

# Overview and Scrutiny Committee

Minutes of the meeting held on Tuesday 1 December 2015 at the Town Hall, Royal Leamington Spa at 6.30 pm.

**Present:** Councillor Boad (Chairman); Councillors Ashford, Bromley, Mrs Cain, D'Arcy, Davison, Edgington, Margrave, Naimo, Mrs Redford, and Quinney.

**Also Present:** Councillors Coker, Gallagher, Mobbs and Phillips.

## 40. Apologies and Substitutes

- (a) There were no apologies; and
- (b) Councillor Ashford substituted for Councillor Miss Grainger and Councillor Quinney substituted for Councillor Parkins.

## 41. Declarations of Interest

There were no declarations of interest.

The Chairman informed the Committee that Councillor Mobbs would not be reporting on the Coventry & Warwickshire LEP or the LGA District Councils' Network at this meeting. This would be postponed to the January 2016 meeting.

He would also be altering the order in which items were discussed on the agenda to suit those officers and Councillors who had been requested to attend the meeting to answer questions.

## 42. Minutes

- (a) The minutes of the meeting held on 3 November 2015 were taken as read and signed by the Chairman as a correct record.
- (b) The minutes of the Joint meeting of the Finance & Audit and Overview & Scrutiny Committee held on 3 November 2015 were taken as read and signed by the Chairman as a correct record.

## 43. 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 in November.

The Chairman was pleased to note that the Executive had agreed to investigate the option of introducing a "Passport to Leisure" into the Leisure Options contract, to enable access to leisure facilities for all members of the community.

**Resolved** that the report be noted.

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

### **44. Portfolio Holder Update – Housing & Property Services**

The Portfolio Holder for Housing & Property Services, Councillor Phillips, gave an update on his portfolio. In response to questions, he informed the Committee that:

- he was unaware of how many people would be affected by the reduction in the overall benefit cap, whereby the total amount of benefits that a household could receive would be reduced from £26,000 to £20,000 outside London (page 6 of the report);
- the average household income was £27,000; and
- shared ownership options would be investigated to help people get on the housing ladder. He informed Members that the mean house price in Warwick District was £262,000.

The Chairman thanked Councillor Phillips for answering the questions. Councillor Phillips then left the meeting.

### **45. Current Arrangements for Crime and Disorder Scrutiny**

Councillor Coker informed Members that whilst Health & Community Protection was not his portfolio area, he had agreed to substitute for Councillor Grainger, whose portfolio area it was, as she had been unable to attend. It had been his portfolio previously.

Councillor Coker informed Members that arrangements for Crime and Disorder fell to the two Crime & Disorder Reduction Partnerships for Stratford-on-Avon and Warwick Districts. These had been formally merged in 2008 into the South Warwickshire Community Safety Partnership. This Council had two representatives, namely Councillors Grainger and Heath, and meetings took place quarterly. Councillor Grainger was currently the Chairman of the partnership.

At meetings, current statistics for crime were discussed with the Police Commander, and then the Partnership would decide priorities in respect of crime reduction. Councillor Coker was pleased to note that the overall crime figures for the two areas were reducing.

The Committee was reminded that it had a statutory duty to review the work of the Partnership. This report formed the Committee's annual review.

### **46. Call-in of Executive Decisions – Leisure Development Programme**

The Committee considered a report from Democratic Services resulting from a decision made by the Executive on 4 November 2015 on a report entitled "Leisure Development Programme". Following which certain councillors had followed the Council's call-in procedure to request that the decisions made by the Executive were subject to consideration by the Overview & Scrutiny Committee.

**Resolved** that the meeting be recorded during the public session of debate on the Leisure Development Programme.

## OVERVIEW AND SCRUTINY COMMITTEE MINUTES (Continued)

The Chairman reiterated the choice of recommendations Members could make, as stipulated in the report. He then asked Councillors who had initiated the call-in process who were at the meeting to give a proper account for the reasons of the call-in.

The main concerns of Members who had called in the decision were:

- incorrect information had been given to Members during the period prior to publication of the report:
  - firstly that the in-house option for managing the centres would be an option even if it went out to tender; and
  - all key decisions on the centres would be taken by the Council.
- Councillors were effectively denied sufficient time to examine the facts and there were flaws in some of the information provided;
- there had been insufficient consultation with the community

When it became evident that debate was moving into information that was confidential, it was

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

During the confidential session, the Head of Cultural Services answered Members' questions on the bidding process and how the figures/estimates on costs had been calculated; following which, the meeting went back into public session again.

The Chairman invited Councillor Gallagher, Portfolio Holder Cultural Services to speak. She assured Members that staff affected had been consulted. This process had started in September 2014. She was concerned that the current delay was unsettling for the staff. She pointed out that the provision of Leisure Centres was a discretionary service, and that any concerns Members had on pricing structure for the provision of activities should be considered in the light that market forces would prevail on pricing. She also informed Members that what was being proposed was not privatisation because the Council's assets were not being sold. She was at pains to point out that the petition that had been started after the Executive had made its decision was factually inaccurate; in response to which Councillor Quinney pointed out that the petition only concerned the privatisation of the management of the centres.

Members of the Conservative Group sought a resolution for option 1 in the recommendations in the report:

"To allow the decision to be implemented without further delay"

on the grounds that this would lead to a very large improvement in these facilities for the constituents, and by letting our facilities out to external

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

management would provide further for the repayment of the investment and a return of income instead of the current necessity of subsidy.

This motion was defeated on the casting vote of the Chairman of Overview and Scrutiny Committee.

A motion for option 4 in the recommendations in the report was withdrawn following advice from the Deputy Chief Executive and Monitoring Officer (AJ), who pointed out that the procedures for call-in had been recently revised and it had only now been realised that option 4 could result in a perpetual loop, with no final outcome. This would only serve to continue uncertainty for the staff affected.

After a motion proposed by Councillor Quinney, and seconded by Councillor Boad, the Committee subsequently voted on option 2 in the recommendations in the report (expanded to include the consideration of further advice to be provided by the Monitoring Officer) and this resolution was carried unanimously.

**Resolved** to refer the decision back to the Executive together with the observations of the Overview and Scrutiny Committee and further advice provided by the Monitoring Officer.

(After the meeting, it was realised that consensus had not been reached on what observations would go forward from Overview and Scrutiny and therefore the report that went to Executive 13 January 2016 "Call-in of Executive Decisions – Leisure Development Programme" – Item 8 on the agenda, included all reasons given at the meeting for the call-in and observations made about it at the Overview and Scrutiny meeting.)

### **47. Air Quality Action Plan**

The Chairman informed Members that this item had been discussed by the Health Scrutiny Sub-Committee at its meeting in November. It was agreed that this subject should remain on the sub-Committee's work programme.

The Chairman also invited Members to consider joining the Sub-Committee because currently it only had four voting members; this risked insufficient voting members present at Sub-Committee meetings to ensure a quorum.

### **48. Executive Agenda (Non-confidential items and reports) – Wednesday 2 December 2015**

The Committee considered the following non-confidential items which would be discussed at the meeting of the Executive on Wednesday 2 December 2015.

#### **Item number 5 – Digital Transformation of Council Services**

The Overview & Scrutiny Committee supported the report but recommended that all Members were informed in advance when it was planned to:

(a) cease cash and cheque payments; or

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

(b) close generic email accounts

### **49. 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.

Following on from discussion of items for the Work Programme and Forward Plan, it was

**Resolved** that:

- (1) the report be noted; and
- (2) the Coventry and Warwickshire LEP update and the LGS District Council's Network report be moved to January 2016.

(The meeting finished at 9.30 pm)