

Overview and Scrutiny Committee

Tuesday 29 September 2015

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 29 September 2015 at 6.00pm.

Membership:

Councillor Boad (Chairman)	
Councillor Bromley	Councillor Miss Grainger
Councillor Mrs Cain	Councillor Margrave
Councillor D'Arcy	Councillor Naimo
Councillor Davison	Councillor Parkins
Councillor Edgington	Councillor Mrs Redford

Emergency Procedure

At the commencement of the meeting, the Chairman will announce the emergency procedure for the Town Hall.

Agenda

1. Substitutes

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 entered on the form to be circulated with the attendance sheet and declared 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 2 September 2015.

(To follow)

***4. Comments from the Executive**

To consider a report from Democratic Services.

(Item 4/Page 1)

***5. Portfolio Holder Update – Cultural Services**

Question and Answer session arising from a report from the Portfolio Holder for Cultural Services giving an update on her service area.

(Item 5/Page 1)

***6 The Public Services (Social Value) Act**

To consider a report from Finance

(Item 6/Page 1)

***7. Review of the Work Programme & Forward Plan**

To consider a report from Democratic Services.

(Item 7/Page 1)

- Review whether current arrangement for Crime and Disorder Scrutiny continue – see paragraph 8.12
- Health Scrutiny Sub-Committee – to confirm the Terms of Reference and membership of the Sub-Committee – see Appendix 3 for the Terms of Reference.

***8. Executive Agenda (Non Confidential Items and Reports) – Wednesday 30 September 2015**

To consider the non-confidential items on the Executive 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 day of the meeting.

You are requested to bring your copy of that agenda to this meeting.

(Circulated separately)

***9. Public and 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 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

***10. Executive Agenda (Confidential Items and Reports) – Wednesday 30 September 2015**

To consider the confidential items on the Executive 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 day of the meeting.

You are requested to bring your copy of that agenda to this meeting.

(Circulated separately)

(*Denotes those items upon which decisions will be made under delegated powers, as previously granted by the Council).

Published on 21 September 2015

General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

Telephone: 01926 353362

E-Mail: committee@warwickdc.gov.uk

Enquiries about specific reports: Please contact the officers named in the reports.

You can e-mail the members of the this Committee at

o&scommittee@warwickdc.gov.uk

Details of all the Council's committees, councillors and agenda papers are available via our website www.warwickdc.gov.uk/committees

Please note that the majority of the meetings are held on the first floor at the Town Hall. If you feel that this may restrict you attending this meeting, please call (01926) 353362 prior to this meeting, so that we can assist you and make any necessary arrangements to help you attend the meeting.

The agenda is also available in large print, on request, prior to the meeting by calling 01926 353362.

Overview and Scrutiny Committee

Minutes of the meeting held on Wednesday 2 September 2015 at the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Boad (Chairman); Councillors Bromley, Mrs Cain, D'Arcy, Davison, Edgington, Miss Grainger, Margrave, Naimo, Parkins and Mrs Redford.

Also Present: Councillors Gallagher and Grainger.

There were no apologies.

14. **Substitutes**

There were no substitutes.

15. **Declarations of Interest**

Executive Agenda Thursday 3 September 2015 - Item number 3 – St Mary's Lands, Warwick

Councillor Bromley declared an interest because a member of his family played at the football club. Councillor Bromley was also a member of the working party.

16. **Minutes**

The minutes of the meeting held on 28 July 2015 were taken as read and signed by the Chairman as a correct record.

17. **Comments from the Executive**

The Committee considered a report from Democratic Services which detailed the responses the Executive gave to the comments the Overview and Scrutiny Committee made regarding the reports submitted to the Executive at the end of July.

Resolved that the report be noted.

18. **Portfolio Holder Update – Development Services**

The Portfolio Holder for Development Services, Councillor Cross, gave an update on Development Services. In response to questions, he informed the Committee that:

- The Leamington Spa Action Plan was in early stages and there had been some engagement and discussion with the Town Council. It was possible that the end product might not be an Action Plan but it would be something that would carry weight. The Town Council had met to discuss the consultation stage of its Neighbourhood Plan.
- A record of Planning Appeals was kept when the Planning Committee made a decision contrary to the Planning Officer's recommendation. This would only raise concern when the number of appeals lost went

OVERVIEW AND SCRUTINY COMMITTEE MINUTES (Continued)

above 30-35%. Appeal decisions were reported to the Planning Committee every six months to ensure that lessons could be learnt. In particular, it had been noted that it proved difficult to defend appeals when the Planning Committee ruled against advice from technical officers.

- A consultant had been engaged for just under 100 days working one or two days a week to source grant funding streams for the whole of the Council for various projects. This engagement had already proven beneficial after just one month but needed to source more than £50,000 to justify this initiative.
- It was noted that whilst the intention of Building Control was to be cost neutral, it was running at a profit, and this profit went into Council Reserves. Development Services was investigating other income generating initiatives such as fire risk assessments.
- Councillor Cross was confident that agreement would be reached over the Local Plan and the Council would meet the Inspector's requirements.
- The Service Area would be introducing free "drop-in" sessions on Wednesday afternoons to offer advice to householders with their planning applications. If this proved popular, then the initiative might have to be increased.

The Chairman thanked Councillor Cross for answering the questions.

19. Review of the Work Programme & Forward Plan

The Committee considered its work programme for 2015/16 and the latest published version of the Forward Plan.

Work Programme 2015/2016

Health Strategy Progress

The Committee considered a report (Appendix 3) from the Health & Wellbeing Lead. He informed Members that the aim was to submit the Health & Wellbeing Action Plan by the end of the year. He was asked to explain how the number of GPs in the District was decided and informed Members that a Health Impact Assessment had been carried out on this Council's Local Plan by Public Health to ensure that there was sufficient GP and NHS service provision. This Council liaised with the County Council's Health & Wellbeing Board over GP numbers and Public Health had an input into our Local Plan in respect of GP numbers.

He also explained that, in respect of ongoing projects, he liaised with Health Champions in various departments and people trained as "dementia friends" carried work in helping with this area into relevant Council departments.

Health Scrutiny – the way forward

The Head of Health and Community Protection and the Health & Wellbeing Lead explained to Members the Council's role in health scrutiny and how all the various health bodies, including this Council, fed into the County Council's umbrella responsibility for health scrutiny.

OVERVIEW AND SCRUTINY COMMITTEE MINUTES (Continued)

They then explained to new Members what the Council had done previously in respect of health scrutiny which had been covered by a former Health Scrutiny Sub-Committee which fell under the responsibility of the Overview & Scrutiny Committee.

The Chairman explained that as there was no longer a sub-committee to cover health scrutiny, as it had been set up on a temporary basis, Members now had to decide how they wished to proceed to handle health scrutiny work. He set out a couple of viable options:

- health scrutiny could yet again be dealt with by a sub-committee of this Committee; or
- the Overview & Scrutiny Committee could absorb health scrutiny into its work programme.

Resolved that

- (1) health scrutiny be handled by a sub-committee of the Overview & Scrutiny Committee;
- (2) the membership of the sub-committee would not be political party proportionate;
- (3) the Terms of Reference the previous sub-committee operated by would be examined at the next meeting at the end of September as a basis to determine the new sub-committee's terms of reference;
- (4) any costs be reported back at the next meeting; and
- (5) the Committee would scrutinise the output of the sub-committee.

Leisure Options

The Head of Cultural Services, Programme Manager and the Portfolio Holder, Councillor Gallagher, explained the process that had been undertaken to evaluate the District's leisure options needs and the work done subsequently and still to be done to work out how this could be achieved to ensure that the right mix of leisure facilities in the right places would be provided and how this could be future proofed. This briefing to the Overview & Scrutiny Committee was in anticipation of a report going to the Executive in November.

Task and Finish Group – The Impact of For Sale & Letting Boards

At the previous Committee meeting, the Committee had requested that various amendments be made to the Scoping Document for a possible Task & Finish Group to be formed to look at the Impact of For Sale and Letting Boards. This document was then to be circulated to non-Executive councillors asking for volunteers to join the Group.

OVERVIEW AND SCRUTINY COMMITTEE MINUTES (Continued)

The Committee Services Officer reported that only two Councillors had volunteered; Councillors Naimo and Thompson. The Committee considered that the situation concerning the proliferation of For Sale and Letting board notices had improved following work carried out by the Council's Enforcement team and a voluntary code adopted by estate agents. It was therefore

Resolved that the Task and Finish Group on the Impact of For Sale and Letting Boards need not proceed.

Overview of St Mary's Lands – Work Programme – 29 September 2015

The Committee, having read the report going to the Executive the following evening, concerning St Mary's Lands, determined that it had enough information and would not require a further report in late September. It was therefore

Resolved to remove this item from the Work Programme.

Outside appointments Report – Annual statement of the work undertaken by the Body – Work Programme – 3 November 2015

In view of the fact that some Councillors would not have had time to attend any or many meetings of outside bodies, it was decided that the content of the reports this year would be what the outside body did and what had been discussed at any meetings they may have attended since May 2015.

Forward Plan September 2015 to December 2015

Resolved that the report be noted.

20. Executive Agenda (Non-confidential items and reports) – Thursday 3 September 2015

The Committee considered the following non-confidential items which would be discussed at the meeting of the Executive on Thursday 3 September 2015.

Item number 3 – St Mary's Lands, Warwick


The Committee noted the report.

Item number 6 – Sustainable Community Strategy & Fit for the Future Updates and Service Area Plans 2015/16

The Overview & Scrutiny Committee wished to know how the Executive would assess the feasibility/business case; financial or community impact. Which would have priority?

Additionally, the Overview and Scrutiny Committee had a concern that the programme was over-ambitious.

(The meeting finished at 9.25 pm)

 Overview and Scrutiny Committee – 29 September 2015		Agenda Item No. <div style="text-align: right; font-size: 2em;">4</div>
Title	Comments from the Executive	
For further information about this report please contact	Lesley Dury, Committee Services Officer, 01926 456114 or committee@warwickdc.gov.uk	
Service Area	Democratic Services	
Wards of the District directly affected	N/A	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No	
Date and meeting when issue was last considered and relevant minute number	2 September 2015	
Background Papers	Executive Minutes – 2 September 2015	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No

Officer/Councillor Approval		
With regard to officer approval all reports <i>must</i> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
	Date	Name
Relevant Director		
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance		
Portfolio Holders		

Consultation Undertaken	
N/A	
Final Decision?	Yes
Suggested next steps (if not final decision please set out below)	

1. **Summary**

- 1.1 This report informs the Committee of the response the Executive gave to their comments regarding the reports submitted to the Executive in early September.

