

Overview & Scrutiny Committee

Tuesday 8 December 2020

A meeting of the above Committee will be held remotely on Tuesday 8 December 2020, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor Milton (Chair)

Councillor G Cullinan

Councillor R Margrave

Councillor I Davison

Councillor M Noone

Councillor A Dearing

Councillor D Norris

Councillor O Jacques

Councillor P Redford

Councillor P Kohler

Councillor D Russell

Agenda

1. Apologies & Substitutes

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

2. Declarations of Interest

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

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

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

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

3. Minutes

To confirm the minutes of the meeting held on 10 November 2020. **(To follow)**

4. Work Programme, Forward Plan & Comments from Executive

To consider a report from Democratic Services.

(Pages 1 to 3 and Appendices 1 to 4)

- Appendix 1 – Work Programme
- Appendix 2 – Comments from the Executive

- Appendix 3 – Public Convenience Review Update – Briefing Note
- Appendix 4 - Update on the decisions made in respect of the Task & Finish Group, Role of the District Council Chairman **(To follow)**
- Verbal update on the Step-Back Review
- Task & Finish Group, Equality & Diversity Update

5. Executive Agenda (Non-Confidential Items and Reports) – Thursday 10 December 2020

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.

(Circulated Separately)

6. Public & Press

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

7. Executive Agenda (Confidential Items and Reports) – Thursday 10 December 2020

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.

(Circulated separately)

Published Monday 30 November 2020

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Overview & Scrutiny Committee
8 December 2020

Title: Work Programme, Forward Plan & Comments from Executive

Lead Officer: Lesley Dury, Committee Services Officer

(E. committee@warwickdc.gov.uk; T. 01926 456114)

Portfolio Holder: Not applicable

Public report

Wards of the District directly affected: Not applicable

1. Summary

- 1.1. This report informs the Committee of its work programme for 2020 / 2021 (Appendix 1) and the current [Forward Plan](#).
- 1.2. In addition, it provides the Committee with the response that the Executive gave to its comments regarding the reports on 10 November 2020 (Appendix 2).
- 1.3. Appendices 3 & 4 are briefing notes that the Committee requested, and officers will not attend the meeting unless a specific request with reasons is made to the Chair that the officer is required to attend the meeting.
- 1.4. The final two items on the Work Programme are verbal updates, one an update from the Task & Finish Group – Equality and Diversity, the other an update following on from the last meeting on the Step Back Review.

2. Recommendation

- 2.1. Members consider the work programme (Appendix 1) and agree any changes as appropriate.
- 2.2. The Committee to; identify any Executive items on the Forward Plan on which it wishes to have an input before the Executive makes its decision; and to nominate a Member to investigate that future decision and report back to the Committee.
- 2.3. Members note the responses made by the Executive on the Comments from the Executive report (Appendix 2).
- 2.4. Members consider Appendices 3 onwards and agree any changes as appropriate to the Work Programme.

3. Reasons for the Recommendation

- 3.1. The work programme should be updated at each meeting to accurately reflect the workload of the Committee.

- 3.2. The proposed plan at Appendix 1 has been developed in order for the Committee to focus on the four agreed core themes (Covid 19, Climate Change, Medium Term Financial Strategy and Business Plan). While this Committee will not have as much focus on the Medium Term Financial Strategy, it will have to spend significant times looking at the other areas in detail.
- 3.3. 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.
- 3.4. 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.
- 3.5. 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.
- 3.6. Appendix 2, Comments from Executive, is produced to create a dialogue between the Executive and the Overview and Scrutiny Committee. It ensures that the Overview and Scrutiny Committee is formally made aware of the Executive's responses.
- 3.7. Where Overview and Scrutiny Committee has made a recommendation as opposed to a comment, the Executive is required to respond to the recommendation(s) made, including whether or not it accepts the recommendation(s).

4. Background

- 4.1. The five main roles of overview and scrutiny in local government are: holding to account; performance management; policy review; policy development; and external scrutiny.
- 4.2. 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.
- 4.3. 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.
- 4.4. 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.
- 4.5. 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.

