

Overview & Scrutiny Committee

Tuesday 8 March 2022

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Tuesday 8 March 2022, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor Milton (Chair)

Councillor G Cullinan

Councillor V Leigh-Hunt

Councillor A Dearing

Councillor R Margrave

Councillor J Dearing

Councillor T Morris

Councillor O Jacques

Councillor P Redford

Councillor P Kohler

Councillor D Russell

Emergency Procedure

At the commencement of the meeting, the emergency procedure for the Town Hall will be announced

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 8 February 2021. **(Pages 1 to 5)**

4. **Work Programme, Forward Plan & Comments from Cabinet**

To consider a report from Democratic Services. **(Pages 1 to 13)**

5. **Update on Joint Work of WDC and SDC**

To consider a report from the Chief Executive. **(To follow)**

6. **Development Management and Enforcement Performance Update**

To consider a report from Development. **(Pages 1 to 8)**

7. **Fly-tipping Enforcement – working with Stratford Street Scene Team**

To consider a report from Environment & Operations **(To follow)**

8. **Cabinet Agenda (Non-Confidential Items and Reports) – Thursday 10 March 2022**

To consider the non-confidential items on the Cabinet 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 morning after Group meetings.
(Circulated Separately)

9. **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 & 7 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

10. **Summary of the role, responsibilities, and performance of the South Warwickshire Community Safety Partnership (SWCSP)**

To consider a report from Community Protection. **(Pages 1 to 19)**

11. **Cabinet Agenda (Confidential Items and Reports) – Thursday 10 March 2022**

To consider the confidential items on the Cabinet 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 morning after Group meetings.
(Circulated separately)

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Overview and Scrutiny Committee

Minutes of the meeting held on Tuesday 8 February 2022 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Milton (Chair); Councillors Ashford, Cullinan, A Dearing, J Dearing, Jacques, Kohler, Leigh-Hunt and Russell.

Also Present: Councillor Rhead – Portfolio Holder, Climate Change.

44. **Apologies and Substitutes**

- (a) An apology for absence was received from Councillor Redford.
- (b) Councillor Ashford substituted for Councillor Morris.

45. **Declarations of Interest**

There were no declarations of interest made.

46. **Minutes**

The minutes of the Overview and Scrutiny Committee meeting held on 7 December 2021 were taken as read and signed by the Chair as a correct record.

47. **Cabinet Agenda (Non-Confidential items and reports) – Thursday 10 February 2022**

The Committee considered the following items which would be discussed at the meeting of the Cabinet on Thursday 10 February 2022.

Item 13 – Decarbonisation of Council Assets

The Committee recommended to Cabinet that:

- (1) Standards set out by the Government for de-carbonisation and retrofitting and those the Council would apply, should be included within the report.
- (2) The Climate Emergency PAB, within the terms of its remit, should be involved more in developing some of the schemes outlined in the report.
- (3) A schedule/plan showing when stages of the process would be implemented, and the expected impact as a result, should be produced.

Item 9 – Net Zero Carbon Development Plan Document

Appendix 4 - Net-Zero Carbon Development Plan Document: Revised Viability Study, a lengthy document, was only circulated late on the day of the meeting. This gave Members of Overview & Scrutiny Committee insufficient time to review it properly. The Committee was informed that

the delay was due to unavoidable staff absence. The Director for Climate Change provided a brief verbal summary of the content.

It was explained that Recommendation 3 in the report, that delegated authority should be given to the Head of Place and Economy in consultation with the Portfolio Holder for Climate Change to make further non-substantive amendments to the draft DPD prior to consultation commencing, meant that Members would have the opportunity to feed through comments once they had been able to properly review the Appendix. If the changes requested were substantive amendments, then these had to be approved through Cabinet.

The Committee supported the report.

The Committee expressed concern about maintaining the 40% affordable housing commitment when viability was questioned and asked that the Council investigated mechanisms to defend this through the planning process.

(Councillor Rhead left the meeting.)

48. Update on Joint Work of WDC and SDC

The Committee considered a report from the Chief Executive which set out the progress of the work being done to enable effective scrutiny of the proposals to achieve joint working with Stratford-on-Avon District Council.

Appendix 1 to the report set out the Programme Risk Register.

Both Warwick District Council (WDC) and Stratford-on-Avon District Council (SDC) had agreed a vision to create a single statutory South Warwickshire Council covering all of the activities currently carried out by SDC and WDC by 1 April 2024.

Overview & Scrutiny Committee and Finance & Audit Scrutiny Committee had agreed that at each of their meetings, a progress report would be submitted for consideration whilst work was ongoing to merge the service areas of both Councils and depending on the response from the Secretary of State, to enable scrutiny of the political merger also.

The Chair asked Members to consider what the Committee should be looking at now that the merger process had moved to the next stage following the decision made by both Councils on 13 December 2021 to formally apply to the Secretary of State for Levelling Up, Housing and Communities to become the South Warwickshire District Council.