2. **Recommendation**

- 2.1 The responses made by the Executive are noted.

3. **Reasons for the Recommendation**

- 3.1 This report is produced to create a dialogue between the Executive and the Overview and Scrutiny Committee. It ensures that the Overview and Scrutiny Committee are formally made aware of the Executive's responses.
- 3.2 Where the Overview & Scrutiny Committee have made a recommendation as opposed to a comment the Executive are required to respond to the recommendation(s) made, including whether or not they accept the recommendation(s).

4. **Alternative Option considered**

- 4.1 This report is not produced and presented to the Committee.

5. **Budgetary Framework**

- 5.1 All work for the Committee has to be carried out within existing resources.

6. **Policy Framework**

- 6.1 The work carried out by the Committee helps the Council to improve in line with its priority to manage services openly efficiently and effectively.

7. **Background**

- 7.1 As part of the new scrutiny process, the Committee is no longer considering the whole of the Executive agenda.
- 7.2 On the day of publication of the Executive 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 Executive items they would like the Committee to consider.
- 7.3 As a result the Committee considered the items detailed in appendix 1. The response the Executive gave on each item is also shown.
- 7.4 In reviewing these responses 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.

**Response from the meetings of the Executive on Overview and Scrutiny
Committee Comments – 3 September 2015**

Items no.	3	Title	St Mary's Lands	Requested by	Whitnash Residents' Association (Independent)
Reason considered	For more background information on why this item is being considered and why the St Mary's Lands working group has not met before this paper was presented.				
Scrutiny Comment	The Overview and Scrutiny Committee noted the report.				
Executive Response	The Executive welcomed the comments of the Scrutiny Committee and agreed that this was a small step forward for this area of Warwick and a move to a more positive relationship with all relevant parties especially Racing Club Warwick.				

Items no.	6	Title	Sustainable Community Strategy & Fit for the Future Updates and Service Area Plans 2015/16	Requested by	Whitnash Residents' Association (Independent) / Labour Group
Reason considered	<p>WRA (Independent) - To discuss the impact on services to the towns and parishes and consultation.</p> <p>Labour Group – To seek clarification on the impact of some services and other related items within the report.</p>				
Scrutiny Comment	<p>The Overview & Scrutiny Committee wished to know how the Executive would assess the feasibility/business case; financial or community impact? Which would have priority?</p> <p>Additionally, the Overview and Scrutiny Committee had a concern that the programme was over-ambitious.</p>				
Executive Response	The Executive thanked the Scrutiny Committees for its comments on this item and recognised the need for each business case to be robust and considered in terms of impact both on the community and the budget. However, tough decisions needed to be made to ensure the Council could continue to deliver its services.				

Cultural Services – Portfolio Update (Sept 2015)

Fit For the Future

FFF savings 2014/15 (Target £83,800)

Cultural Services achieved its 2014/15 FFF target through the increase of income from health and fitness and swimming lessons at the leisure centres (total £50,000); the reduction in staffing costs (£30,000) ; and a small increase in rental income from the newly leased Aviary café.

Service Plan Performance 2014/15

Options Appraisal – In November 2015 the Executive approved a series of actions to progress the work on the strategic future of the sports & leisure service. As a result, a Programme of work was established which includes 6 work streams and which is overseen by a Programme Manager who was appointed in Feb 2015 for a period of 2 years.

Work is now well underway on the following which will feed into a report to the Executive in November 2015. This report will seek approval to progress the programme in respect of significant investment in a number of the Council's leisure centres, and regarding the future management arrangements for the service.

The work streams are:

- Development of a Service Specification
- Preparing for the tender process
- Facility investment
- Strategic projects impacting on the programme (incl. Europe Way; Kenilworth School; Castle Farm)
- Support Service costs

Programme Review: A detailed review of the activity programmes in the indoor facilities was undertaken in 2014 looking to match provision with customer needs and at the same time maximise usage and income generation. Consultation with leisure centre users took place May – Oct 2014 leading to the introduction of a revised programme in April 2015. In taking this approach, we have been able to demonstrate that this analysis of data, review, and implementation contributes to all three elements of FFF.

Bowls England: Bowls England are now well established in Riverside House and both parties continue to benefit from working in the same building. Following the inaugural combined National Bowls Championships in August 2014, a detailed review of the event was undertaken leading to a report to the Executive in January 2015. The review highlighted the success of the event from an operational perspective, but also from an economic benefit point of view, with an estimate of £1.3 million being brought to the district by visitors and competitors from the event. The review also provided the opportunity for officers to identify lessons learned and ensure that these were included in the planning for the 2015 event.

Major Events The district continues to benefit from a full diary of events. The range of events remains varied, with the organisers of each event requiring differing levels of support and guidance

from our Event Management Officers. In the last 12 months, processes and procedures have been sharpened up, ensuring that we can be more confident that the events supported and managed by WDC are now more professional and that the Council is fulfilling its role in supporting good, appropriate and safe events. The Safety Advisory Group, managed by the Council but involving other statutory agencies including the Police and Fire Service, is now well established and has become a crucial element of event planning.

Sky Blues in the Community (West Warwick) The 2 year “Impact” project to increase participation in physical activities (sport and arts) amongst those sectors of the community, who otherwise may not engage in such activities, came to a conclusion in March 2015. During the 2 years, the project delivered 848 sessions, with 1,627 people of all ages taking part in over 15,000 hours of activities including keep fit, football, dance and children’s holiday activities. The project was recognised regionally winning the “Community Project of the Year” at the Coventry and Warwickshire Sports Awards in Nov 2014. Selected activities have continued beyond the end of the project and are well supported in the area.

Asset review – future of RPR & LAG&M – a report to Executive in March 2015 sought members approval of a Development Brief and the organisation of a Marketing Day where prospective developer partners could meet with the Council to discuss the opportunities offered by these and other facilities included in the scope of the “creative quarter” project.

AG&M - the Art Gallery and Museum continue to be a popular destination for local people and visitors alike with over 120,000 visitors in 2014/15. Highlights of the second half of the year included a collaborative project with St Peters Primary School, partially funded by Arts Council England, and which included a range of art forms inspired by the Old Master painting “*St Peter’s Penitence*” . A short film of the project was later shown in the Gallery along with a selection of the artworks. Planning was also underway for the major exhibitions and events for 2015/16, to include the Sir Terry Frost R.A exhibition (July – Oct 2015); Museums at Night: Post War Party (May 2015), and the annual Leamington Open Exhibition (May – July 2015).

Marketing activities Work has continued to streamline the marketing activities within Cultural Services. Of particular note has been the joined up work being undertaken between the Art Gallery and Museum and the Royal Spa Centre/Town Hall, maximising opportunities to reach new audiences for these services. Work in the Sports & Leisure team has focussed on the promotion of targeted “offers” to attract new customers, development of social media initiatives and the extension of on line booking for sports activities.

Royal Spa Centre cinema - the cinema continues to grow its audience and is now a viable offering which operates at no subsidy, and which offers a wide range of films and live screenings.

Risk Management

The key service risks are currently considered to be:

Plant Failure – ageing plant which is nearing the end of its life. Failure of such plant could have a significant impact on services delivered from our key buildings. A schedule for replacement has been developed by Housing and Property Services.

Golf Contract – Economic pressures and a national decline in participation in golf pose challenges in delivering a successful and quality service. Officers are working with the contractor to identify solutions to the issues.

Building risks at Royal Pump Rooms – flood risk and roof leaks. Housing and Property Services are aware of the roof leaks and are developing a strategy that can be implemented once the long term future of the building has been confirmed. Flood risks are managed through the implementation of documented emergency procedures.

Looking ahead and Strategic Plans

There are 2 key areas that will have a significant impact on the future shape of this service.

The **Options Appraisal** for sports and leisure, could, depending on members desire to make some difficult decisions, look very different within 2 years. We have an exciting opportunity to improve our facilities, make them appropriate for the growing population of the district, and protect the provision of sports and leisure in the district for the next 30 years or so. We will need to invest significant sums to achieve this, but done in the right way, this could result in an increase in participation, improved health and well being of local people, and a reduction in the subsidy from the Council to continue to provide these services. As noted earlier in this report, these opportunities will be identified in a report to the Executive in November 2015.

The second key area is the debate around the **future use of our assets**. The Royal Pump Rooms and Town Hall are challenging assets to maintain, and are therefore costly for the Council to retain. Decisions around their future use will have a significant impact on the delivery of our Arts and Heritage service, and to the role of the Town Hall. A key consideration in this work will be the direction identified in the revised Arts Strategy which is due to be available later this year.

In the meantime work is ongoing across the service to respond to the following key drivers:

Income generation:

The “Active Summer” promotion in leisure centres is designed to attract new gym members with a 6 week summer membership for £25; followed by a strategy to retain these members and convert into full members in September.

We are signed up to the national “This Girl Can” campaign to increase participation in sport amongst girls and women.

Plans are underway to extend the arrangements whereby the Royal Spa Centre/ Town Hall to act as “ticket agent” for local organisations.

Savings:


Revised rotas and working practices have been implemented to make savings on staffing budgets.

We continue to procure equipment and services through the most appropriate tender process.

Service Improvement:

Managers are working on the development of an improved “Customer service” culture in all our facilities, providing staff with the skills to improve the customer experience and make them more likely to return.

Clear performance targets for teams are being developed which will contribute to the overall quality of service delivery.

