

Overview and Scrutiny Committee

Minutes of the meeting held on Tuesday 4 July 2023 in the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Milton (Chair); Councillors Barton, Collins, Cron, Day, D Harrison, Kohler, Luckhurst, Payne and Sinnott.

Also Present: Councillor Billiald – Portfolio Holder for Arts & Economy, Councillor Chilvers – Portfolio Holder for Resources, Councillor Davison – Leader of the Council, Councillor J Harrison – Portfolio Holder for Transformation, Councillor King – Portfolio Holder for Place, Councillor Wightman – Portfolio Holder for Housing.

4. **Apologies and Substitutes**

- (a) An apology for absence was received from Councillor Hales.
- (b) Councillor Cron substituted for Councillor Armstrong, Councillor Kohler substituted for Councillor Russell and Councillor Sinnott substituted for the Labour Group vacancy.

5. **Declarations of Interest**

Minute Numbers 10 - 12 – Future High Streets Fund Update and Confidential Appendices to Item 5 – Future High Streets Fund Update

As a former Member of Cabinet, Councillor Day declared an interest and withdrew from the meeting whilst this report was discussed.

6. **Minutes**

The minutes of the Overview and Scrutiny Committee meetings held on 19 April 2023 and 17 May 2023 were taken as read and signed by the Chair as a correct record.

7. **Cabinet Agenda (Non-Confidential items and reports) – Wednesday 5 July 2023**

The Committee considered the following items which would be discussed at the meeting of the Cabinet on Wednesday 5 July 2023.

Item 12 – Customer Service Relocation Options

The Committee expresses concerns about the increase in costs from those that were initially stated. The Committee requested that costs were kept closely under control for the duration of the project and reduced if possible and provided value for money. The Committee requested that further effort should be made in respect of the plans for the Pump Rooms Shop to ensure that the service provided to residents continued.

Item 5 – Milverton Homes Limited Governance Audit

The Committee recommended to Cabinet that officers should review the effectiveness on governance arrangements with the Monitoring Officer chairing Board meetings and also being the Shareholder Representative. It asked for the review to examine whether alternative options should be pursued. It had a proposal for this which would be moved at Cabinet.

The Committee noted the comments from the Portfolio Holder for Housing which clarified that Recommendation 3 in the report was a recommendation to Council, and the following amendment to recommendation 4:

“Approves the Terms of Reference for the Shareholder Representative Board at the Appendix 1 **and asks Council to annex it to the Constitution**”.

The Committee also noted comments that the Terms of Reference should be less specific and refer instead to any relevant risks or issues linked with any Joint Venture project referred to the Board by the Cabinet.

The above amendments would be circulated via an addendum prior to the Cabinet meeting.

8. **Public & Press**

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

Minute Number	Paragraph Number	Reason
9	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

9. **Cabinet Agenda (Confidential items and reports) – Wednesday 5 July 2023**

The Committee considered the following confidential item which would be discussed at the meeting of the Cabinet on Wednesday 5 July 2023.

Item 14 – Milverton Homes Business Plan Revision

The Committee discussed the confidential report and comments made to Cabinet were recorded in the Committee’s confidential minutes 4 July 2023.

(The meeting was adjourned at 8.02pm for 10 minutes and resumed at 8.12pm in public session.)

10. **Future High Streets Fund Update**

The Committee considered a report from Planning Policy and Delivery which gave an update on the projects being funded by the Future High Street Fund (FHSF). There was also a confidential element in respect of one of the project sites and the details of this were set out in Appendix 1 to the report. The Risk Register, set out in Appendix 3 to the report was also confidential because it referred to the confidential project site. The Risk Register had been issued subsequent to publication of the report on the Council's website at the request of the Chair.

In 2020 the Council was successful in its bid to the FHSF and was awarded funding of £10.15million which had to be used by 31 March 2024. The report detailed progress against the projects in the funding bid.

As well as the FHSF, there was also co-funding from private investment and Warwick District Council; this was not subject to the deadline 31 March 2024.

The report listed the various projects using the sources of funding and a spend profile giving a summary of the current spend profile against the FHSF allocation was detailed in Appendix 2 to the report.

Since some elements of the report were confidential, the elements which could be discussed in public were dealt with first before the meeting went into confidential session. Details of the discussions that took place in confidential session were given in the confidential minutes of the meeting.

The Chair explained that this funding had been discussed previously when a report was made to Cabinet in February because of the risk of the large amounts of money being committed to by the Council with a deadline by which the Council had to use the funding it had been granted. The Committee needed to keep a close eye on the funding use.