Various ideas/points raised by Members were:

- Should time be set aside to look at what actions needed to happen in the time prior to receiving the Secretary of State's decision.
- To look at service areas where joint working was already happening to find out if there were things that required improvement as the merger progressed. Delivery of services to residents.
- Climate Change was something both Councils were driving forward very well so was there a need to continue to scrutinise this within the context of the scrutiny of the merger.

- The shape of the future democracy of the Councils should be considered for scrutiny.
- Continuing consultation and engagement with residents.
- Impact of joint working with SDC on WDC's work and ambitions.

The Deputy Chief Executive explained that the process of integrating teams at both Councils had only just started, so it would be difficult to determine what difference this would make right now and to give meaningful data. The main change to have taken place so far was Heads of Service covering the service areas at both Councils, so in effect, managing two teams. Work had been ongoing about governance and recommendations would be coming forward on how joint scrutiny by SDC and WDC could be carried out going forward. He asked Members to wait for the outcome on suggestions coming forward from the next meeting of the Joint Arrangements Steering Group (JASG) when governance arrangements would be discussed. He hoped to give clearer advice to the Committee at the meeting in April.

In response to a question from Councillor Kohler, the Deputy Chief Executive explained that the Programme Risk Register was discussed and updated weekly by an officer programme board. More proposals had been considered in respect of the highest rated risk, the integration of ICT systems across the two councils. Following on from comments made on these, more detailed proposals for sign off would be coming forward and it was hoped that the risk rating for ICT would then reduce.

Councillor J Dearing raised a concern that both Councils might be driving forward Climate Change ambitions with slightly different approaches in terms of staffing and budget resource and that it was still appropriate to keep a watching brief to help WDC achieve its ambitions. The Deputy Chief Executive advised raising these concerns through their political groups and then the group leaders could raise these at the Leadership Coordination Group.

The Deputy Chief Executive would liaise with the Chair to bring proposals for joint scrutiny to the April meeting.

49. **Fly-tipping Enforcement Update**

The Chair advised Members that the report on fly-tipping enforcement had not been completed in time for proper consideration at the meeting. He had agreed that it would be delivered in time for the meeting in March but had asked for additional information to be added to it which was:

- details of the number of reported fly-tipping incidents over recent years (ideally broken down by Ward level);
- details of the number of reported fly-tip incidents that the Council was obliged to clear;
- the response time for clearing the incidents;
- a summary of any consequential action taken against fly-tipping offenders; and
- the risk-based analysis of the impact of the 123+ on fly-tipping in the District.

50. **Review of the Work Programme, Forward Plan and Comments from the Cabinet**

The Committee considered its work programme for 2022 as detailed at Appendix 1 to the report. Appendix 2 gave responses from the Cabinet to the comments and recommendations the Committee had made to Cabinet reports it had scrutinised.

Councillor Kohler gave an update on the Service Area Dashboard and was pleased to announce that it was now a lot more useable on an iPad. Members asked for:

- all councillors to receive training on how to use the Dashboard; and
- a briefing for all councillors.

Once all Members had access to the Dashboard, then the Committee would need to decide how to use the information provided on the Dashboard to identify areas requiring scrutiny.

Councillor Kohler asked for a document written by the Performance Management Officer called "Workaround to Intranet and Business Intelligence site access for iPad for Councillors" to be circulated. However, it was proving difficult to read this document on an iPad at the same time as trying to follow its instructions to access the Dashboard on an iPad. The Deputy Chief Executive suggested that he would ask the Performance Management Officer to review the problem of reading the document at the same time as trying to use it to access the Dashboard before the document was circulated.

It was agreed to invite the Head of Development Services, Adrian Harding, to the next meeting to speak about the issues faced in Development Services for dealing with the processing of planning applications within the statutory deadlines and the backlog of work within planning enforcement. The report should include an update on recent performance and plans to improve performance for residents in the near future. Staffing levels were a concern in light of recent staff turnover within the department.

An item was withdrawn from the Work Programme in respect of the sustainability gap on listed buildings which had been covered by NZC4 in Appendix 2 of the Net Zero Carbon Development Plan Document.

The Chair referred Members to Appendix 3 which was a record of a scrutiny session held to discuss the "Developing a Digital Strategy for South Warwickshire" report which was considered by Cabinet in December 2021. It was noted that an action had been placed on Councillor Milton as a result of the session to liaise with the Portfolio Holder – Transformation & Resources and the Head of ICT to liaise to agree the key points in the project when a report should come to the Committee for scrutiny.

Resolved that

- (1) appendices 1, 2 and 3 to the Work Programme report be noted;

- (2) training and a briefing be provided to all Councillors in respect of the Service Area Dashboard;
- (3) the Head of Development Services be invited to attend the next meeting to discuss issues faced in the service area; and
- (4) the policy gap on the sustainability on listed buildings be removed from the Work Programme.