 Overview and Scrutiny Committee 29 September 2015		Agenda Item No. 6
Title	The Public Services (Social Value) Act	
For further information about this report please contact	Mike Snow 01926 456800 Sue Simmonds 01926 456201	
Wards of the District directly affected	N/A	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number		
Background Papers		

Contrary to the policy framework:	Yes/No
Contrary to the budgetary framework:	Yes/No
Key Decision?	Yes/No
Included within the Forward Plan? (If yes include reference number)	Yes/No
Equality and Sustainability Impact Assessment Undertaken	Yes/No (If No state why below)

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	17 th Sept 2015	Andy Jones
Head of Service	17 th Sept 2015	Mike Snow
CMT		
Section 151 Officer	17 th Sept 2015	Mike Snow
Monitoring Officer	17 th Sept 2015	Andy Jones
Finance	17 th Sept 2015	Susan Simmonds
Portfolio Holder(s)	17 th Sept 2015	Cllr Peter Whiting
Consultation & Community Engagement		
Insert details of any consultation undertaken or proposed to be undertaken with regard to this report.		
Final Decision?		Yes/No
Suggested next steps (if not final decision please set out below)		

1. **SUMMARY**

- 1.1 The Public Services (Social Value Act) was passed in 2012 and came into effect 31 January 2013. Under the Public Services (Social Value) Act, for the first time, all public bodies in England and Wales are required to consider how the services they commission and procure might improve the economic, social and environmental well-being of the area.

2. **RECOMMENDATION**

- 2.1 That the Committee notes the content of this report.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Social Value may be defined as “a process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves value for money on a whole life basis in terms of generating benefits to society and economy whilst minimising damage to the environment. The outcome of the process of achieving social value is the social benefit.”
- 3.2 Social Value is an intrinsic part of procurement processes, but its implications are far broader, not just impacting upon the services/supplies being procured, but also on the wider community. As such, responsibility for Social Value cannot rest with the procurement team in isolation. Social Value needs to be reflected in business cases and tender specifications, these being drawn up ahead of any procurement process and embedded into the Councils overall strategy and objectives.
- 3.3 Before starting the procurement process, the Council needs to give consideration to what is proposed to be procured and how this procurement “might improve the economic, social and environmental well-being” of their area.
- 3.4 Contracting authorities should think about how their commissioning of services can add community benefit in their area.
- 3.5 More details on Social Value can be found in the Brief Guide issued by Social Enterprise UK (Appendix A) and the Government Guidance (Appendix B).
- 3.6 Under the new legislation, authorities are required to consider how forthcoming procurement opportunities may create Social Value. This may entail consultation with relevant stakeholders and soft market testing with suppliers.
- 3.7 Social value may cover many different aspects. These may, for example, relate to employment, environmental sustainability or assisting the local economy. A recent emphasis by Housing & Property Services team is for the development of specifications that may have links back to the local manufacturing supply chain.
- 3.8 There is a need for service areas through the designated Contract Officers to consider Social Value for all contracts coming within OJEU thresholds to embed in Social Value as a scored measure where applicable to the subject matter of the Contract. Officers may also need to plan on how to measure and monitor social value before a contract has been signed off so as to enable monitoring of social value performance during the period of that contract.

- 3.9 Within Warwick District Council's recent contract awards, the following Social Value initiatives have been carried out:

Sayer Court – This contract was awarded via the SCAPE Framework to Wilmot Dixon. Part of the initiatives placed on the suppliers awarded contracts by SCAPE, is to support the local community where they are working by delivering key objectives from the Social Value drivers. Wilmot Dixon have supported the following community work in their drive to meet this objective set by SCAPE, as follows:

- Community engagement: Schools art project, minimum number of days for apprentices to come to site to learn specific skills & Health & Safety
- Brunswick Healthy Living Centre – supported a 'Job Club' providing mentoring and coaching skills.
- They look to utilise, where able, the local supply chain.

Chase Meadow Community Centre – Morgan Sindall:

- Local labour target to employ 36% within a 20 mile radius
- Contractor provided talk to local primary schools about Safety and Construction.

- 3.10 A contract management training day is scheduled for officers in September. Part of this training will include details of the requirements of the Social Value Act and how these outcomes can be measured.
- 3.11 Members will recall that the procurement training provided in July included details of the Social Value Act and the requirements for local authorities to meet the obligations of the act.

4. **POLICY FRAMEWORK**

- 4.1 **Policy Framework** – The Council's Code of Procurement Practice was updated by Council in December 2014. This update included the requirement for consideration to social benefits that can be obtained through the lifetime of the service contract in line with the Public Service (Social Value) Act 2012.
- 4.2 **Fit for the Future** – Social Value may create benefits which will contribute to the Council's Sustainable Community Strategy and Fit for the Future.

5. **BUDGETARY FRAMEWORK**

- 5.1 Social value is an additional benefit to the main supplies/services that are being procured. Social value requirements are provided under a contract and whilst they will provide benefits for the wider community, there may be increased contract costs as a result. It is therefore necessary for members to have regard to the cost of any social value requirements, the available contract budget, and the Council's overall financial position.

6. RISKS

- 6.1 Any inclusions within a contract value in respect of social value need to be managed as part of that contract, alongside the main services being provided. As the social value items may be incidental to the main service being procured, there is the risk that the supplier and contract manager fail to ensure those aspects are delivered.
- 6.2 In complying with this legislation it is important that the Council does not fall foul of competition law. Consideration can be given to social value in evaluating tenders, but under the competition law it is not possible to discriminate against contractors not providing social value matters.

7. ALTERNATIVE OPTION(S) CONSIDERED

- 7.1 No alternative options to reporting on the Public Services (Social Value) Act were considered.

PUBLIC SERVICES (SOCIAL VALUE) ACT 2012

A brief guide



About This Guide

The Public Services (Social Value Act) was passed at the end of February 2012. This is a brief guide to how it is likely to change things and how it should work in practice. It will be followed by more guidance and help as we get nearer to the Bill being implemented. If you would like more legal information please contact info@socialenterprise.org.uk

Under the Public Services (Social Value) Act, for the first time, all public bodies in England and Wales are required to consider how the services they commission and procure might improve the economic, social and environmental well-being of the area. We hope it will transform the way public bodies choose to buy services.

Thank you to Mark Cook from Anthony Collins Solicitors LLP for his help in drafting this guide. Anthony Collins Solicitors LLP is a member of Social Enterprise UK.

Contact mark.cook@anthonicollins.com or phone 0121 200 3242
www.anthonycollins.com

What do we mean by social value?

“Social value” is a way of thinking about how scarce resources are allocated and used. It involves looking beyond the price of each individual contract and looking at what the collective benefit to a community is when a public body chooses to award a contract. Social value asks the question: ‘If £1 is spent on the delivery of services, can that same £1 be used, to also produce a wider benefit to the community?’

What does that mean in practice?

It could mean that a mental health service is delivered by an organisation that actively employs people with a history of mental health problems to help deliver the service. The social value of commissioning these services comes through the person with mental health problems having a job where they may otherwise have been unemployed, their becoming more socially included, and having a say in how mental health services are run. It also means a local job for a local person.

A housing Arms Length Management Organisation (ALMO) contracts a private sector company to undertake repair work on their properties. As part of the contract the private company states that they will provide greater social value by promoting careers in construction and trades to local schools, and they commit to employing young people and the long term unemployed. The social value comes through local jobs for local people and raising the aspirations of local pupils.

It could mean that an NHS trust commissions a patient group to plan and run a series of consultation events. The patient group can then use its profits to increase its beneficial activities in the local community, rather than an events company that doesn't have local roots using the profit elsewhere or giving it to their shareholders.

What are social enterprises?

Social enterprises are businesses that exist primarily for a social or environmental purpose. They use business to tackle social problems, improve people's life chances, and protect the environment. They create shared wealth and give people a stake in the economy.

Social enterprise is a growing sector - there are more than 68,000 social enterprises in the UK, contributing £24 billion to the UK economy and employing almost one million people.

A social enterprise does:

- Make its money from trading - that is, selling goods and services.
- Reinvest its profits back into the business or social mission.
- Have a social mission at its heart - what difference it is trying to make, who it is aiming to help and how it is going about doing this.
- Pay fair salaries to staff rather than rely on volunteers (though like any organisation it may need voluntary help to get started).

It does not:

- Exist to make profit for shareholders.
- Exist to make its owners wealthy.
- Rely on volunteering or grants to stay afloat - (though again, it may need support in the early days).

Why is it important?

When times are tough economically it is more important than ever that we get the most value from all our public spending. Commissioning and procuring for social value can change the way we think about things so that more taxpayers' money is being directed towards improving people's lives, opportunities, and the environment.

Think of it like this: if a public body needs to do something, it probably needs to do it quickly, effectively and cheaply. It can also do it quickly, effectively, cheaply and in the way that most benefits society. This Bill asks public bodies, by law for the first time, to consider the ways that it most benefits society as part of each decision.

Commissioning and procuring for social value can help join up all the strategic aims of a public body. For example - every local authority has a duty to improve the economic well-being of an area. Commissioning for social value can ensure that the local authority uses its own purchasing power to do this. This is no longer just the role of the authority's economic development department or a local enterprise partnership. It is now the role of all the people who are commissioning services.

Where does it apply?

All English and some Welsh bodies will have to comply with the new law, including local authorities, government departments, NHS Trusts, PCTs, fire and rescue services, and housing associations.

To what sort of contracts does it apply

It applies to all public services contracts and those public services contracts with only an element of goods or works. It doesn't apply to public work contracts or public supply (goods) contracts. However, there is widespread approval for public bodies considering social value in all forms of contracts including support from Nick Hurd, Minister for the Cabinet Office.

How does it fit with wider procurement law?

The Public Services (Social Value) Act sits alongside other procurement laws. Value for money is the over-riding factor that determines all public sector procurement decisions. But there is a growing understanding of how value for money is calculated, and how “the whole-life cycle requirements” can include social and economic requirements. The new legislation reinforces the best practice of what can already take place but too often doesn’t.

For local authorities, under their duty to achieve best value they must already consider social, economic and environmental value¹.

The recent consolidation of EU procurement framework also makes it clear that social requirements can be fully embraced in procurement practice providing certain criteria are met. These criteria are:

- **Social requirements should reflect policy adopted by the public body**
- **Social requirements should be capable of being measured in terms of performance**
- **Social requirements drafted in the specification become part of the contract**
- **Social requirements should be defined in ways that do not discriminate against any bidders across the European Union**

To summarise – this new legislation complements existing procurement legislation rather than replacing it.

