition for consideration or not. The key words in reaching a decision were "reasonable" and "rational".

In answer to a question from Councillor Parkins about whether decisions were made based on financial viability against profitability, the Monitoring Officer explained that "affordability" was the criteria used. The Executive would look at the resources that it had and having reflected on the results of the consultation, it would ask what it wanted to do given the financial envelope to best serve Kenilworth and the wider community and what was operationally deliverable.

The Chairman thanked the public speakers and asked them to encourage people to respond to the consultation. Councillor Coker reinforced that the Council was keen to listen to what people wanted and wanted the facilities to be a feature like they were at Warwick and Royal Leamington Spa.

### **39. Executive Agenda (Non-confidential items and reports) – Wednesday 26 September 2018**

The Committee considered the following non-confidential item which would be discussed at the meeting of the Executive on Wednesday 26 September 2018.

#### **Item 4 – Leisure Development Programme Phase Two – Kenilworth Facilities**

The Committee supported the recommendations in the report.

(Councillor Coker and the public speakers left the meeting.)

JAF.

**40. Events Review Update**

The Committee received a verbal update from the Business Support and Events Officer on the Events Strategy. A report would be presented to Executive the following evening and Members were referred to this report which was agenda item five on the Executive agenda. The report provided an update on the action plan arising from the Events Review that had been agreed by Executive in February 2018. This Committee had scrutinised the Events Review before it went to Executive in February and had asked for a further update. Since a report was going to Executive the following day, it was decided to receive the update and to comment on the report.

The Business Support and Events Officer explained that there were over 100 events held in the District in the year; going forward, it was hoped to increase this number.

In response to questions from Members, the Business Support and Events Officer responded:

- Economic Impact Assessments (EIAs) could only be completed following an event; it was hoped to start these from September 2019.
- Officers would look at ways to reduce the use of plastic at events. Currently only event organisers could do this. The Council was trying to encourage that more waste should be compostable.
- The Council was trying to get event organisers to hold more events in Kenilworth.
- It was more difficult to measure how much of an impact smaller events made. Organisers for smaller events were directed to Space Hive Crowd Funding to pay for these types of events.
- The Council did not necessarily know about events that were not on its land.
- The Council was in a position to fund waste provision.
- Officers would consider the use of standardised EIAs for all events.
- The Council was developing a manual as part of the Events Action Plan. All departments within the Council involved in events would contribute to this manual. Once the manual was ready, its availability would be publicised on the Council's website and all event organisers would be sent a copy.
- A way to simplify offsetting costs for damage and clear-up at events was being investigated. Currently event organisers might be required to pay a deposit.

**41. Executive Agenda (Non-confidential items and reports) –  
Wednesday 26 September 2018**

The Committee considered the following non-confidential item which would be discussed at the meeting of the Executive on Wednesday 26 September 2018.

**Item 5 – Events Strategy**

The Committee supported the recommendations in the report but made the following comments:

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- A standardised EIA, the format of which has been defined by the Council, should be completed for all events.
  - Event organisers should be encouraged to ensure the use of recyclable materials for all disposable items, e.g. plastics.
  - Parish and Town Councils should be sent a copy of the events manual once it is published.
- All events organisers should receive a copy of the events manual.

### **42. Christmas Lights Display 2018**

The Committee received a verbal update from the Business Support and Events Officer on arrangements for Christmas lights in December.

The Business Support and Events Officer informed the Committee that:

- There would be five light switch-on events – two in Whitnash, one in Royal Leamington Spa, one in Kenilworth and one in Warwick.
- Changes were going to be made to the switch-on in Royal Leamington Spa from previous years; the stage would be moving to outside the Town Hall.
- The lights display for Leamington would be going out to tender in 2019 and whilst the Council would have some input, BID would own the lights and the Council would be responsible for holding the installation contract. BID would be responsible for determining whether the lights would be bought or leased; if leased, then the issue would be who would be responsible for the installation.
- The display of light in Kenilworth in 2017 was felt to be one of the finest it had had, but some of the lights did not work. Work was being done to fix the display outside Jubilee House.
- The issue surrounding when lights got switched on was a manpower problem because the system was operated manually.
- The Council was responsible for installing the Diwali light display. The organisation that bought these lights was unknown.

The Chairman thanked the Business Support and Events Officer.

### **43. Work Programme, Forward Plan & Comments from Executive**

The Committee considered its work programme for 2018 and the Forward Plan and the responses the Executive gave to the comments the Overview and Scrutiny Committee made regarding the reports submitted to the Executive in September 2018.

The Chairman read out an update on the work being done by the Task & Finish Group – role of the Chairman. The Group had agreed questions for all Councillors and past Chairmen with the intention to circulate these during the week. A quick response time would be requested with a view to the Group meeting in October to look at the responses.

From the questionnaire, it would be decided which Councillors and Chairmen to interview. The Group would also speak to the Chairman's PA and the Democratic Services Manager & Deputy Monitoring Officer.

JAF.

**Resolved that:**

- (1) the Portfolio Holder, Business, should be moved back to February 2019;
- (2) the Portfolio Holder, Health & Community Protection, should be moved forward to April 2019; and
- (3) the Comments from the Executive report (Appendix 2 to the report) is noted.

(Councillor Grainger arrived at the meeting during this item.)

**44. Renewal of Recycling Contract 2019/20**

The Committee had requested a report from Neighbourhood Services in anticipation of the renewal of the Council's recycling contract so that it could pre-scrutinise and make suggestions on what would be agreed for the renewal of the contract.