(The meeting ended at 7.37pm)

CHAIR
8 March 2022

Meeting Date: 8 March 2022

Title	Where did item originate from	Format	Lead Officer / Councillor	Next report date if applicable	Completion Date / Notes
Update on Joint Work of WDC and SDC	December 2021	Written report	Chris Elliott	April 2022	
Issues in respect of approval and processing of planning applications within the statutory deadlines and Planning Enforcement backlog. Report to include an update on recent performance and plans to improve performance for residents in the near future; staff numbers in light of recent staff turnover.	February 2022	Written report	Adrian Harding		
Summary of the role, responsibilities and performance of the SWCSP	This is a mandatory report.	Written report	Liz Young / Marianne Rolfe.	March 2023.	This is an annual report.
Fly-tipping Enforcement Update - A report on the Stratford Street Scene Team and on how its fly tipping enforcement service differs from the one	February 2021	Written report	Zoe Court		


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>operated currently at Warwick District Council.</p> <p>Report to include:</p> <ul style="list-style-type: none"> • Details of the number of reported fly tipping incidents over recent years (ideally broken down by Ward level) • Details of the number of reported fly tip incidents that the Council was obliged to clear • The response time for clearing the incidents • A summary of any consequential action taken against offenders of fly tipping • The risk based analysis of the impact of 123+ on fly tipping in the district 					

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
Task & Finish Group – Equality & Diversity – Phase 2	July 2021	Written report	Councillor Mangat	Every meeting until completed	
Joint working WDC/SDC - Arising from February O&S meeting: Governance - Steer on how the joint scrutiny arrangements may work, through to Joint Cabinet	February 2022	Verbal update	Andrew Jones in liaison with Councillor Milton		

Meeting Date: 12 April 2022

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 2023.	This is an annual report.
Task & Finish Group – Equality & Diversity – Phase 2	O&S July 2021	Written report	Councillor Mangat	Every meeting until completed	
HEART Shared Service update including the implementation of the new IT system	April 2021	Call in the report going to Cabinet	Lisa Barker / Nick Cadd (nick.cadd@stratford-dc.gov.uk)		
Annual update from Shakespeare's England.	29 August 2018	Call in the report going to Cabinet	Martin O'Neill and Councillor Bartlett	March 2023.	This is an annual report.
Item to carry forward on the Work Programme until all O&S Members have received a briefing and training on the Service Area Dashboards: Decide what the data may be used for and how it may be fed into the Scrutiny process	February 2022	Discussion	Councillors Kohler, Jacques and Cullinan		 Re_ Request for Members' Training & 9/10 Feb 2022 - Requests were made to Committee Services for: <ul style="list-style-type: none"> - Training for all Members; - A briefing for all Members; - To ensure all O&S

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
					Members had access to the Dashboards; - Individual training for Members of O&S asap

Briefing Notes to All Councillors – April 2022: Not for O&S Agenda

Title	Where did item originate from	Format	Lead Officer / Councillor	Next report date if applicable	Completion Date / Notes
Children's and Adults' Safeguarding Champions: End of Term Report.	Standing Annual Item.	Briefing note	Marianne Rolfe.	April 2023.	This is a briefing note to all Councillors.
Members' Annual Feedback on Outside Appointments / Annual review of membership/participation of Outside Bodies (Includes a short synopsis on Champions)	Standing Annual Items	Briefing note	Phil Grafton	April 2023	This is a briefing note to all Councillors.

Municipal Year 2022/23

24 May 2022

Title	Where did item originate from	Format	Lead Officer / Councillor	Next report date if applicable	Completion Date / Notes
Election of Chair if not done on the night of Annual Council				1 st meeting of the municipal year	

5 July 2022

Title	Where did item originate from	Format	Lead Officer / Councillor	Next report date if applicable	Completion Date / Notes
Update on the merging of ICT systems and data as the merger of the service areas of the two Councils moves forwards, including plans if authorisation for full political merger is denied.	O&S November 2021	Written report	David Elkington	February 2023	Every six months
The Progress and Impact of the Equality & Diversity Task & Finish Group's Recommendations in the report that was presented to O&S 6 July 2021	O&S 6 July 2021	Written Report	Tracy Dolphin/Graham Leach		

9 August 2022 - No reports scheduled as yet.

20 September 2022

Title	Where did item originate from	Format	Lead Officer / Councillor	Next report date if applicable	Completion Date / Notes
Park Exercise Permits – annual review of the scheme	August 2020 (Last report made to O&S - 21 September 2021)	Briefing Note	Padraig Herlihy	Annual update	

1 November 2022 - No reports scheduled as yet.

6 December 2022 - No reports scheduled as yet.

Meetings scheduled in 2023 - 7 February, 7 March and 18 April.

Meeting Date: To Be Advised

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.
Update on plans to improve accessibility to, and the condition / cleanliness of, toilets for people living with disabilities.	Committee meeting 26 September 2019 and briefing note 8 December 2020.	Briefing Note	Zoë Court	To be advised if applicable.	No officer will attend the Committee meeting unless there is a request.
Minimum Energy Efficiency Standards Enforcement Process – Private Sector Housing	O&S August 2020	Written Report	Lisa Barker		A review was requested once the scheme had been operation for 12 months. Covid Lockdown has meant that the 12 months has not been achieved yet.