¹Best Value Statutory Guidance, Communities and Local Government, September 2011

If you work for a public body

Step 1:

Think about what social value means to your organisation. This may already be something you do, you may already have a sustainable commissioning strategy. If not you may have to do some work to develop your own social value priorities. These need to reflect your own organisational priorities and the needs of the local area, and could link to existing corporate plans and/or sustainable community strategies.

Step 2:

Engage your wider community in establishing what social value means to them. This should include your supplier community to prepare them for the changes to the way you procure. You may also want to undertake a pre-procurement market-testing exercise in which potential contractors can advise what sort of social, economic or environmental requirements could be specified in the eventual procurement exercise. As part of this you may want to map out your existing supply chain, who’s in it, where they are based and what form of organisation they are.

Step 3:

Develop a policy for social value commissioning procurement. We would hope that this would consider the application of social value to contracts for works and also the supply of goods.

Ensure this incorporates steps 1 and 2 and gives clear guidance on the policies you want to pursue to benefit the area you serve and how work out how these can be incorporated into its commissioning of services, works and goods.

Step 4:

Consider how these policies can be translated into verifiable requirements within the core of a tender specification. Ensure that any social, economic or environmental requirements (even if only in broad terms) are mentioned in the advertisement for any competitive procurement exercise that is undertaken.

Step 5:

Develop the weighting to be applied to contribution to social value criteria in each specification and develop criteria to judge the most advantageous tender.

Step 6:

Set up monitoring and performance management based on value. Manage the contract with the successful contractor in a way that enables the maximum social value to be realised from the contract - inevitably, this requires a partnering culture and approach.

For social enterprises and voluntary sector organisations

Step 1: Think about your social value

You may already measure the social value you create. If not you should think about doing this. There are heaps of resources out there to help you do it (see resources section).

Step 2: Get in touch

Contact the public bodies you want to work with, telling them you've heard about the bill and you'd like to discuss social value in your community. Offer your help in working up priorities and criteria. This will help you better understand their needs and priorities and how you might help deliver these. Review their existing strategies.

Step 3: Think about your own success measures

There are many different sources of information on success measures and broader frameworks for looking at groups of these. One useful summary is a sourcebook on outcomes and indicators from the Charities Evaluation Service.

Step 4: Plan!

Be able to articulate why you should deliver any particular contract and what added social value you offer.

Step 5: Don't forget the rest

Each tender will still be assessed against, strategy, financial management, cost, quality, risk management. The added social value you create is just one part of the assessment - be sure to make the most of it but not at the risk of other elements.

Case study

In September 2011, the London Borough of Waltham Forest was looking to re-tender a seven year contract for the provision of transport services. The contract included Special Educational Needs transport and adult day centre transport, as well as other local services.



Staff at Hackney based social enterprise, HCT group, work to help the most marginalised access transport services

In designing the tender, Waltham Forest's procurement officers wanted to make sure they got as much value out of the contract for local residents as possible. To help evaluate the all-round contribution of potential providers, they included a question in the tender asking bidders to demonstrate how their operational model could contribute to efficiencies and give added value to the service. This question counted for 10% of the final contract score and gave all bidders the opportunity to think about how they could achieve a wider impact from their services for the local community.

The contract was won by HCT Group, a social enterprise that was founded in 1982 in Hackney, and now runs transport services in a number of London Boroughs as well as elsewhere in the UK and Channel Islands. As a social enterprise, providing community value is central to how HCT Group operates, with a focus on helping the most marginalised to access transport services and creating employment opportunities for those furthest from the labour market. However, all too often there is no opportunity for them to demonstrate this in bids for contracts.

The fact that Waltham Forest's contract included a scored question about added value gave HCT Group the space to set out the additional social impact of their approach, explaining that any profits they made on the contract would be re-invested into a learning centre that would provide training for long-term unemployed people in the borough. HCT Group was therefore able to score very highly on this section, contributing, along with their competitive pricing and high quality delivery model, to the contract win.

Commissioning & Procurement

New Economics Foundation: Commissioning for Public Benefit 2010

<http://neweconomics.org/programmes/valuing-what-matters>

New Economics Foundation: A Better Return - setting the Foundations for Intelligent Commissioning to achieve VFM. 2009.

http://www.neweconomics.org/sites/neweconomics.org/files/A_Better_Return_1.pdf

Office of Government Commerce: Buy & Make a Difference- How to address Social Issues in Public Procurement

APSE: More bang for the public buck- A guide to using public procurement to achieve community benefits. 2010

<http://www.apse.org.uk/blog/post/2010/03/05/Getting-more-bang-for-the-public-buck.aspx>

NAO Commissioning and commissioning from civil society

http://www.nao.org.uk/guidance__good_practice/third_sector/successful_commissioning/successful_commission_toolkit/introduction.aspx

LGA and The SROI Network Guide to commissioning for maximum value 2012

http://www.local.gov.uk/c/document_library/get_file?uuid=ad803542-e680-430f-8090-8af903b8dd3a&groupId=10161

Value

A. Westall: Value and the Third Sector. TSRC Paper 25. University of Birmingham. 2009

J.Eliot & R.Piper: True Value- Uncovering the Full Value of your organisation. NCVO. 2008

Outcomes

J.Ellis: The Case for an Outcomes Focus. Charities Evaluation Service 2009

<http://www.ces-vol.org.uk/index.cfm?format=509>

S.Cupitt: Demonstrating the Difference. Charities Evaluation Service 2009

<http://www.ces-vol.org.uk/index.cfm?pg=472>

New Philanthropy Capital: Manifesto for Social Impact. 2010

http://www.philanthropycapital.org/downloads/pdf/NPC_social_impact_manifesto.pdf

New Economics Foundation: Seven Principles for Measuring What Matters 2009

<http://neweconomics.org/programmes/valuing-what-matters>

SROI & Social Impact

The SROI Network provides a range of information and tools

www.thesroinetwork.org

Cabinet Office (Office of the Third Sector): A Guide to Social Return on Investment. 2009

New Economics Foundation: Small Slices of a Bigger Pie- Attribution in SROI. 2011

New Philanthropy Capital: Social Return on Investment- Position Paper. April, 2011

http://www.philanthropycapital.org/publications/improving_the_sector/charity_analysis/sroi_position_paper.aspx

D.Leighton & C.Wood: Measuring Social Value: the gap between policy and practice. DEMOS. 2010

http://www.demos.co.uk/files/Measuring_social_value_-_web.pdf

Social Enterprise UK

We are the national membership body for social enterprise. We offer business support, do research, develop policy, campaign, build networks, share knowledge and understanding and raise awareness of social enterprise and what it can achieve. We also provide training and consultancy and we develop bespoke business and information packages for clients of all kinds.

Working with public bodies

There are a number of regional and local social enterprise networks and Social Enterprise UK works in partnership with these wherever possible. We offer social enterprise training for teams and groups at all stages of their social enterprise journey.

We offer social enterprise training for teams and groups at all stages of their social enterprise journey. Public sector organisations or individual teams within them are welcome to join Social Enterprise UK. If you are interested in joining please visit

www.socialenterprise.org.uk/membership

We have a network of almost 9,000 organisations and operate a very busy website. We also have a lively and growing social media presence. Follow us on Twitter **@SocialEnt_UK** or visit us at

www.socialenterprise.org.uk

Social Enterprise UK

info@socialenterprise.org.uk

Published by Social Enterprise UK February 2012

© 2012 Social Enterprise UK

You are welcome to copy this publication for internal use within your organisation. Otherwise, no part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, electrical, chemical, optical, photocopying, recording or otherwise, without prior written permission of the copyright owner.

Procurement Policy Note – The Public Services (Social Value) Act 2012 – advice for commissioners and procurers

Information Note 10/12 20 December 2012

Issue

1. The Public Services (Social Value) Act 2012 (the Act) received Royal Assent on 8 March 2012. It will be brought fully into force by commencement order on 31 January 2013
2. From that date the operative provisions of the Act will apply and commissioners and procurers must follow the Act and take it into account when considering procurements of certain types of services contracts and framework agreements.

Dissemination

3. Please circulate this Procurement Policy Note (PPN) within your organisation, agencies, non-departmental public bodies (NDPBs) and any other bodies for which you are responsible, drawing it to the particular attention of those with a commissioning or purchasing role.

Contact

4. Please direct any general enquiries to the Service Desk: 0845 000 499
servicedesk@cabinet-office.gsi.gov.uk

Introduction to the Act

5. The Act places a requirement on commissioners to consider the economic, environmental and social benefits of their approaches to procurement before the process starts. They also have to consider whether they should consult on these issues.
6. The Act applies to the pre - procurement stage of contracts for services because that is where social value can be considered to greatest effect. Commissioners should consider social value before the procurement starts because that can inform the whole shape of the procurement approach and the design of the services required. Commissioners can use the Act to re-think outcomes and the types of services to commission before starting the procurement process.
7. Demand for core public services will increase significantly over the next few years in a time of reduced funding. Increasingly, commissioners will need to identify better targeted more innovative and radical service delivery solutions to meet this demand.
8. In these tight economic times it is particularly important that maximum value in public spending is achieved. However currently some commissioners miss opportunities to secure both the best price and meet the wider social, economic and environmental needs of the community. Commissioners and procurers should be taking a value for money approach - not lowest cost - to assessing contracts and the Act complements that approach. The Cabinet Office's new Commissioning Academy will focus on these issues and this note explains the duties placed on commissioners and procurers by the Act. It also suggests approaches that may be taken when applying its considerations to the design of procurement processes. This note is not a substitute for reading the Act itself and authorities must familiarise themselves with it – see <http://www.legislation.gov.uk/ukpga/2012/3/enacted>

What are authorities required to do under the Act?

9. When it comes fully into force, the Act will require commissioners and procurers at the pre-procurement stage to consider how what is to be procured may improve social, environmental and economic well being of the relevant area, how they might secure any such improvement and to consider the need to consult. The Act will only apply to public services contracts and framework agreements to which the Public Contracts

Regulations 2006 apply.

10. When considering how a procurement process might improve the social, economic or environmental well being of a relevant area the authority must only consider matters which are relevant to what is proposed to be procured. The authority must also only consider those matters to the extent to which it is proportionate, in all the circumstances, to take those matters into account.
11. The Act also provides that if there is an urgent need to arrange a procurement the requirements to consider consultation and the impact on social, environmental and economic well being can be disregarded if it is impractical to consider them. Urgency caused by undue delay by an authority will not be a valid reason not to comply with the Act's requirements.