- 4.6. 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.
- 4.7. 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.
- 4.8. 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.
- 4.9. 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.
- 4.10. As part of the new scrutiny process, the Committee is no longer considering the whole of the Executive agenda.
- 4.11. 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.
- 4.12. As a result, the Committee considered the items detailed in appendix 2. The response the Executive gave on each item is also shown.
- 4.13. In reviewing these responses, the Committee can identify any issues for which they would like a progress report. A future report, for example on how the decision has been implemented, would then be submitted to the Committee at an agreed date which would then be incorporated within the work programme.
- 4.14. Appendices 3 and 4 are briefing notes that the Committee decided could be appended to its work programme at its meeting 18 August 2020. It was agreed that the report authors did not need to attend the Committee meeting unless there was a request made that they did so. Members were requested to submit their questions ahead of the meeting.

Meeting Date: 8 December 2020

Title	Where did item originate from	Format	Lead Officer / Councillor	Next report date if applicable	Completion Date / Notes
Task and Finish Group Race & Equality Update.	Committee meeting 18 August 2020.	Briefing note or verbal update.	Councillors Mangat, Illingworth, Tangri and C Gifford.	Every meeting until completion.	Written report in March 2021 on staffing related recommendations / Report on external recommendations TBA
Update on plans to improve accessibility to, and the condition / cleanliness of, toilets for people living with disabilities subsequent to the presentation of the plans at the September 2019 Overview & Scrutiny Committee meeting.	Committee meeting 26 September 2019.	Appendix 3	Zoë Court	To be advised if applicable.	No officer will attend the Committee meeting in December unless there is a request. If there is a request, Members should send their questions to the report author before the meeting.

Appendix 1 – Overview & Scrutiny Committee Work Programme

Title	Where did item originate from	Format	Lead Officer / Councillor	Next report date if applicable	Completion Date / Notes
<p>1. Report in respect of decisions made on the role of the Chairman of the Council – Task & Finish Group; and</p> <p>2. Review on the progress / success of the recommendations from the Task & Finish Group – Role of the District Council Chairman.</p>	<p>1. Executive Minutes 10 July 2019, Minute number 8 – Resolutions, agreed at Council 4 September 2019.</p> <p>2. Committee meeting 2 April 2019.</p>	<p>Once completed, this will form Appendix 4</p>	<p>Graham Leach / Andrew Jones</p>	<p>To be advised if applicable.</p>	<p>No officer will attend the Committee meeting unless there is a request. If there is a request, Members should send their questions to the report author before the meeting.</p>
<p>Step Back Review progress</p>	<p>Committee meeting 29 September 2020 and 10 November 2020.</p>	<p>Verbal update</p>	<p>Graham Leach / Councillor Milton</p>	<p>To be advised if applicable</p>	<p>To be advised.</p>

Meeting Date: 9 February 2021

Title	Where did item originate from	Format	Lead Officer / Councillor	Next report date if applicable	Completion Date / Notes
Shared Environmental Enforcement with Rugby Borough Council update.	Committee meeting 10 November 2020.	Briefing Note	Zoë Court	TBA	No officer will attend the Committee meeting unless there is a request. If there is a request, Members should send their questions to the report author before the meeting.
Update on the Night Noise Service.	Committee meeting 20 August 2019.	Append a briefing report to the work programme.	Marianne Rolfe.	To be advised if applicable.	No officer will attend the Committee meeting on 9 February unless there is a request. If there is a request, Members should send their questions to the report author before the meeting.
Discussion – Environmental Protection Team Service Delivery.	29 September 2020, 10 November 2020	Discussion	Marianne Rolfe		

Appendix 1 – Overview & Scrutiny Committee Work Programme

Title	Where did item originate from	Format	Lead Officer / Councillor	Next report date if applicable	Completion Date / Notes
Focus particularly on noise nuisance					