**Response from the meeting of the Cabinet on the
O&S Committee's Comments – 10 February 2022**

Item Number: 9 – Net Zero Carbon Development Plan Document

Requested by: Chair- O&S and the Green Group

Reasons Considered:

Chair, O&S:

Because this is a significant goal in the areas of work the Council wishes to achieve and because information on two key priorities needed detail (viability and the sustainability assessment).

Green Group:

Call-in questions:

1. The proposed new standard is defined as percentage improvements on 2021 regulations. How do these percentages translate into minimum carbon emissions or energy usage in operation? Is it possible to replace percentages or provide alternative quantified standards in terms of maximum carbon emissions or energy demand, such as the one mentioned in the report by the CCC for desirable space heating demands of 15-20 kwh/m2/yr.?
2. Can you give a more precise range of carbon offsetting mechanisms that would be supported by or included within the WDC Carbon Offsetting fund?
3. The words 'feasibility' and 'viability' are used throughout the document. Feasibility is not dealt with separately, and section 11 'Viability' does not define 'viability'. It leaves the decision-making procedure for deciding upon what is 'viable' or 'non-viable' open to subjective assessments based on different accounting mechanisms and assumptions. Can the definition of these terms be strengthened or reference given to published guidance on these terms?
4. Recommendation (3). As an important part of WDC's Climate Action Plan, can we include the Climate Emergency PAB in the consultation process that makes amendments to the draft DPD? i.e. "... in consultation with the Portfolio Holder for Climate Change and the Climate Emergency PAB".

Scrutiny Comment:

Appendix 4 - Net-Zero Carbon Development Plan Document: Revised Viability Study, a lengthy document, was only circulated late on the day of the meeting. This gave Members of Overview & Scrutiny Committee insufficient time to review it properly. The Committee was informed that the delay was due to unavoidable staff absence. The Director for Climate Change provided a brief verbal summary of the content.

It was explained that Recommendation 3 in the report, that delegated authority should be given to the Head of Place and Economy in consultation with the Portfolio Holder for Climate Change to make further non-substantive amendments to the draft DPD prior to consultation commencing, meant that Members would have the opportunity to feed through comments once they had been able to properly review the Appendix. If the changes requested were substantive amendments, then these had to be approved through Cabinet.

The Committee supported the report.

The Committee expressed concern about maintaining the 40% affordable housing commitment when viability was questioned and asked that the Council investigated mechanisms to defend this through the planning process.

Cabinet Response:

The recommendations in the report were approved.

Item Number: 13 – Decarbonisation of Council Assets

Requested by: Green Group

Reasons Considered:

Call-in questions:

The Director for Climate Change wrote: "There is no doubt that the net zero ambition for 2025 is a big challenge". This could be interpreted as there is a serious risk of falling far short of this target. What ongoing monitoring can give us confidence that this ambitious programme of work is on-track?

2. Can the already-secured decarbonisation funding for replacing existing heating systems with air source heat pumps be included in the review?
3. Shouldn't the council work to official decarbonisation/retrofitting standards for non-commercial buildings, e.g. the Government's PAS 2038 guidance?
4. What proportion of 'old-fashioned' WDC lights have been replaced with LEDs since the climate emergency declaration in 2019?
5. Which is the provider for WDC's green tariff 100% renewable electricity?
6. Recommendation (4). As a key aspect of the WDC Climate Action Plan, can the Climate Emergency PAB be included in the development of specific schemes? (this is likely to be more important for Phase 2 than Phase 1 schemes, so the recommendation may need to be reworded.)
7. Can a recommendation be added that requires the council to publish annually the council's total energy usage (from all sources) as well as the carbon emissions from these properties. This should start for 2021 or earlier so there is an appropriate baseline.

Scrutiny Comment:

The Overview & Scrutiny Committee recommended that:

- (1) Standards set out by the Government for de-carbonisation and retrofitting and those the Council would apply, should be included within the report.
- (2) The Climate Emergency PAB, within the terms of its remit, be involved more in developing some of the schemes outlined in the report.
- (3) A schedule/plan showing when stages of the process would be implemented, and the expected impact as a result should be produced.

Cabinet Response:

The recommendations in the report were approved along with the recommendations made by the Overview & Scrutiny Committee.

Overview & Scrutiny Committee
8 March 2022

Title: Work Programme, Forward Plan & Comments from Cabinet
Lead Officer: Lesley Dury, Principal Committee Services Officer
Portfolio Holder: Not applicable
Public report
Wards of the District directly affected: Not applicable
Accessibility checked: Yes

Summary

This report informs Members of Overview & Scrutiny Committee:

- (1) of the Committee's work programme for 2022/2023 (Appendix 1); and
- (2) responses that Cabinet gave to comments and recommendations made by Overview & Scrutiny Committee regarding the reports to Cabinet on 10 February (Appendix 2).