Considering the economic, social and environmental well being of the relevant area and applying this to the procurement process

12. The results of procurement processes can have a significant impact on economic, social and environmental well being in an area. There can often be additional value beyond the economic, social and environmental benefits that may be achieved by the services procured.
13. The Act does not prescribe how the results of the consideration of these impacts and feedback from any accompanying consultation should shape any procurement which is undertaken. It does enable the citizen and user perspectives on potential services to be taken into account in the development of outcomes and specifications for the services to be procured. With an increasing emphasis on procuring for outcomes and achieving better results for less expenditure specifications informed by the consideration of the issues set out in the Act can lead to more innovative and cost effective solutions. This might include co-commissioning of services across a number of public bodies or breaking requirements into smaller lots.
14. An example of how social value may be considered at various stages of the procurement process is presented in the annex to this action note and a number of technical questions and answers are presented below to advise commissioners and procurers how to apply the Act in practice.
15. Although the Act only applies to certain public services contracts and framework agreements to which the Public Contracts Regulations apply commissioners could, as a matter of good practice, consider how what it

is proposed to be procured might improve economic, social and environmental well being in order to obtain maximum value for money and for local authorities to comply with the best value duty. This may be particularly relevant in lower value contracts where services for citizens are being commissioned and procured.

16. [The Compact](#) sets out Government's relationship with the voluntary and community sector. It states at paragraph 2.1 that Government will ensure that social, environmental and economic value forms a standard part of designing, developing and delivering policies, programmes and services.

Technical Questions and Answers

Does the Act apply to Part B Services Contracts and below threshold contracts?

The Act will apply to services that fall under Part B of Schedule 3 of the Public Contracts Regulations 2006 as well as those that fall under Part A. The Act applies to contracts to which the Public Contracts regulations will apply so contracts below the relevant financial thresholds will not be covered. See [EU thresholds](#) for more information.

How does the Act apply to Framework Agreements?

The Act will apply to framework agreements. When procuring an above threshold framework agreement for public services procurers and commissioners must consider the provision of the Act. The Act does not apply to services contracts awarded by calling off from a framework.

What contracts are not covered by the Act?

Contracts for goods and works are not covered by the Act. Contracts where there is a mixture of services, goods or works are not covered where the value of the goods exceeds the value of the services or where the works are more than incidental to the main purpose of the contract. Contracts below the relevant monetary thresholds in the Public Contracts regulations 2006 are not covered by the Act. Call-offs from framework agreement are not covered by the Act.

Other contracts that fall outside the scope of the Public Contracts Regulations 2006 (such as those for certain defence and security services) are not covered.

Although these contracts are not covered under the Act commissioners, as a matter of good practice, could consider economic, social and environmental well being in order to obtain maximum value for money. This may be particularly relevant in lower value contracts where services for citizens (such as welfare, social and health services) are being commissioned and procured.

What has to be considered in the pre-procurement stage?

The Act requires authorities to make the following considerations at the pre-procurement stage:

- how what is proposed to be procured might improve the economic, social and environmental well-being of the “relevant area”
- how in conducting a procurement process it might act with a view to securing that improvement whether to undertake a consultation on these matters

What is the definition of public services contract?

The definition of “public services contract” in the Act is the same as the definition in the Public Contracts Regulations 2006. The tests for mixed contracts are therefore the same as in the Public Contracts Regulations 2006. Mixed contracts for goods and service will only be covered if the value attributable to the services exceeds the value of the goods covered by the contract. Mixed contracts for works and services will only be covered if the works are only incidental to the main purpose of the contract.

What is the relevant area?

The Act defines “relevant area” as being the area in which the authority (or authorities) primarily exercise their functions within the United Kingdom. For example, a local authority thinking of letting a contract for its own use would have to make considerations for its own geographical area, even if the contract is only directly relevant to part of the local authority’s area. A local authority procuring a framework agreement for use by itself and neighbouring authorities would have to consider that wider area, even if the framework agreement is only likely to be directly relevant to part of that wider area. Authorities whose functions extend throughout the UK would have to consider the area of the UK, even if the contract or framework agreement is only directly relevant to a part of the UK. Areas outside the UK do not have to be considered even if an authority has functions outside the UK.

Although the Act requires considerations to be made in respect of the “relevant area” contracting authorities should be careful to ensure that suppliers from across the EU and beyond are able to compete on an equal footing for any contracts advertised. In line with the EU Procurement Directives, EU Treaty principles and the UK’s international obligations contracting authorities should not do anything to discriminate against suppliers from other member states or countries who are party to the World Trade Organisation’s Government Procurement Agreement.

What is the pre-procurement stage?

This is the stage of the commissioning process where services are conceived and are designed and specifications developed and engagement with partners, stakeholders and current and potential providers takes place. This period ends when the first of one of the following events occurs:

- sending a notice in the Official Journal of the European Union inviting tenders, requests to be selected for tender or to negotiate or to participate in a competitive dialogue for a services contract or framework agreement
- publishing an advertisement seeking offers or expressions of interest in relation to a contract or framework agreement
- contacting suppliers to seek an offer or expression of interest in relation to a contract or framework agreement
- contacting a supplier in response to an unsolicited offer or expression of interest in relation to a contract or framework agreement
- entering into a contract or concluding a framework agreement

Who should be consulted and how should it be done?

The Act does not set out who should be consulted in the pre-procurement period. Cabinet Office procurement advice on lean sourcing already emphasises the importance of consulting with supply markets before formal procurements begin so the requirements of the Act are complimentary to the principle of consulting before procurements start to develop robust and intelligent specifications. Potential service users and organisations that represent them in the community could be consulted as well as other agencies that provide or commission services.

Consultation will be particularly relevant when considering procurements for services which are delivered directly to citizens. The voluntary and community sector, along with other providers and interested groups, should be engaged from the earliest stage to help shape policies, programmes and services. Central Government

contracting authorities should be mindful of the principles of [The Compact](#) between government and that sector. Other authorities may have local compacts with the voluntary and community sector and should be mindful of those arrangements. Consultation may be less relevant in procurements for “back office” services such as those for information technology or human resources where services are supplied directly to the contracting authority.

The Act does not set out how consultation should take place so commissioners should consider the most appropriate form of consultation bearing in mind the needs and requirements of people and organisations being consulted, the size of the procurement and the likely social, environmental and economic impact of the procurement. The Cabinet Office publishes principles on consultation exercises at [Consultation Principles](#) . Authorities may wish to take account of those principles when deciding whether to consult and how to do it. The expectation is that consultations should be “digital by default” and carried out on line if at all possible but authorities should consider the types of services they are looking to procure and the best way of getting the views of potential users who may not be familiar with modern IT.

How should Contracting Authorities apply the results of considerations and consultations to the procurement process?

The Act does not apply to any formal stages of the procurement process but it does require commissioners to consider social value issues and how they can be applied to the outcomes required. This in turn will inform the development of the specification and the assessment of bids. The Cabinet Office’s lean standard operating process places a heavy emphasis on engagement with supply markets before procurement processes commence – see [lean sourcing](#) . The requirements of the Act complement this approach. This type of engagement has two benefits. It enables the views of potential service users, potential suppliers and other stakeholders to be taken into account when designing the specification for the service to be procured. This can lead to more innovative solutions which take into account wider economic, environmental and social concerns. It also alerts the potential supply base to forthcoming procurements. If this is done early in the process it enables the supply base to “gear up” to meet demand and also may enable smaller organisations or those from the charitable or voluntary sectors to form a consortium or enter into other commercial arrangements to bid for contracts.

What about procurements which are planned at the time the Act comes fully into force but and advert has not yet been issued?

The Act applies when an authority proposes to procure or is making arrangements for procuring services. If one of the events that lead to the end of the pre-procurement stage have occurred at the time the Act comes fully into force the Act will not apply. If the project is still in the pre-procurement phase at the time the Act comes fully into force and the first of these events happens after that time, the Act will apply. Authorities may therefore wish to consider the provisions of the Act before it comes fully into force and check the conclusions of their considerations when it does come into force to ensure they are still valid. If there have been significant changes further consideration may be required. Authorities should take note that if a procurement has to be conducted urgently the consideration and consultation requirements of the Act do not apply providing the need for urgency was not caused by undue delay by the authority.

What bodies does the Act apply to?

The Act applies to those bodies that are defined as contracting authorities under the Public Contracts Regulations 2006, except that it does not apply to Welsh Ministers, the First Minister of Wales, the Counsel General to the Welsh Assembly Government, the National Assembly for Wales Commission or any other authority whose functions are wholly or mainly Welsh devolved functions.

How can contracting authorities demonstrate that the Act has been considered?

Although the Act does not prescribe that considerations made under it should be recorded, as a matter of good practice, contracting authorities may wish to keep a formal record to show that they have made the considerations required under the Act, as well as the rationale for any subsequent decisions. In the interests of transparency contracting authorities may also wish to indicate in any subsequent advertisements and tender documents that the requirements of the Act have been considered.

How does the Act relate to Local Authorities' Best Value duty?

The Local Government Act of 1999 sets out a general Duty of Best Value for specified local government organisations to *"make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness."*

Under the Duty of Best Value local authorities should consider overall value, including economic, environmental and social value, when reviewing service provision.

Communities and Local Government publish statutory guidance on the duty at [Best Value Duty](#).

Local authority commissioners should note that the Best Value Duty complements the approach in the Act but there are some differences which are summarised in the table below:

	Best Value Duty	Public Service (Social Value) Act
Duty	Consider value (including social value)	Consider how to improve social, economic and environmental well-being
Body	Local authorities	All contracting authorities
Contract	Services, goods and works	Services only
Procurement stage	Throughout the process	Pre-procurement
Value of contract	Any value	Only above relevant EU procurement thresholds
Consult?	Yes – end user	Yes – on the service being provided

Annex - Example

This example illustrates how social value can be considered at various stages of the commissioning and procurement process.

A local authority is considering the provision of a meals on wheels service for elderly people. During the pre procurement stage the contracting authority decides that as this is a service which will be provided directly to citizens it will consult potential users and potential suppliers along with other interested stakeholders.