The Programme Manager, Mark Brightburn explained that he wished to explain how well the Council was progressing with spend, especially in respect of the FHSF which had the deadline. Co-funding between the Council and private investors was not linked to the FHSF, so was not subject to the spend deadline.

He explained each project in order of progress which was different to the order listed for the projects in the report:

1. Spencer Yard

This was the project that had been progressed the furthest and all monies allocated to it from the FHSF had been paid out and receipts for all that spend had been received. This project was complete in respect of all FHSF monies, so future spend would be from the private sector which was investing more than double the amount received under the Government grant. The FHSF had been used to attract the private sector to the scheme which would then invest to complete the

project. The launch date for the work done was scheduled for September.

2. Town Hall Creative Hub and Stoneleigh Arms

These two projects were then explained. The Town Hall project was slightly ahead because planning permission had been granted and work was currently in progress on the tender documents for the works to go out to tender. The plan was to start works on the Town Hall in October, leaving five to six months to spend the money allocated under the FHSF on the construction work. Some had already been spent on consultancy, but the vast majority of the money would be spent on building work. Cost consultants had phased the work and they were confident that the FHSF would be spent within the deadline. Once the deadline had been reached there was a further four months in which to use the money allocated from co-funding. The completion date on the Town Hall was scheduled for July 2024. The main risk with this project was ensuring that the chosen contractor would be on board with the timings so that there would not be a delay in finding an alternative contractor.

Stoneleigh Arms was a little bit behind the Town Hall project because of the conservation implications in the project. It was a new build in a conservation area, so a lot of work was required to ensure that the planning application was perfect. The application was scheduled to be submitted the following week. The plan was that works would commence in October leaving a five-to-six-month period to spend the monies allocated under the FHSF and then to use the co-funding monies after that. This project would take a slightly longer time than expected for the Town Hall because it was a new build. It was expected that this project would complete September/October 2024.

3. Confidential Site

This project was going ahead and when it went ahead there would be a big expenditure quickly within the required timeframes.

4. East/West Cycle Route

The report described the issues that had arisen with this project. The funding allocated from FHSF for this project was £506,000 with co-funding through CIL in the amount of £0.5million. Officers were now urgently engaging consultants to seek to re-allocate this funding to alternative live projects within the FHSF Programme. The plan was to re-allocate the £506,000 to the Town Hall and Stoneleigh Arms projects if consent was given. The Programme Manager believed that the risk of the money being withdrawn was minimal.

It was still hoped to achieve the East/West Cycle Route in the future when the Government announced what would replace the Active Travel funding that the County Council had hoped to use for a sustainable network for the Town Centre before the Government withdrew the funding scheme. The Programme Manager explained the complexities involved with a cycle route and why it all interlinked with pedestrians and street parking. Hence why for the moment, the East/West Cycle Route was paused.

The Chair opened the meeting up to questions from Councillors and in response to a question the Programme Manager explained that URC mentioned in paragraph 1.4.2 in the report referred to the United Reformed Church. The development would be a thriving hub for creative media, and it was hoped to build a bridge between Spencer Yard and the Royal Pump Rooms for better connectivity to the Town Centre and the railway station. The Chair directed the meeting back to the issue of risk of not completing expenditure of the FHSF monies by the deadline but there were no questions on this so the meeting went into confidential session to discuss the confidential elements of the report.

11. Public & Press

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

Minute Number	Paragraph Number	Reason
12	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

12. Confidential Appendices to Item 5 – Future High Streets Fund Update

The Committee discussed the confidential appendix and the minutes of this were recorded in the Committee’s confidential minutes 4 July 2023.

(The meeting resumed in public session.)

13. Cabinet Agenda (Non-Confidential items and reports) – Wednesday 5 July 2023

The Committee considered the following item which would be discussed at the meeting of the Cabinet on Wednesday 5 July 2023.

Item 9 – Use of Delegated Powers for Urgent Decisions

This report was not called-in for scrutiny because the report referred to decisions that had already been made. However, it was felt that the process and timing in the use of these powers should be examined; it was noted that these decisions referred to in the report had been made during the pre-election period and some had involved sizeable sums of money.

The Committee therefore recommended to Cabinet that as part of the review of scrutiny arrangements that had already been agreed, a review

should be carried out on the use of delegated powers and whether there was a way to provide more scrutiny of these decisions.

