



# A joint meeting of the Finance and Audit Scrutiny Committee & the Overview and Scrutiny Committee

Wednesday 29 July 2020

A special joint meeting of the above Committees will be held remotely on Wednesday 29 July 2020, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#)

Membership:

## Finance & Audit Scrutiny Committee:

Councillor L Bartlett	Councillor M Luckhurst
Councillor J Dearing	Councillor J Nicholls
Councillor R Dickson	Councillor S Syson
Councillor J Grey	Councillor J Tracey
Councillor G Illingworth	Councillor T Wright
	Vacancy – Whitnash RA

## Overview & Scrutiny Committee:

Councillor G Cullinan	Councillor R Margrave
Councillor I Davison	Councillor A Milton
Councillor A Dearing	Councillor M Noone
Councillor O Jacques	Councillor D Norris
Councillor P Kohler	Councillor P Redford
	Councillor D Russell

## Agenda

### 1. **Appointment of Chair**

To appoint the Chair for the joint meeting.

### 2. **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.

### 3. **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.

4. **Minutes**

To confirm the minutes of the meeting held on 7 July 2020. (Pages 1 to 4)

5. **Developing Scrutiny**

To consider a report from the Chairs of the Finance & Audit Scrutiny and Overview & Scrutiny Committees. (To follow)

6. **Governance Review of Warwick District Council**

To consider the report set out on the Executive Agenda for 30 July 2020  
**(Circulated separately)**

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

Telephone: 01926 456114

E-Mail: [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk)

For enquiries about specific reports, please contact the officers named in the reports. Details of all the Council's committees, councillors and agenda papers are available via our website [www.warwickdc.gov.uk/committees](http://www.warwickdc.gov.uk/committees)

The agenda is available in large print on request,  
prior to the meeting, by telephoning (01926)  
456114

# Joint meeting of the Finance & Audit and Overview & Scrutiny Committees

Minutes of the remote joint meeting of the Finance & Audit and Overview & Scrutiny Committees held on Tuesday 7 July 2020 at 6.00pm, which was broadcast live via the Council's YouTube channel.

**Present:** Councillors L Bartlett, J Kennedy, I Davison, R Dickson, A Evans, J Grey, G Illingworth, O Jacques, P Kohler, M Luckhurst, R Margrave, A Milton, J Nicholls, M Noone, D Norris, P Redford, D Russell, S Syson, J Tracey and J Weber.

## 1. **Appointment of Chairman**

It was proposed by Councillor Weber, duly seconded by Councillor Syson and

**Resolved** that Councillor Nicholls be appointed as Chairman for the meeting.

The Chair explained that he would be asking Councillor Milton to lead debate on the future approach to Scrutiny under Item 4 on the agenda – Annual Report, Work Programme and Forward Plan. Councillor Nicholls would still be chairing the meeting.

## 2. **Apologies and Substitutes**

- (a) An apology for absence was received from Councillor Wright.
- (b) Councillor Kennedy substituted for Councillor J Dearing, Councillor Weber substituted for Councillor Cullinan and Councillor Evans substituted for Councillor A Dearing.

## 3. **Declarations of Interest**

Minute Number 4 – Executive Agenda (Non-Confidential Items and Reports) – Monday 13 July 2020 - Item 7 – Warwick District Leisure Development Programme – Kenilworth Facilities

Councillor Milton declared an interest because as a Member of Kenilworth Town Council he had brought forward a motion concerning the lido but felt he was only predisposed and had an open mind and was happy to listen to discussions at the meeting before reaching any decisions.

Councillors Dickson and Kennedy declared an interest because they were at the same Kenilworth Town Council meeting referred to by Councillor Milton.

Councillor Norris declared an interest because he was a former Member of the Executive. He felt he might have to either abstain or leave the meeting.

Councillor Weber raised a point of order in respect of leaving a meeting when it was being streamed live, which meant that Councillor Norris would still be able to hear the debate. The Democratic Services Manager & Deputy Monitoring Officer provided clarity on the position in respect of leaving a meeting when a prejudicial interest was declared. A councillor could meet the conditions required for this by simply disconnecting from the meeting and they would be invited back in after the discussion and vote was taken. The emphasis of the law was on not being able to have influence over the other Members, but by disconnecting from the meeting, this condition was met. He also pointed out the live broadcasting of meetings had been happening at Councils for many years.

4. **Executive Agenda (Non-Confidential Items and Reports) – Monday 13 July 2020**

The Committees considered the following non-confidential items which would be discussed at the meeting of the Executive later on Monday 13 July 2020.

The Chair thanked all Members who had submitted questions on reports to Executive ahead of the meeting and for the answers received. Provided satisfactory responses had been received, then those questions would not be raised at the meeting.

Item 7 – Warwick District Leisure Development Programme – Kenilworth Facilities

With the agreement of the Chair, Ms J Green addressed the Committees on this item.