Meeting Date: 16 March 2021

Title	Where did item originate from	Format	Lead Officer / Councillor	Next report date if applicable	Completion Date / Notes
<p>Annual update from Shakespeare's England.</p> <p>(At the Committee meeting 29 August 2018, the Committee requested that the next report included Key Performance Indicators (KPI's) for the District Council and what had been done over the previous 12 months. The Committee did not want a presentation at the meeting, it simply wanted the report and it would feedback comments at the meeting.)</p>	<p>Committee meeting 29 August 2018</p> <p>Committee meeting 29 September 2020, it was agreed that this report could be postponed until March 2021 so that it would include performance during the Covid-19 pandemic.</p>	Written report.	Martin O'Neill and Councillor Hales.	March 2022.	This is an annual report.
Criteria for call in of Executive Reports to Scrutiny Committees - Review	10 November 2020	Written report that can be adapted for inclusion in the Council agenda if agreed.	Graham Leach and Councillors Milton and Nicholls		If agreed, then the procedure will go to Council for inclusion in the Scrutiny procedure.

Meeting Date: 20 April 2021

Title	Where did item originate from	Format	Lead Officer / Councillor	Next report date if applicable	Completion Date / Notes
Overview & Scrutiny End of Term report.	Standing Annual Item.	Written report.	Committee Services Officer.	April 2022.	This is an annual report.
Childrens' and Adults' Safeguarding Champions: End of Term Report.	Standing Annual Item.	Briefing note to all Councillors with a paragraph explaining that if they have any concerns that they feel require scrutiny, to raise these for consideration as part of the work programme.	Lisa Barker.	April 2022.	This is an briefing note to all Councillors.

Meeting Date: To Be Advised / or late 2021

Title	Where did item originate from	Format	Lead Officer / Councillor	Next report date if applicable	Completion Date / Notes
Decide if an update is required on the Catering and Events Concessions Contract – Royal Pump Rooms and Jephson Gardens Glasshouse.	Committee meeting 26 September 2019.	Informal update.	Dave Guilding / Philip Clarke.	TBA	D Guilding and P Clarke were asked when they can give an informal update considering the impact of Covid-19 on this service. A response from them is awaited.
Annual Review of the Council's Sustainability and Climate Change Approach, including Plastics Policy update.	Committee meeting 9 July 2019 / 10 November 2020.	Written report	Dave Barber.	TBA	
Current Arrangements for the South Warwickshire Community Safety Partnership.	This is a mandatory report.	Item 8 on the agenda	Marianne Rolfe.	Late October / Early November 2021.	This is an annual report.

**Response from the meeting of the Executive on the
O&S Committee's Comments – 10 November 2020**

Item Number: 4 – Sherbourne Resource Park.

Requested by: Councillor Milton.

Reason Considered:

The MRF is another aspect of the waste contract.

To look at the governance arrangements for the proposals and whether there is any impact on residents, (noting that Sherbourne Park is not in the District).

Scrutiny Comment:

The Overview and Scrutiny Committee considered this report together with Item 10 – Waste Contract Renewal because they both dealt with waste management. It noted and accepted the contents of both reports.

The Committee felt that it would be important to bring residents on-board with the changes to the waste and recycling services. Effective communication and providing help to residents to manage the impact of the changes would be necessary and this would help link into the Council's wider Climate Emergency ambitions.

The Committee did raise concerns over the potential problem that could be posed by fly-tipping and asked that an effective strategy to counter this risk was put in place. Flexibility in approach was key.

The Committee expressed its thanks to the Portfolio Holder, Councillor Grainger and Julie Lewis, the Head of Neighbourhood Services.

Executive Response:

The recommendations in the report were approved.

Item Number: 6 – Creative Quarter – Spencer Yard Proposals

Requested by: The Green Group.

Reason Considered:

Criteria for call-in: "The amount of spend and the strategic priority of the Council or key project".

The more direct and broader question/issue in line with these is: "Should we be promoting a system which privatises the profits and turns the losses over to the Council? Should we really enter into agreements where WDC seems to lose control down the line?"

We would like further clarifications on the questions asked already:

- A. does “The aspiration of the wider Creative Quarter” mean that this development will just be offices, but the hope is that later phases may include artists’ studios?
- B. Will these properties be included in the Council’s assets when determining our carbon footprint?
- C. Can the public be told the length of the lease?

However, our primary concern is that this deal burdens the council with key risks without having access to the majority of profits that might accrue. For example, the council will be obliged to develop the event space, and then the developer can choose whether or not to requisition this space if they so choose (within limits). It is noticeable that the developer is not taking on this risk, suggesting that they don’t think it will be profitable.