The results of the consultation suggest that many potential service users suffer from loneliness and social isolation. Feedback from a community group suggests that a service where people are collected and taken to a local community centre for their meals would help combat problems of loneliness and isolation. Feedback from the

local NHS trust suggests that many potential users would benefit from contact with health professionals for routine medical services who could spot other medical and mental health issues at an earlier stage. In addition feedback from local people suggests the development of a new community centre would provide a valuable new community resource.


The council takes this feedback into account when designing the outcomes it wishes to see from this new service as wider economic and social benefit would derive from improving community cohesion for users of the service, in addition to improving user's health and improving access to care facilities.

As well as informing the specification of a service, considerations under the Act may inform selection of economic operators. When considering a potential supplier's technical or professional ability a supplier's experience in delivering similar services may be relevant.

The local authority decides to procure a meals on wheels service which is based on bringing people to a local community centre. When considering suppliers' technical ability to deliver this service experience in providing specialist transport services as well as catering is considered as well as experience of providing services to elderly people. The selection criteria that are established make it clear that suppliers can demonstrate their technical ability through sub-contractors taking on specialist roles in the delivery of the service, as part of a consortium as well as by a single supplier.

Useful Links and case studies

The National Council for Voluntary Organisations have published six case studies on how voluntary organisations can provide public services which demonstrate social value. Commissioners and procurers may find it useful to read these examples - [NCVO social value case studies](#) .

 Overview and Scrutiny Committee – 29 September 2015		Agenda Item No. <div style="font-size: 2em; float: right;">7</div>
Title	Review of the Work Programme & Forward Plan	
For further information about this report please contact	Lesley Dury, Committee Services Officer, 01926 456114 or committee@warwickdc.gov.uk	
Service Area	Democratic Services	
Wards of the District directly affected	N/A	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No	
Date and meeting when issue was last considered and relevant minute number	2 September 2015	
Background Papers		

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality and Sustainability Impact Assessment Undertaken	No
n/a	

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service		
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		
Consultation & Community Engagement		
n/a		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. **Summary**

- 1.1 This report informs the Committee of its work programme for 2015/2016 (Appendix 1) and of the current Forward Plan September to December 2015 (Appendix 2).
- 1.2 At the last meeting of the Overview & Scrutiny Committee 2 September 2015, the Committee resolved to form a Health Scrutiny Sub-Committee. The Committee requested a copy of the previous Health Scrutiny Sub-Committee's Terms of Reference (Procedure Rules) as a starting point to determine the newly formed Sub-Committee's Terms of Reference. A copy of the previous Sub-Committee's Procedure Rules is attached at Appendix 3 to this report.

2. **Recommendations**

- 2.1 The report be noted;
- 2.2 Any amendments suggested at the meeting for the Work Programme, be made accordingly;
- 2.3 The Committee to identify any future Executive decisions to be made, or future policies to be adopted, which members wish to have an input into before the Executive take the decision, and either:
 - 1. nominate one member to investigate that future decision/policy and report back to a future meeting of the Overview and Scrutiny Committee, before the final report is submitted to the Executive.
 - 2. request an officer report to be submitted to a future meeting of the Overview and Scrutiny Committee, before the final report is submitted to the Executive.
- 2.4 The Committee agree Terms of Reference (Procedure Rules) for the Health Scrutiny Sub-Committee and its membership.

3. **Reasons for the Recommendations**

- 3.1 The work programme needed to be updated at each meeting to reflect the work load of the Committee.
- 3.2 Two of the five main roles of overview and scrutiny in local government are to undertake pre-decision scrutiny of executive decisions and to feed into policy development.
- 3.2 If the Committee has an interest in a future decision to be made by the Executive, or policy to be implemented, it is within the Committee's remit to feed into the process.
- 3.3 The Forward Plan is actually the future work programme for the Executive. If a non-executive member highlighted a decision(s) which is to be taken by the Executive 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 Executive and they are passing comment on it.

- 3.4 Any committee or sub-committee of this Council requires Terms of Reference (Procedure Rules/Standing Orders) and to operate, needs an approved membership.

4. **Policy Framework**

- 4.1 The work carried out by the Committee helps the Council to improve in line with its priority to manage services openly efficiently and effectively.

5. **Budgetary Framework**

- 5.1 All work for the Committee has to be carried out within existing resources. Therefore, there is a limit to the time available that officers will have to assist Members, so the Committee may wish to prioritise areas of investigation.

6. **Risks**

- 6.1 This Committee contributes to the effective minimisation of risk by fulfilling its duties in a timely manner and scrutinising the work undertaken by the Executive.

7. **Alternative Options Considered**

- 7.1 The only alternative option is not to undertake this aspect of the overview and scrutiny function.

8. **Background**

- 8.1 There are five main roles of overview and scrutiny in local government. These being:

- Holding to account
- Performance management
- Policy review
- Policy development
- External scrutiny

- 8.2 The pre-decision scrutiny of Executive decisions falls within the role of 'holding to account'. To feed into the pre-decision scrutiny of Executive decisions, the Committee needs to examine the Council's Forward Plan and identify items which it would like to have an impact upon.

- 8.3 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.

- 8.4 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.

- 8.5 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.
- 8.6 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.
- 8.7 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.
- 8.8 At each meeting, the Committee will consider their work programme and make amendments where necessary, and also make comments on specific Executive items, where notice has been given by 9am on the day of the Overview and Scrutiny Committee meeting. The Committee will also receive a report detailing the response from the Executive, on the comments the Committee made on the Executive agenda in the previous cycle.
- 8.9 The Forward Plan is considered at each meeting and allows the Committee to look at future items and become involved in those Executive decisions to be taken, if members so wish.
- 8.10 Appendix 3 gives full details of the Terms of Reference by which the previous Health Scrutiny Sub-Committee operated. This will act as a starting point for the Overview & Scrutiny Committee to agree the Terms of Reference for the newly formed Health Scrutiny Sub-Committee.
- 8.11 The Overview & Scrutiny Committee must determine the membership of the Sub-Committee. At the last meeting of the Overview & Scrutiny Committee, it was agreed that membership of the Sub-Committee need not be politically proportionate.
- 8.12 The Head of Service for Health & Community Protection has requested that the verbal report in respect of the Crime and Disorder Scrutiny arrangements be postponed because the main officer responsible is unavailable 29 September. This item on the Work Programme will need rescheduling.

**Overview and Scrutiny Committee
Work Programme 2015/2016**

29 September 2015

Title	Where did item originate from	Format	Lead Officer	Membership of Task & Finish	Next report date if applicable	Completion date
Holding Portfolio Holders to account – Cultural Services	30 June 2015	Report / Q & A	Councillor Gallagher			Annually
Review whether current arrangements for Crime and Disorder Scrutiny continue	Mandatory	Verbal briefing and discussion	Richard Hall / Pete Cutts		TBA – see O&S Minutes 30 June 2015 on report requirement and the officers/councillors to attend meeting	
Social Value in Procurements & what is happening about this in the Council.	November 2013	Report	Mike Snow			
Health Scrutiny Sub-Committee – To confirm the Terms of Reference and membership	2 September 2015	Part of the committee's work programme	Richard Hall			29 September

3 November 2015

Title	Where did item originate from	Format	Lead Officer	Membership of Task & Finish	Next report date if applicable	Completion date
Outside appointments Report – What the outside body does and a report on what has transpired at meetings attended	O & S September 2013	Written report	Lesley Dury		November	Annually
Holding Portfolio Holders to account - Finance	30 June 2015	Report / Q & A	Councillor Whiting		3 November 2015	Annually
CWLEP – Verbal Update	O & S July 2015	Briefing	Councillor Mobbs		1 December 2015	
Housing – Adaptations for people with disabilities – to consider whether to set up a Task & Finish Group to streamline the assessment process	Suggestion made by Councillor Mrs Falp – O & S 8 April 2015	Verbal Briefing	Andy Thompson			

1 December 2015

Title	Where did item originate from	Format	Lead Officer	Membership of Task & Finish	Next report date if applicable	Completion date
CWLEP – Verbal Update	O & S July 2015	Briefing	Councillor Mobbs		9 February 2016	
Holding Portfolio Holders to account – Housing & Property Services	30 June 2015	Report / Q & A	Councillor Philips		1 December 2015	Annually
Health Scrutiny Sub-Committee Update					9 February 2016	

12 January 2016

Title	Where did item originate from	Format	Lead Officer	Membership of Task & Finish	Next report date if applicable	Completion date
Holding Portfolio Holders to account – Neighbourhood Services	30 June 2015	Report / Q & A	Councillor Shilton		12 January 2016	Annually
Review Pre-application Charging Regime for Development Proposals	Executive 1 July 2015 – Minute 9	Report	Tracy Darke		April 2016	Every three months

9 February 2016

Title	Where did item originate from	Format	Lead Officer	Membership of Task & Finish	Next report date if applicable	Completion date
CWLEP – Verbal Update	O & S July 2015	Briefing	Councillor Mobbs		5 April 2016	
Holding Portfolio Holders to account – Health & Community Protection	30 June 2015	Report / Q & A	Councillor Grainger		9 February 2016	Annually
Health Scrutiny Sub-Committee Update					5 April 2016	

8 March 2016

Title	Where did item originate from	Format	Lead Officer	Membership of Task & Finish	Next report date if applicable	Completion date
Holding Portfolio Holders to account	30 June 2015	Report / Q & A	Councillor Mobbs		8 March 2016	Annually

5 April 2016

Title	Where did item originate from	Format	Lead Officer	Membership of Task & Finish	Next report date if applicable	Completion date
End of Term report	Mandatory	Written report	Committee Services		5 April 2016	
CWLEP – Verbal Update	O & S July 2015	Briefing	Councillor Mobbs		Next O & S Meeting following: 23 May, 25 July, 10 October, 28 November	
Children's Champions – End of Year Report	Council recommendation	Written report	Bill Hunt and Member Children Champions		April/May 2016	
Review Pre-application Charging Regime for Development Proposals	Executive 1 July 2015 – Minute 9	Report	Tracy Darke		April 2016	Every three months
Health Scrutiny Sub-Committee Update					TBA	

Date to be Agreed 2015/2016

Title	Where did item originate from	Format	Lead Officer	Membership of Task & Finish	Next report date if applicable	Completion date
Review of Taxi Token Scheme – See Health Scrutiny Minutes October 2014 and November 2014	Health Scrutiny Sub-Committee October and November 2014	TBA	TBA		TBA	Deferred until the arrangements for Health Scrutiny have been agreed.
Local Plan Infrastructure Delivery Plan	30 June 2015	Report	Tony Ward/Dave Barber		TBA	Quarterly update once the Local Plan has been agreed.
CWLEP update	30 June 2015	Verbal Report	Councillor Mobbs		BH to provide a copy of the Board Meeting Dates to LD	Quarterly if an update is available
Holding Portfolio Holders to account – Development Services	30 June 2015	Report / Q & A	Councillor Cross		September 2016	Annually
Outside appointments Report – Annual statement of the work undertaken by the Body	O & S September 2013	Written report	Lesley Dury		November	Annually



Appendix 2 - FORWARD PLAN

Forward Plan September 2015 to December 2015

COUNCILLOR ANDREW MOBBS
LEADER OF THE EXECUTIVE

The Forward Plan is a list of all the Key Decisions which will be taken by the Executive or its Committees in the next four months. The Warwick District Council definition of 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.