Recommendations

- (1) That Members consider the work programme (Appendix 1) and agree any changes as appropriate.
 - (2) That the Committee:
 - identifies any Cabinet items on the [Forward Plan](#) on which it wishes to have an input before the Cabinet makes its decision; and
 - nominates a Member to investigate that future decision and report back to the Committee.
 - (3) That Members note the responses made by the Cabinet on the Comments from the Cabinet report (Appendix 2).
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1 Background/Information

- 1.1 The five main roles of overview and scrutiny in local government are: holding to account; performance management; policy review; policy development; and external scrutiny.
- 1.2 The pre-decision scrutiny of Cabinet decisions falls within the role of 'holding to account'. To feed into the pre-decision scrutiny of Cabinet decisions, the Committee needs to examine the Council's Forward Plan and identify items which it would like to have an impact upon.
- 1.3 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.

- 1.4 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.
- 1.5 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.
- 1.6 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.
- 1.7 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.
- 1.8 At each meeting, the Committee will consider their work programme and make amendments where necessary, and also make comments on specific Cabinet items, where notice has been given by 9am on the morning after Group meetings. The Committee will also receive a report detailing the response from the Cabinet, on the comments the Committee made on the Cabinet agenda in the previous cycle.
- 1.9 The Forward Plan is considered at each meeting and allows the Committee to look at future items and become involved in those Cabinet decisions to be taken, if members so wish.
- 1.10 As part of the new scrutiny process, the Committee is no longer considering the whole of the Cabinet agenda.
- 1.11 On the day of publication of the Cabinet 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 Cabinet items they would like the Committee to consider.
- 1.12 As a result, the Committee considered the items detailed in appendix 2. The response the Cabinet gave on each item is also shown.
- 1.13 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.

2 Conclusion/Reasons for the Recommendation

- 2.1 The work programme should be updated at each meeting to accurately reflect the workload of the Committee.
- 2.2 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.
- 2.3 Two of the five main roles of overview and scrutiny in local government are to undertake pre-decision scrutiny of Cabinet decisions and to feed into policy development.

Agenda Item 4

- 2.4 If the Committee has an interest in a future decision to be made by the Cabinet, or policy to be implemented, it is within the Committee's remit to feed into this process.
- 2.5 The Forward Plan is actually the future work programme for the Cabinet. If a non-cabinet member highlighted a decision(s) which is to be taken by the Cabinet 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 Cabinet and they are passing comment on it.
- 2.6 Appendix 2, Comments from Cabinet, is produced to create a dialogue between the Cabinet and the Overview and Scrutiny Committee. It ensures that the Overview and Scrutiny Committee is formally made aware of the Cabinet's responses.
- 2.7 Where Overview and Scrutiny Committee has made a recommendation as opposed to a comment, the Cabinet is required to respond to the recommendation(s) made, including whether or not it accepts the recommendation(s).

Title: Development Management and Enforcement Performance Update
Lead Officers: Adrian Harding (07976 206246);
Gary Fisher (01926 456502)
Portfolio Holder: Councillor Grainger
Wards of the District directly affected: All

Summary

The purpose of this report is to update the Committee on the recent performance of the Council's Development Management and Enforcement Services and to set out the ongoing and proposed actions to maintain and improve efficiency and effectiveness.

Recommendation(s)

- (1) It is recommended that the report is noted and that the proposed actions are endorsed by the Committee.
-

1 Background/Information

Background

- 1.1 Members may be aware that during the course of the recent pandemic, in line with a national trend, the Development Management service experienced a significant increase in the number of planning applications being submitted.
- 1.2 In particular, over the period October 2020 to June 2021, on average there was a 25% increase in the number being received, amounting to an additional 300 cases, the majority of which comprised householder applications.
- 1.3 During that period, which occurred in the midst of the ongoing pandemic, the service was also carrying several longstanding vacancies and experienced increased levels of sickness whilst also prioritising work on a number of complex major proposals – for example, the Kenilworth Leisure Centre proposals; the Newbold Comwyn scheme; the legal agreement associated with the Kings Hill development along with the Gigafactory proposal at Coventry Airport and the Covid Testing Laboratory in Leamington.
- 1.4 That increase in workload also coincided with the time immediately following a period of adjustment when all staff started working remotely and the despatch of the necessary equipment had been rolled out to facilitate that.
- 1.5 As a result of that unforeseen imbalance of demand relative to resource, over that period and the following few months, a backlog of applications developed, at its greatest amounting to nearly 300 cases.
- 1.6 Our experience in that regard, is not dissimilar to that of many Councils around the country.