The Committees noted the recommendations in the report and requested that additional work be undertaken on; vehicle and active transport access to the leisure centres; and on their carbon neutrality.

(Councillors Redford and Grey requested that their support for the recommendations in the report be noted and Councillor Milton requested his objection to the recommendations in the report be noted.)

Item 3 – Review of Local Government Structure in Warwickshire

The Committees supported the recommendations in the report.

They highlighted that the Council needed to keep focused on the overall strategic advantages of working with Stratford and from possible local government reorganisation. Therefore, it should be mindful, on this twin track approach, that the project on working with Stratford did not pre-determine the possible shape of local government reorganisation or preclude possible working with other boroughs and districts where that would be beneficial for residents and provide value for money.

Item 4 – Adoption of Affordable Housing and Developer Contributions SPDs

The Committees were satisfied that the questions posed ahead of the meeting had been satisfactorily answered.

#### Item 6 – Final Accounts 2019/20

The Committees thanked the Head of Finance and his Team for the work on producing the draft financial statements for 2019/20 so promptly.

The meeting was adjourned at 7.47pm until 8.00pm.

#### Item 9 – Community Stadium and Associated Developments

The Committees supported the recommendations in the report.

### 5. **Annual Report, Work Programme and Forward Plan**

The Committees considered a report from the Democratic Services Manager and Deputy Monitoring Officer which set out the End of Term reports to the Council on the work of both the Finance & Audit Scrutiny Committee and the Overview & Scrutiny Committee that had been undertaken during the municipal year 2019/20.

Under Article 6 of the Council's Constitution, Scrutiny Committees were required to provide an end of term report to Council on work they have undertaken during the year.

**Resolved** that the End of Term reports for 2019/20 for the Finance & Scrutiny Audit Committee and the Overview & Scrutiny Committee, as set out in appendices 1 and 2 in the report be recommended to Council.

The Committees did not discuss the Work Programmes or the Forward Plans at the meeting.

The report also asked for the Committees to reflect on their approach to Scrutiny, consider any changes they wished to make for the municipal year and agree on proposals for Council to consider. Back in March 2020, Members were due to reflect on their workload and approach to Scrutiny, with a view to report any variations in approach to Council, as part of its Annual report when this was considered in April. The report detailed what work was to be done and that the Covid19 pandemic had since occurred and how this now gave an opportunity to help change scrutiny at the Council.

Both Scrutiny Chairs had subsequently discussed the potential for an improved approach to Scrutiny and Councillor Milton was asked to lead the discussions. Members were asked to address the challenges faced and ahead of the meeting, four questions had been posed to them, with some Councillors providing responses ahead of the meeting. These would be taken into consideration together with any points raised at the meeting. The Democratic Services Officer & Deputy Monitoring Officer was asked to note points raised prior and at the meeting and provide action points arising from this for a future meeting for debate. These action points would form the minutes for the current meeting.

The four questions that had been raised ahead of the meeting for consideration were:


1. In the context of their terms of reference and the Statutory Scrutiny Guidance and Centre for Public Scrutiny Guidance (specifically that relating to Covid19), what three things could they improve how they conduct scrutiny?
2. How could the Committees ensure that a more strategic and developmental approach is taken to overview and scrutiny without losing their focus on improving shorter-term proposals, on risk, and on audit.
3. How could the Committees take greater account of the views from residents and involve them more in their business?
4. What additional resources, support and training might be helpful to members to ensure they can carry out their roles effectively?

Following debate, the action points raised or points for further discussion were:

1. Need to identify where scrutiny can add the most value (focus and be precise when asking for the information required).
2. Benchmark and scope to include benchmarking of performance against other authorities.
3. Look towards reporting by exemption – welcome the performance management data being developed by Democratic Services need to share with Chair at earliest opportunity.
4. Useful to have a summary of funding stream for each project as well as its status (be able to see things in context).
5. Look to develop dedicated scrutiny training from CfPS.
6. Identify training on local government finance.
7. Seek feedback from senior managers on where they find scrutiny useful (and where not).
8. How can effective scrutiny be promoted to public/ensure councillors are authentic conduits?
9. Executive reports pre questions works.
10. If seeking views from outside look for experts not always interested parties with vested interest. Seek specific involvement from members of the community.
11. Task & Finish Groups work but need focus and resources.
12. Members need training to better understand Finance if serving on F&A.
13. Feed back to electors the questions that are asked.

These would be further considered at a further Joint meeting on 29 July 2020.