The procurement of the major contracts which included recycling was due to commence formally in May 2019. Over the next 12 months, the Council would need to decide the delivery model, the desired quality of services, alternative service options, budget and engage with a number of stakeholders.

Councillor Grainger - Portfolio Holder, Neighbourhood Services, the Head of Neighbourhood Services and the Contract Services Manager informed the Committee that a briefing paper outlining the timeline and the next stages would be presented to the Executive shortly.

Members noted that the table on page 2 of the report, showing numbers of collections, could be more meaningful if it showed the number of households having collections for the past five years and how much these had increased by year on year; it was noted that the actual tonnage had not noticeably moved despite the increase in collections. The lack of change to tonnage was explained by the fact that the residents were using their waste more efficiently by recycling. Members also felt that information showing the cost per household for recycling would be useful to have.

It was suggested that the Council implemented a specific programme to ensure that residents recycled their waste to ensure that with the turnover of residents in the District, the message continued to be given. Members were informed that campaigns made very little difference to recycling rates, but this would be investigated as part of the service review.

Members requested ways be sought to reduce the number of rejections of "contaminated waste" and suggested that more detail was required on what could and what could not be put in bins. The current system notified people once a year of what could go in the bins, with great emphasis being made to notify landlords and the universities. There was some flexibility in the budget to do this notification twice a year, perhaps in conjunction with the County Council.

Members asked for more commitment to get more kerbside recycling with new homes being provided with bins at the start. Costs would be provided

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to Members on what the potential costs to have these bins provided, with the contents already printed on them. It was noted that not all builders provided bins. Councillor Shilton raised the point that the Council insisting developers provide all new homes with bins was not allowed in law and the Chairman suggested that he could consider raising a Notice of Motion to Council to request a letter be written to the MP to request a change in the law.

Other suggestions made were:

- education should form part of the next contract;
- every new home should receive a "home pack";
- the market for recycling plastics should be considered;
- the Council should consider using larger bins; and
- frequency of collections should be reviewed.

**Resolved** that a further report will be provided in November.

### **45. Review of Neighbourhood Services – Service Area Update**

The Committee considered a report from Neighbourhood Services which brought together details of the performance of Neighbourhood Services.

In response to questions from the Committee, Councillor Grainger – Portfolio Holder, Neighbourhood Services, the Head of Service and the Contract Services Manager responded:

- The new parking meters were being rolled out before Christmas. "Metric" had been requested to provide a project plan and it was hoped that the main town centres would be done before Christmas.
- The loss of statutory records mentioned in the report on page 9 referred to Bereavement Services. The computer system used by this area was old and so the Council was seeking to have it replaced but staff shortages had delayed the process. The risk was not that all records could be lost; but if the current system failed, the Council would be forced to revert to a manual paper system. The Head of Bereavement Services was now in a position to start the work to find a new system, so the risk would be reduced.
- The approach to Green Space Projects was going to change. Previously these went through a Members' Group but the new approach would be for the Portfolio Holder to hold discussions with the relevant Ward Member to agree timescales.
- The main issue with fly-tipping enforcement and prosecutions was that the process took a long time. The work with Rugby Council would be reviewed and a way forward would be recommended with a report to come forward.

The Chairman thanked Councillor Grainger and her officers.

(Councillor Grainger left the meeting.)

### **46. Task & Finish Group HMO's Update**

The Committee considered a report from the Deputy Chief Executive & Monitoring Officer which gave an updated picture of how work was

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progressing on the action plan following recommendations made by the Task & Finish Group – HMOs.

The Deputy Chief Executive queried why this report had been requested because the final annual report had already been provided to the Committee in April and his understanding was that was to be the last time an update on the Action Plan was to be presented. It was confirmed that this was the case but that this Committee had then requested another update.

It was agreed that there should not be ongoing updates on the Task & Finish Group Action Plan. However, there may be particular policy areas which formed part of the Action Plan that the Scrutiny Committee still wanted to investigate. It was agreed that there should be consideration of Local Plan Policy H6 as Councillor Naimo considered that there was inconsistent application of the Policy.

**Resolved** that Councillor Naimo describes what it is the Committee would like to explore with the Development Management team. The team can then prepare a short report for Members' consideration and be in a position to answer queries. This report should be presented to this Committee in October.

The Deputy Chief Executive (AJ) also advised the Committee that the process of sending questions to officers on reports on the day of the meeting was putting officers under immense strain to get the answers to them ahead of the meeting and he requested that this should stop and that if Members had questions on a report, they could contact officers as soon as they received the report, instead of delaying to the day of the meeting.

**Resolved** that the recently introduced system of councillors sending in questions on reports for same-day response from officers on the day of the meeting should stop.

### 47. **Public and Press**

**Resolved** that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following two items by reason of the likely disclosure of exempt information within the paragraph 3 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

### 48. **Confidential Minutes**

The confidential minutes of the meeting held on 29 August 2018 were taken as read and signed by the Chairman as a correct record.

JAC



**OVERVIEW AND SCRUTINY COMMITTEE MINUTES (Continued)**

**49. Review of the Work Programme, Forward Plan & Comments from Executive**

The Committee considered the responses the Executive gave to the comments the Overview and Scrutiny Committee made regarding the confidential reports submitted to the Executive in August 2018.

**Resolved** that the Confidential Comments from the Executive report be noted.

(The meeting ended at 9.17 pm)

Signature Redacted



CHAIRMAN  
30 October 2018