- 1.7 Members will also be aware that historically, the service has performed exceptionally well on a consistent basis with regard to the timescales for determining planning applications.
- 1.8 For several years prior to September 2020, over 90% of planning applications were consistently determined within the statutory period (8 or 13 weeks depending on the type of application) or an extended period which had been agreed with the applicant.
- 1.9 However, since that time, for the reasons outlined above, up to the quarter to December 2021 that performance has steadily dropped.
- 1.10 By way of response to the increased workload, during the latter part of 2021, the vacant posts referred to above were filled along with a number of additional temporary posts which were created to assist processing the unexpected increase in applications submitted.
- 1.11 As a consequence, the backlog of work waiting to be allocated to a Planning Officer, steadily reduced throughout the latter part of 2021 until December when the backlog was eliminated.
- 1.12 At present, those additional cases are working their way through the planning application process; being assessed by a Planning Officer and determined either under delegated powers or by Planning Committee.
- 1.13 As members will be aware, our approach to the consideration of planning applications is to work closely with applicants and negotiate revisions to schemes where that is considered necessary to make them acceptable wherever possible. The alternative would be to refuse proposals without doing so which would increase the speed of decision making and assist with performance in that regard, but reduce the quality of the service being offered, increase the number of appeals being received, and extend the overall timescale from the customers perspective.
- 1.14 The period of time over which those cases were waiting to be allocated to an officer in the backlog queue has significantly increased the overall application determination timescale. It is within this context that officers have been experiencing challenges agreeing an extended determination period with applicants, and it is this that is currently being reflected in the lower performance figures for the proportion of applications determined within the statutory or extended timescale.
- 1.15 Nevertheless, Members are asked to note that as that surge in planning applications works its way through the assessment and determination process, and officers continue to work closely with applicants in doing so, the performance in that regard is beginning to improve again. That most recent upturn in performance is reflected in the performance figure for the current quarter to date which is being closely monitored by Officers and which is currently 66% of decisions being made within the statutory or extended timescale.
- 1.16 Members will also be aware that over the last 18 months, the Planning Enforcement team has experienced significant issues with long term sickness, vacant posts (including the Team Manager role) and poor response levels to recruitment resulting in an under resourced team over that period.
- 1.17 That situation, which continues today has contributed to a significant queue of enforcement requests awaiting investigation amounting to some 275 cases over and above the 159 active ongoing investigations.

- 1.18 Nevertheless, over the period of the last financial year to date, the team have closed 191 investigations and there are 23 ongoing cases where formal action has either been, or is proposed to be taken, along with 2 appeals against Enforcement Notices that have been issued, both of which are being handled by way of a Public Inquiry.

Actions

- 1.19 It is considered that the application backlog and uncharacteristic subsequent downturn in planning application performance has been a consequence of a combination of factors, most particularly the increase in the volume and complexity of the team's workload described above; the vacant posts that were being carried at the time; and sickness within the team during the pandemic.
- 1.20 Since that time, the following actions have been undertaken to address the workload situation:-
- i. November 2020 onwards: recruitment to existing vacant posts commenced, following which they were filled over the next few months.
 - ii. January 2021 onwards: ongoing review of processes and protocols within the team to enhance effective working wherever possible.
 - iii. May 2021: recruitment to additional temporary posts commenced to increase capacity within the team, those posts being filled over the next few months.
- 1.21 Those actions are considered to have been key to the elimination of the backlog of unallocated work and the progression of those applications to the consideration stage of the process.
- 1.22 Nevertheless, the recruitment and retention of staff within the team continues to be a concern particularly as there is known to be a shortage of experienced planners available for the public sector. This is being exacerbated by other Councils within the sub-region offering more attractive remuneration packages which has been recently evidenced by low levels of external interest in some roles and the loss of existing staff to nearby Councils.
- 1.23 In addition, the actions that have been taken to seek to address the ongoing imbalance of demand for enforcement investigations relative to resourcing are:-
- June 2021 onwards: Exploration of potential opportunities for joint working with SDC. To date, no immediately available opportunities have been identified.
 - June 2021: Following the departure of the previous Enforcement Manager, the commencement of recruitment to that role. Following their appointment, 1 week before commencement in post, the successful candidate withdrew from the position. This post is currently being readvertised with the intention of filling it on an interim basis via a Recruitment Agency until such time as it has been filled permanently.
 - September 2021: Extension of the Enforcement Project Officer role secured for a further 2 years with the existing postholder remaining in post.
 - November 2021: Commencement of recruitment to 2 additional temporary posts – Senior Enforcement Officer (2 years) and Enforcement Officer (1 year). This recruitment didn't yield any suitable candidates and is intended to be repeated shortly.

- Work is currently ongoing to review the team priorities and streamline processes wherever possible to increase effective working and ensure that those priorities are achieved.

1.24 In addition to the above, the Head of Development in conjunction with the Development Manager and Team Leaders is formulating a Service Improvement Plan to address known issues within the Development Management and Enforcement Services and to address the current suppressed levels of performance.

1.25 That Plan will cover the following areas:-

- Extended performance data reporting and performance management measures.
- A recruitment and retention strategy.
- A succession planning strategy.
- The procurement of a new back office system.
- The digitizing of microfiche records.
- Proactive and robust joint working with the SDC team.
- The increased use of Planning Performance Agreements to fund increased capacity within the Team.
- Proactive on-going coaching and mentoring of team members.
- The completion of the review of enforcement priorities and processes.

2 Alternative Options available to the Overview and Scrutiny Committee

2.1 Other than noting the report and endorsing the proposed actions, there are no other alternative options before the Committee at this time.

3 Consultation and Member's comments

3.1 No comments received.

4 Implications of the proposal

4.1 Legal/Human Rights Implications

4.1.1 There are no specific legal or human rights implications of the proposal.

4.2 Financial

4.2.1 The Service Improvement Plan is anticipated to be funded within the existing budget envelope and increases in income brought about through charging for discretionary services and in particular Planning Performance Agreements and pre-application advice.