14. **Appointments to the Budget Review Group**

The Chair explained that the Committee was required to select five of its membership to sit on the Budget Review Group. This Group had been set up last year to alleviate some of the workload from the Committee. The five appointees had to come from different political groups so that each political group that made up the membership of the Council was represented. He, as Chair of the Committee was automatically a member of the Budget Review Group and was the Liberal Democrat Group representative. The Terms of Reference for the Budget Review Group were detailed in a report sent out with the Committee meeting agenda. The Group was scheduled to meet on 1 November and 7 February. The Audit & Standards Committee would also be appointing from its membership.

Resolved that for the municipal year 2023/24, the following Members of Overview & Scrutiny Committee will sit on the Budget Review Group:

Councillors Barton (WRA), Collins (Labour Group), Day (Conservative Group) and Luckhurst (Green Group). (Councillor Milton (Liberal Democrat Group) is automatically a member of the Budget Review Group by virtue of being the Overview & Scrutiny Committee's Chair.)

15. **Appointment of the Children's and Adults' Safeguarding Champion**

Each new municipal year, the Overview & Scrutiny Committee appoints the second Children's and Adults' Safeguarding Champion from its membership. The first Champion is the relevant Portfolio Holder. The remit for the Children's and Adult's Safeguarding Champion was circulated to Committee Members via email during the meeting prior to the decision being made on who to appoint. The Head of Governance and Deputy Monitoring Officer explained that the role of this Champion involved the following responsibilities:

- to assure themselves that the Council had sound arrangements to protect children and promote their welfare in place within the District Council and that the Council was promoting and engaging in effective interagency cooperation and collaboration in these fields;
- to undertake reasonable investigations so as to be able to form a view of the quality of the Council's child safeguarding activities and work with the officer Children's Champion to assist the Council and improve the quality and/or effectiveness of those activities whenever appropriate;
- to act as a "critical friend" to constructively challenge officers and elected members on child safeguarding and welfare issues as appropriate; and
- to promote awareness of child safeguarding and welfare issues and the activities and processes undertaken by this Council amongst elected members.

Resolved that subject to Councillor Sinnott being appointed as a full member of the Overview & Scrutiny Committee on 26 July 2023 at Council, he would act as the Council's second Children's and Adult's Safeguarding Champion.

16. **Work Programme, Forward Plan and Comments from the Cabinet**

The Committee considered its work programme for 2023/24 as detailed at Appendix 1 to the report. There was no need for the Comments from Cabinet report because Cabinet had not met in April.

The Chair asked Members to consider what they would like to focus on in the four additional meetings that had been scheduled for the Committee in the municipal year. He suggested that the four key issues the Committee might wish to address were:

- Monitoring the progress against responding to our climate & biodiversity motions
- Housing
- Creating diverse local economies
- Service delivery by the Council

After receiving advice from the Deputy Chief Executive & Monitoring Officer, the Committee would focus first on the climate emergency and was due to receive a report on the climate emergency action plan at the meeting 20 July. The Chair asked the Members to consider how they would wish to break down the plan and whether there were one or two issues that they would like to focus on. He had spoken very briefly to the Council's Leader about obtaining some scrutiny staffing resource to support this work to ensure the right level of reports were being delivered and that the Committee had access to the right information to undertake scrutiny work.

The Committee agreed that a report on "No Mow May" should be added to the Work Programme in about three months' time at the next non-Cabinet meeting. This initiative undertaken by the Council in May 2023 had given rise to issues. The Committee should review what occurred and how to avoid the problems that were encountered in the future. A survey had been conducted with residents about this which had highlighted the challenges such as mobility issues arising from overgrown verges. A Committee Member suggested that views should also be sought from professional organisations with which the Council had working relationships such as the Warwickshire Wildlife Trust. This would provide more evidence for developing a programme for the future and forward planning to help everyone involved. It would allow consideration of the benefit and impact of the scheme and how to better communicate with residents.

The Chair advised that this was the last meeting of Overview & Scrutiny Committee that the Deputy Chief Executive & Monitoring Officer would be attending because he was retiring from service with the Council. He thanked the Deputy Chief Executive on behalf of the Committee for his support. The Committee gave the Deputy Chief Executive a round of applause.

Resolved that:

- (1) appendix 1 to the Work Programme report be noted; and
- (2) "No Mow May" be added to the Work Programme at the next non-Cabinet meeting in about three months' time.

(The meeting ended at 9.17pm)

CHAIR
8 August 2023