Whilst the majority of the Executive's business at the meetings listed in this Forward Plan will be open to the public and media organisations to attend, there will inevitably be some business to be considered that contains, for example, confidential, commercially sensitive or personal information.

This is formal notice under the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 that part of the Executive meeting listed in this Forward Plan will be held in private. This is because the agenda and reports for the meeting will contain exempt information under Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) and that the public interest in withholding the information outweighs the public interest in disclosing it. Those items which are proposed to be considered in private are marked as such along with the reason for the exclusion in the list below.

If you would like to make representations or comments on any of the topics listed below, including the confidentiality of any document, you can write to the contact officer, as shown below, at Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ. Alternatively you can phone the contact officer on (01926) 353362. If your comments are to be referred to in the report to the Executive or Committee they will need to be with the officer 7 working days before the publication of the agenda. You can, however, make comments or representations up to the date of the meeting, which will be reported orally at the meeting. The Forward Plan will be updated monthly and you should check to see the progress of the report you are interested in.

(730)

Section 1 – The Forward Plan September 2015 to December 2015

Topic and Reference	Purpose of report	If requested by Executive –date, decision & minute no.	Date of Executive, Committee or Council meeting	Publication Date of Agendas	Contact Officer & Portfolio Holder	External Consultees/ Consultation Method/ Background Papers
3 September 2015						
Assets Review by the LLP (Ref 721)	Part A and B reports		Executive 29/07/15 03/09/15	25/08/15	Duncan Elliott Cllr Cross	
HRA Stock Condition Survey (Ref 722)	Sets out the rationale for procuring a condition survey of the housing stock and investing in associated technology.		Executive 29/07/15 03/09/15	25/08/15	Matt Jones Cllr Phillips	
Proposed Creative Quarter (Ref 720)	Soft market testing		Executive 03/09/15	25/08/15	Duncan Elliott Cllrs Cross, Mrs Gallagher and Mobbs	Potential Developers / soft market testing
Sustainable Community Strategy & Fit For the Future Updates and Service Area Plans 2015/16 (Ref 724)	To propose amendments to the Sustainable Community Strategy & Fit For the Future programme of work and approve the Service Area Plans for 2015/16.		Executive 03/09/15	25/08/15	Andrew Jones Cllrs Mobbs & Coker	

RCW / Cadets Rent issue (Ref 713)	To update on the current position		Executive 29/07/15 03/09/15	25/08/15	Chris Elliott Cllr Mobbs	
30 September 2015						
Fees and Charges (Ref 697)	To propose the level of fees and charges to be levied from 2 nd January 2016		Executive 30/09/2015	22/09/15	Andy Crump Cllr Whiting	
Air Quality Action Plan 2015 (Ref 716)	To update and replace the Air Quality Action Plan 2008		Executive 30/09/2015	22/09/15	Grahame Helm Cllr Mrs Grainger	DEFRA, Environment Agency, Highways England, WCC, Neighbouring councils, community groups
Aids and Adaptations (Ref 726)	To consider a report on the future delivery of housing aids and adaptations services – HEART		30/09/15	22/09/15	Andy Thompson Cllr Phillips	None
Multi-storey car park update (Ref 728)	To consider a report on the structural repairs and refurbishment requirements of our multi-storey car parks		30/09/15	22/09/15	Gary Charlton Cllr Shilton	-
Becoming a Dementia Friendly Council (Ref 714)	To consider a report from Health and Community Protection		Executive 29/07/15 03/09/15	25/08/15	Rob Chapleo Cllr Mrs Grainger	
Strategic Opportunity Proposal	To update Members on the current position. It is anticipated that this report		Executive 03/09/15 30/09/15	22/09/15	Chris Elliott Cllrs Mobbs,	The Local Plan proposals have been subject to a number of public

(Ref 712)	will be, in part, Confidential by virtue of the information relating to the financial or business affairs of any particular person (including the authority holding that information)				Coker, Phillips, Whiting, Cross & Gallagher	consultations and planning applications involved have also been subject to public consultation. The proposal has been the subject of discussion privately and confidentially with a number of agencies but especially with the County Council. Submission version of Local Plan; Planning Application (W/14/1076); Planning Application (W/14/0967); Report to Executive in October 2014 re Council Housing Programme; Report to Executive in November 2014 re Sports and Leisure Review. Reports to Council and Executive January & March 2015 re: SOP
Review of Service Area Plans 2014/15 (Ref 725)	To review the Council's performance as against the Service Area Plans for 2014/15.		Executive 03/09/15 30/09/15	25/08/15	Andrew Jones Cllrs Mobbs & Coker	
Tenants Incentive Grant Scheme	To approve a revised Policy (Moved because of reason 3 Waiting for further information		Executive 29/07/15		Jacky Oughton Cllr	

(Ref 687)	from another body)		03/09/15 30/9/2015	22/9/2015	Phillips	
Asset Management Strategy (Ref 641)	To propose an Asset Management Strategy for all the Council's buildings and land holdings. (Moved Reason 6 Seeking further clarification on implications of report)		5 November 2014 Executive (03/09/15)	22/9/2015	Bill Hunt Cllrs Coker & Mobbs	
HQ Relocation (Ref 719)	Part A and B reports		Executive 30/09/15	22/9/2015	Duncan Elliott Cllr Mobbs	
Land at rear of Albion Street, Kenilworth (730)	This concerns access over WDC land It is anticipated that this report will be, in part, Confidential by virtue of the information relating to the financial or business affairs of any particular person (including the authority holding that information)		Executive 30/09/15	22/9/2015	Chris Makasis Cllr Phillips	
Future Delivery of Housing Aids and Adaptations Services - HEART			Executive 30/09/15	22/9/2015	Andy Thompson Cllr Phillips	

4 November 2015

Leisure Development Programme (Ref 688)	To seek approval on the next stage of the programme on investment and management options Delayed from 09/15 – Reason 3		30 September Executive 04/11/15	27/10/2015	Rose Winship Cllr Mrs Gallagher	Background Exec 05/11/14
Budget Review Q2 (Ref 698)	To report expenditure for current year and update financial projections		Executive 04/11/15	27/10/15	Jenny Clayton Cllr Whiting	
Supporting People Grant Changes (Ref 674)	To provide an update on the outcome of the Supporting People Funding consultation and its effect on Warwick District (Moved Reason 2- Waiting for further information from a Government Agency)		Executive 11th February 2015 Executive 04/11/15	27/10/15	Jacky Oughton Cllr Phillips	
Council Development Company (Ref 727)	To consider a report on establishing a Council Development Company		Executive 04/11/15	27/10/15	Andy Thompson Cllr Phillips	Executive report March 2015 – Establishing a Council Development Company for Warwick District
Procurement of Corporate Energy Supplies			Executive 30/09/15	22/9/2015	Andy Thompson Cllr Phillips	
Future Delivery of Repairs and Maintenance to Council-owned			Executive 30/09/15	22/9/2015	Matt Jones Cllr Phillips	

Homes						
-------	--	--	--	--	--	--

2 December 2015

Private sector housing grants policy (Ref 658)	To propose a revised policy for the allocation of grant funding for private residents		Executive – 11th March 2015 Executive – 02/12/15	24/11/15	Abigail Hay Cllr Phillips	TBC
General Fund Budgets 2016-17 to include Budget Review for the current year (Ref 699)	To consider the following year revenue budgets for the General Fund		Executive – 02/12/15	24/11/15	Marcus Miskinis Cllr Whiting	
HRA Budgets 2016-17 (Ref 700)	To consider the following year revenue budgets for the HRA		Executive – 02/12/15		Mark Smith Cllr Whiting	

Section 2 Key decisions which are anticipated to be considered by the Council between January 2016 and March 2016

Topic and Reference	Purpose of report	If requested by Executive –date, decision & minute no.	Date of Executive, Committee or Council meeting	Publication Date of Agendas	Contact Officer & Portfolio Holder	External Consultees/ Consultation Method/ Background Papers
13 January 2016						
HRA Business Plan Review			Executive 13/1/15	6/1/2015		
10 February 2016						
9 March 2016						

TO BE CONFIRMED

Topic and Reference	Purpose of report	History of Committee Dates & Reason code for deferment	Contact Officer & Portfolio Holder	Expansion on Reasons for Deferment	External Consultees/ Consultation Method/ Background Papers	Request for attendance by Committee
Health Strategy (Ref 576)	To update members on the formulation of the Council's Health Strategy, following the return of Public Health to local authorities (Moved March 14 Reason 3)	Executive 12 March 2014 TBC	Rob Chapleo Cllr Mrs Grainger	The strategy will need to take into account the approach of the new administration and County Health & Wellbeing Strategy		
Cleaning Services (Ref 659)	To approve a revised way of delivering the Cleaning Services to Council buildings.	14th Jan 2015 Executive 11th March 2015 2 February 2015 2 March 2015	Jacky Oughton Cllr Phillips	Moved from January – Reason 5 – pending further legal advice on implications of report		

Section 3 – Items which are anticipated to be considered by the Executive but are NOT key decisions

Topic and Reference	Purpose of report	If requested by Executive – date, decision & minute no.	Date of Executive, Committee or Council meeting	Publication Date of Agendas	Contact Officer & Portfolio Holder	External Consultees/ Consultation Method/ Background Papers
23 September 2015						
Statement of Accounts 2014-2015 (Ref 701)	To formally approve the Council's statutory accounts 2014/15		Council 23/09/15		Marcus Miskinis Cllr Whiting	
30 September 2015						
Significant Business Risk Register (Ref 729)	To inform members of the significant risks to the Council		Executive 30/09/15	22/09/15	Richard Barr Cllr Whiting	
4 November 2015						

Delayed reports:

If a report is late, officers will establish the reason(s) for the delay from the list below and these will be included within the plan above:

1. Portfolio Holder has deferred the consideration of the report
2. Waiting for further information from a Government Agency
3. Waiting for further information from another body
4. New information received requires revision to report
5. Seeking further clarification on implications of report.