4.3 Council Plan

4.3.1 The proposals are directed at improving the current reduced performance of the development management and enforcement services which in turn will contribute to good development being delivered more effectively within the District to the benefit of residents, workers and visitors, and the environment.

4.3.2 The proposals are also intended to ensure that the service operates at an optimum level to ensure a high quality service going forward.

4.4 Environmental/Climate Change Implications

- 4.4.1 Increased effectiveness within the development management and enforcement services which in part will be sustained by ensuring that capacity within the teams is at the right level, in turns supports the quality of decision making and the ability to secure the environmental benefits to address the climate crisis agenda.

4.5 Analysis of the effects on Equality

- 4.5.1 The proposal is not anticipated to impact upon equality.

4.6 Data Protection

- 4.6.1 The Service Improvement Plan referred to above is intended to ensure that the service fulfils its data protection obligations and any issues are addressed quickly and appropriately.

4.7 Health and Wellbeing

- 4.7.1 Increased effectiveness within the development management and enforcement services will contribute to the right development occurring in the right place and at the right time securing outcomes from the Health in All Policies programme through mitigation measures and infrastructure delivered by new development which will benefit the health and well-being of residents, workers and visitors within the District.

5 Risk Assessment

- 5.1 Local Council's performance on the determination of planning applications and appeals is reported to and monitored by the Department for Levelling Up, Housing and Communities.
- 5.2 In the circumstances where Councils are considered to be consistently performing poorly in that regard, there is a risk that they will be designated as a Special Measures Authority.
- 5.3 Such designation would mean that customers could decide whether they wished to have their planning applications determined by the Council or by the Planning Inspectorate, thereby potentially removing local accountability and is therefore to be avoided.
- 5.4 Whilst such designation is infrequent, there are instances where that has occurred and Officers are therefore mindful of this risk.
- 5.5 The current criteria for Councils potentially being considered for Special Measures include failing to determine on aggregate 60 per cent of major and 70 per cent of non-major applications within the statutory or extended period or having more than ten per cent of major or non-major applications overturned on appeal, over a 2 year timeframe. Performance on enforcement matters isn't the subject of potential designation.
- 5.6 Such designation is only likely to be considered where a Council's performance consistently falls below those levels over an extended period. As indicated above, this Council's performance, until recently has been consistently significantly above those levels and whilst that performance has currently dipped, the risk of such designation is considered to be low.
- 5.7 As also set out above, actions are being taken and further actions planned to ensure a return to that high performance to reinstate that level of service for our customers and eliminate any risk of future designation.

6 Conclusion/Reasons for the Recommendation

- 6.1 This reports sets out the background to the Council's current reduced performance on the timescales for determining planning applications and enforcement investigations; the actions that have been taken to date; and those planned to return that performance to pre-existing high levels and sustain that in the longer term.
- 6.2 Members are asked to note the report and endorse the actions that are proposed.

Background papers:

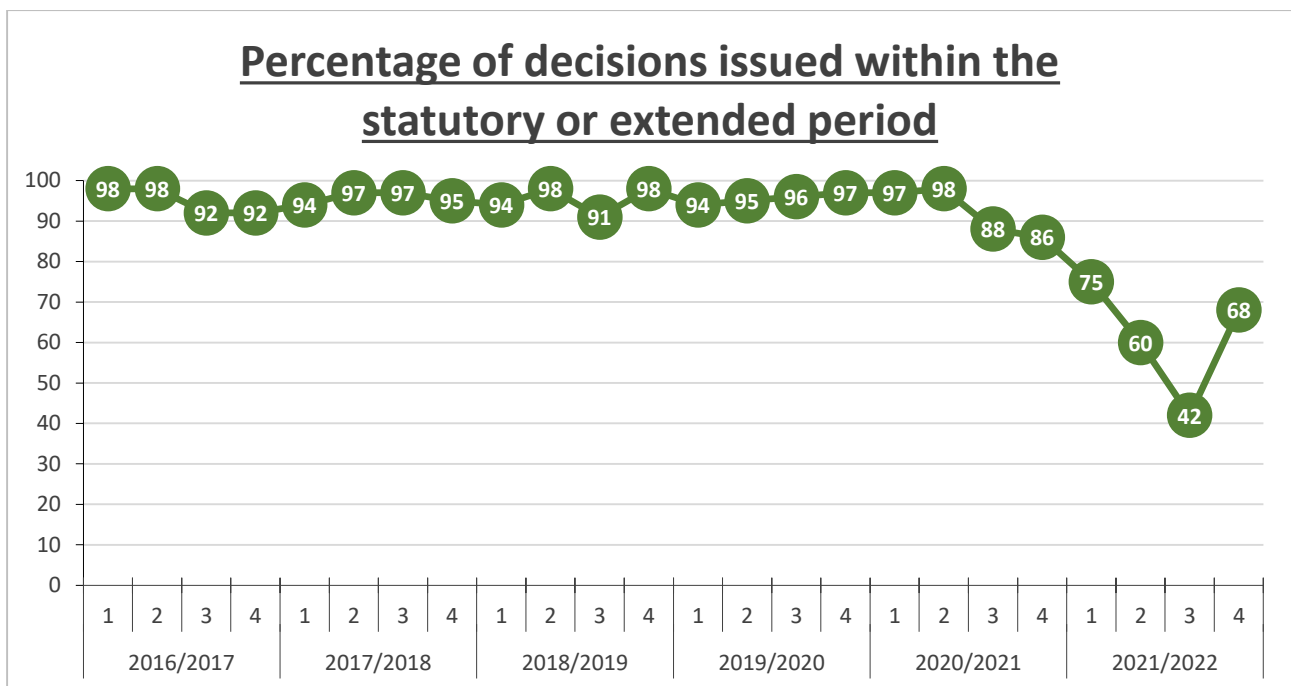
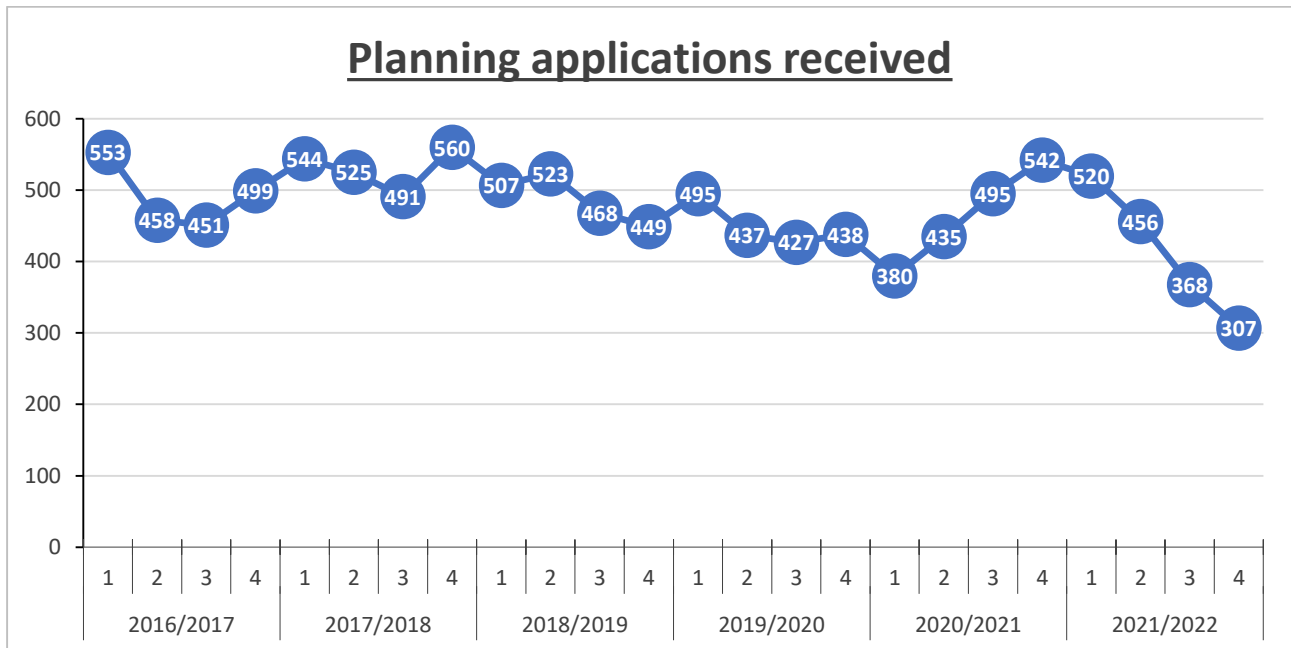
Please provide a list of any papers which you have referred to in compiling this report and are not published documents. This is a legal requirement.

You must also supply these when submitting the report.

Supporting documents:

This is not a legal requirement but may assist others in identifying documents you have referred to in producing the report.

Performance Timeline



Report Information Sheet

Please complete and submit to Democratic Services with draft report

Committee/Date	8 March 2022	
Title of report	Development Management and Enforcement Performance Update	
Consultations undertaken		
Consultee *required	Date	Details of consultation /comments received
Ward Member(s)	N/A	
Portfolio Holder WDC & SDC *	24/2/22	
Financial Services *	N/A	
Legal Services *	N/A	
Other Services	N/A	
Chief Executive(s)	24/2/22	
Head of Service(s)	23 and 24/2/22	
Section 151 Officer	24/2/22	
Monitoring Officer	24/2/22	
CMT (WDC)	24/2/22	
Leadership Co-ordination Group (WDC)	N/A	
Other organisations	N/A	
Final decision by this Committee or rec to another Ctte/Council?	Y	Recommendation to :Cabinet / Council
Contrary to Policy/Budget framework	N	No/Yes
Does this report contain exempt info/Confidential? If so, which paragraph(s)?	N	No/Yes, Paragraphs :
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?	N	No/Yes, Forward Plan item – scheduled for (date)
Accessibility Checked?	Y	File/Info/Inspect Document/Check Accessibility