What is the wisdom of signing such a deal when:

1. Key points such as pricing arrangements have not been agreed
2. Receiving the market value (for office developments) has not been agreed

There is a huge risk that demand for office space will plummet?

Scrutiny Comment:

The Overview & Scrutiny Committee considered the report and accepted its contents.

Executive Response:

The recommendations in the report, and along with the following additional recommendation from the Finance and Audit Scrutiny Committee, were approved:

“that authority be delegated to the Deputy Chief Executive (BH) in consultation with the Chair of the Finance & Audit Scrutiny Committee, the Leader of the Council and the Portfolio Holder for Finance and Business, to further investigate and look in detail at the proposed Heads of Terms included in Confidential Appendix 2. Given the Council's unanimous support of the Climate Emergency Action Plan, Members ask that detailed terms on the environmental standards of the proposals be considered, and whether it is sensible to include environmental conditions into the lease, subject to not adversely affecting the viability of the scheme. Members feel that the efficacy of those conditions is something the Programme Advisory Board should look at and monitor”.

Item Number: 10 – Waste Contract Renewal

Requested by: Councillor Milton.

Reason Considered:

Because of the significant change in service delivery for residents.

Scrutiny Comment:

Please see above for the comments made by the Overview & Scrutiny Committee which discussed Items 4 and 10 together at its meeting.

Executive Response:

The recommendations in the report were approved.

Title: Public Convenience review update
Lead Officer: Zoë Court
Portfolio Holder: Moira-Ann Grainger
Public briefing note
Wards of the District directly affected: All

Contrary to the policy framework:
 Contrary to the budgetary framework:
 Key Decision:
 Included within the Forward Plan:
 Equality Impact Assessment Undertaken:
 Consultation & Community Engagement:
 Final Decision:

Officer/Councillor Approval

Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	27/11/2020	Julie Lewis
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	27/11/2020	Councillor Grainger

Background

Overview and Scrutiny Committee have requested an update on the public convenience provision, in particular, disabled toilets.

The following information is an updated summary of work carried out since the last briefing note in September 2019;

	Action	Completion Dates	Update
1.	Appraisal of the current Public Convenience cleansing arrangements	September 2019	Completed
2.	Review of the existing Public Convenience operating procedures and monitoring responsibilities	October 2019	Completed
3.	Tender process for new Building Contract which includes the cleansing specification for the Public Conveniences	Award December 2019 Implement April 2020	Completed Completed
4.	Develop the programme for any physical improvements to Public Conveniences from the Assets Team PPM review	February 2020	Not completed to review in January 2021
5.	Review the customer interaction processes either physical or electronic, and the access to and type of information available on our website.	March 2020	Not completed to review in January 2021
6.	Options Appraisal for Actions 4 & 5	April 2020	Not completed to review in January 2021

Update

The new Building Cleaning contract was awarded to Churchill and the responsibility of managing the contract returned to Contract Services in April 2020.

This allows the contract to be managed in the same way as the other Public Realm Contracts (waste, street cleansing and grounds maintenance).

Due to a change of management in the team and Covid-19 several of the actions above have not been reviewed. These actions have been added to the Contract Service Managers priorities for January 2021.

Due to Covid-19 the frequency of the cleansing of public toilets was increased, using Covid-19 compliant cleaning product. Some of the toilets were closed for a period of time due to the national lockdown announced at the end of March 2020.

The disabled toilets remained accessible at all times via use of a radar key, not only for those with a disability but for essential key workers such as mobile carers, bus drivers and delivery drivers.

Agenda Item 4, Appendix 3

Unfortunately, over the last few months several public toilets have had to be closed for a short period of time due to unpleasant anti-social behaviour; including vandalism and deliberate attempts to block the toilets. The new contractor responded quickly to these incidents and carried out deep cleans allowing us to minimise disruption.

Next Steps

A full audit of all public toilet facilities will be carried out between Assets and Contract Services in January 2021.

To supply the Overview and Scrutiny Committee with a further update on progress in February 2021.