Details of all the Council's committees, Councillors and agenda papers are available via our website www.warwickdc.gov.uk/committees

The forward plan is also available, on request, in large print on request, by telephoning (01926) 353362

The Previous Health Scrutiny Sub-Committee Procedure Rules

(Agreed at O & S 10 June 2014)

1. Who may sit on the Health Scrutiny Sub-Committee?

All Councillors who are members of the Overview & Scrutiny Committee may be members of the Health Scrutiny Sub-Committee. However, no member may be involved in scrutinising a decision in which they have been directly involved. (Council Procedure Rule 18(b)).

Substitute members of the Overview and Scrutiny Committee may not be members of the Health Scrutiny Sub-Committee.

2. How many councillors may sit on the Health Scrutiny Sub-Committee?

There must be a minimum of four members on the Health Scrutiny Sub-Committee.
(Resolution O & S meeting 15/4/2014)

The Overview & Scrutiny Committee can determine the maximum number of members subject to the constraints of its own membership.

3. Who may act as substitute members on the Health Scrutiny Sub-Committee?

Only Councillors who are members of the Overview & Scrutiny Committee may act as substitute members of the Health Scrutiny Sub-Committee. However, no substitute member may be involved in scrutinising a decision in which they have been directly involved.

4. Co-optees

The Health Scrutiny Sub-Committee will have the discretion to appoint Councillors who are not members of the Overview & Scrutiny Committee to sit on their Sub-Committee, but those councillors will have no power to vote. However, no councillor acting as a co-optee may be involved in scrutinising a decision in which they have been directly involved.

The Health Scrutiny Sub-Committee will have the discretion to appoint non-Councillors to sit on their Sub-Committee, but those persons will have no power to vote.
(Council Procedure Rule 18(d)).

5. Meetings of the Health Scrutiny Sub-Committee

All Health Scrutiny Sub-Committee meetings shall meet in accordance with the approved timetable of meetings.

It will not meet at the same time as the Overview & Scrutiny Committee.

Special meetings of the Health Scrutiny Sub-Committee may be called in accordance with Council procedure rule 26.

6. Quorum

The quorum for Health Scrutiny Sub-Committee shall be a quarter of the membership subject to a minimum of 3.
(Council Procedure Rule 3.)

7. Who chairs the Health Scrutiny Sub-Committee?

The Chairman of the Health Scrutiny Sub-Committee will be drawn from among the Councillors sitting on the Sub-Committee and subject to this requirement, the Sub-Committee may appoint such a person as it considers appropriate as Chairman.

8. Work Programme

The Health Scrutiny Sub-Committee will be responsible for drafting and approving its work programme.¹

In so doing, the Health Scrutiny Sub-Committee shall take into account:

- wishes of Members of the Health Scrutiny Sub-Committee who are not Members of the largest group on the Council;
- wishes of the Overview & Scrutiny Committee;
- promoting Health & Wellbeing in the community;
- promoting Health & Wellbeing in the Council's workforce; and
- acting as a scrutiny body for the local activities and performance of NHS bodies located within the District of Warwick and in other areas of Warwickshire in liaison with the County Adult Health & Social Care Overview & Scrutiny Committee.
- the Council's Health & Wellbeing Strategy.

9. Agenda Items

Any member of the Council may place an item on the agenda in accordance with Council Procedure Rule 6.

¹ Amendment resolved O & S meeting 29 July 2014

10. Consultation and Questionnaires from Warwickshire County Council and other outside bodies in the Health Sector

The Health Scrutiny Sub-Committee has full delegated authority to respond to consultation papers and questionnaires on behalf of the Overview & Scrutiny Committee that are received from Warwickshire County Council and other outside bodies in the Health Sector.

11. Policy Review and Development

- (i) The Health Scrutiny Sub-Committee shall only act on these matters on receipt of instruction from the Overview & Scrutiny Committee and that instruction will contain either authorisation to act on behalf of the Committee or to report back to the Committee.
- (ii) The Health Scrutiny Sub-Committee's remit cannot exceed that of the Overview & Scrutiny Committee.
- (iii) Where the Overview & Scrutiny Committee authorise the Health Scrutiny Sub-Committee to handle work on its behalf, then the Sub-Committee is bound by the same rules as the Overview & Scrutiny Committee. (Overview & Scrutiny Committee Procedure Rule 9.)

12. Reports from the Health Scrutiny Sub-Committee

- (i) Once the Sub-Committee has formed recommendations on proposals for policy development, the Health Scrutiny Sub-Committee will prepare a formal report and submit it to:
 - a. Where the Overview & Scrutiny Committee authorised the Sub-Committee to act on its behalf:
 - i. To the Chief Executive for consideration by the Executive (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework.)
 - b. Where the Overview & Scrutiny Committee instructed the Sub-Committee to report back:
 - i. To the Overview & Scrutiny Committee which will determine what action to take according to its powers.
- (ii) If the Health Scrutiny Sub-Committee has been instructed to act on behalf of the Overview & Scrutiny Committee but cannot agree on one single final report to the Council or Executive as appropriate, then it must report back to the Overview & Scrutiny Committee which will decide the course of action.
- (iii) The Council or Executive shall consider the report of the Health Scrutiny Sub-Committee within one month of it being submitted to the Chief Executive.

- (iv) The Health Scrutiny Sub-Committee will submit its minutes to the Overview & Scrutiny Committee following each of its meetings. These minutes can be “unapproved” and providing no significant amendments are made when they are approved, there is no need to re-submit them once approved. If there are significant amendments, then these amendments must be reported as soon as possible.
- (v) The Health Scrutiny Sub-Committee will submit an annual report of its activities to the Overview & Scrutiny Committee in April so that it may be included in the Overview & Scrutiny’s annual report made in May.

13. When the Health Scrutiny Sub-Committee submits a report to the Executive

Where individual reports are made by the Health Scrutiny Sub-Committee to the Executive, the Chairman of the Health Scrutiny Sub-Committee will normally be expected to attend the Executive in order to address the Executive and answer questions.

14. Members and Officers giving Account

The Health Scrutiny Sub-Committee has the same rights as the Overview & Scrutiny Committee. (Overview & Scrutiny Committee Procedure Rule 13.)

15. Attendance by Portfolio Holder

The Health Scrutiny Sub-Committee has the same rights as the Overview & Scrutiny Committee. (Overview & Scrutiny Committee Procedure Rule 14.)

16. Attendance by Others

The Health Scrutiny Sub-Committee has the same rights as the Overview & Scrutiny Committee. (Overview & Scrutiny Committee Procedure Rule 15.)

17. Call-In

This is outside the remit of the Health Scrutiny Sub-Committee and will be dealt with by the Overview & Scrutiny Committee as laid out in its procedures.

18. The Party Whip

When considering any matter in respect of which a member of the Health Scrutiny Sub-Committee is subject to a party whip, the member must declare the existence of the whip, and the nature of it before the commencement of the Sub-Committee's deliberation on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

19. Orders of Business at Health Scrutiny Sub-Committee Meetings

- (a) The Health Scrutiny Sub-Committee shall consider the following business:
 - (i) Substitute Members (if relevant)
 - (ii) Minutes of the last meeting
 - (iii) Presentations
 - (iv) Questions from Members
 - (v) Policy framework/consultation investigation – reports from Officers covering:
 - Consultation papers
 - Executive consultation on Policy and budget
 - Investigations requested by the Overview & Scrutiny Committee
 - (vi) Scrutiny of Performance Decisions – reports from Officers covering
 - Service performance
 - Investigations requested by the Overview & Scrutiny Committee on the effect of decisions taken
 - (vii) Consultation papers and questionnaires from Warwickshire County Council and other bodies and voluntary organisations in the Health Sector.
 - (viii) Date and time of the next meeting
- (b) Where the Health Scrutiny Sub-Committee conducts investigations (e.g. with a view to policy development) the Sub-Committee may also ask people to attend to give evidence at its meetings which are to be conducted in accordance with the following principles:
 - (i) that the investigation be conducted fairly and all members of the Sub-Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis
- (c) Following any investigation or review, the Sub-Committee shall prepare a report, for submission to either the Overview & Scrutiny Committee if that was the instruction or to the Executive and/or Council as appropriate and shall make its report and finding public.

20. Excluded Matters

The Sub-Committee will not be permitted to consider any matter that the Overview & Scrutiny Committee is not allowed to consider and it cannot consider any matter that does not have a health and wellbeing implication.

The function of examining and making comments and recommendations on reports going to the Executive the following day will remain the province of the Overview & Scrutiny Committees. The Health Scrutiny Sub-Committee will not participate in this process. If instructed by the Overview & Scrutiny Committee, it can advise upon reports to the officers ahead of their inclusion on the Executive agenda and following discussion by the Executive.

21. Overriding Principles

The Health Scrutiny Sub-Committee is bound by the same rules as the Overview & Scrutiny Committee and can only act differently insofar as the statutory regulations allow a sub-committee to act differently to a committee, e.g. quorum.

The Health Scrutiny Sub-Committee cannot have greater power than the Overview & Scrutiny Committee and must respond to instruction from that Committee.

The Overview & Scrutiny Committee has power to dissolve the sub-committee and change the way it operates. Even where the Sub-Committee has full delegated power to act on certain matters, the Overview & Scrutiny Committee has full power to handle that work itself if it so decides.