(The meeting ended at 8.50pm)

 <b>Joint meeting of the Finance &amp; Audit and Overview &amp; Scrutiny Committees</b> <b>29 July 2020</b>		<b>Agenda Item No. 5</b>
<b>Title</b>	Developing Scrutiny	
<b>For further information about this report please contact</b>	Graham Leach Democratic Services Manager & Deputy Monitoring Officer 01926 456141 <a href="mailto:graham.leach@warwickdc.gov.uk">graham.leach@warwickdc.gov.uk</a>	
<b>Wards of the District directly affected</b>	None	
<b>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?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	7 July 2020 Joint meeting of the Scrutiny Committees.	
<b>Background Papers</b>	Warwick District Council Constitution Centre for Public Scrutiny Guidance	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality Impact Assessment Undertaken</b>	No

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive	21/7/20	Andrew Jones
Head of Service		
CMT		
Section 151 Officer	21/7/20	Andrew Jones
Monitoring Officer		
Finance		
Portfolio Holder(s)		Andrew Day
<b>Consultation &amp; Community Engagement</b>		
The Chairs of the Finance & Audit and Overview & Scrutiny Committee		
<b>Final Decision?</b>	No	
<b>Suggested next steps (if not final decision please set out below)</b>		
Some of the recommendations require approval by Council.		

## 1. **Summary**

- 1.1 The report brings forward proposals for developing Scrutiny within Warwick District Council to enhance its profile and use its resources effectively.

## 2. **Recommendation**

### 2.1 Performance

- (i) the annual Service Review reports cease to be produced for Scrutiny;
- (ii) the service area performance data be made available to Councillors electronically as soon as possible;
- (iii) the Red Amber Green (RAG) status, including the finance stream, of key projects sponsored by either the Chief Executive or his Deputies be made available to all Councillors by January 2021;
- (iv) the work of the Performance Management Officer to investigate benchmarking Council performance with other Councils is noted.

### 2.2 Executive reports

- (i) The Scrutiny Committees commit to the use of pre-meeting questions in writing on Executive reports;
- (ii) The Scrutiny Committees agree a trial to December 2020 for the Chairs of the Scrutiny Committees to have discretion to decline called in Executive item if questions were previously answered or if no good reason/questions are provided;
- (iii) The Chairs write to the Group Leaders to remind them that they can directly comment on Executive reports and the process for this;
- (iv) The Scrutiny Committees appoint a Group with a member from each political group to meet and define the criteria for bringing an Executive report to Scrutiny.

- 2.3 The Public speaking procedure for Scrutiny Committees, as set out at Appendix 3 to the report, be recommended to the Council on 5 August 2020 for approval.

### 2.4 Work programme

- (i) the Scrutiny Chairs and Lead officers produce revised Work Programmes to focus on core themes (Covid 19, Climate Change, Medium Term Financial Strategy and Business Plan) while recognising statutory functions.
- (ii) Councillors bring forward concerns for review by the Scrutiny Committees based on exception and evidence.

- 2.5 Review - Senior Managers be asked for their views on where they find scrutiny useful for adding value to their work.

### 2.6 Training

- (i) the Chairs of Scrutiny meet with representatives from CfPS and the Deputy Chief Executives to develop a dedicated/mentoring scrutiny training for Officers and Councillors and to bring a report on this back to Committees in October 2020;
- (ii) the Chair of Finance & Audit Scrutiny Committee liaises with the Head of Finance and CfPS to bring forward proposals to October 2020 meeting on scrutiny of local Government Finance and identify training on local government finance for all Councillors.

- 2.8 The Committees note the work being undertaken to promote Committee meetings.



### 3. **Reasons for the Recommendation**

- 3.1 Following the Council elections in May 2019, a Governance Review was undertaken and the details of this are included in the report to the Executive of 30 July 2020. As part of this review, considerable discussions took place on the importance of good scrutiny in helping all Councillors to make a valuable input in decision making and holding the Executive to account.
- 3.2 Following the appointment of two Scrutiny Chairs this year, they had conversations about the importance of scrutiny, and its workload, considering the significant pressures on the Council, Councillors and Officers, especially in respect of responding to the global pandemic, climate change emergency and the Medium Term Financial Strategy combined with the Business Plan and Services Area Plans (including the significant number of projects within them).
- 3.3 These areas provide a considerable level of work for the two Scrutiny Committees to focus on, especially with the combined Audit Committee role for Finance & Audit Scrutiny Committee and the other reports which may come before Scrutiny, which Members will normally wish to consider. For that reason, Article 6 of the Constitution and the Overview & Scrutiny Procedure Rules (appendices 1 and 2 of the report) are included for reference as part of this discussion.
- 3.4 In recognition of the desire to improve Scrutiny, there was a joint meeting of the Committees on 7 July 2020 where Members brought forward individual ideas for improvement. These views are combined to bring forward these recommendations for consideration by the Committees that seek to identify where scrutiny can add the most value.
- 3.5 **Recommendation 2.1** – Within the last 12 months, the Council has recruited a Performance Management Officer and in partnership with other officers, centralised the performance measures from within Service Area Plans into an electronic portal. This data is updated quarterly and can now be made available to Councillors for them to access as they want to. A quarterly report on this data is provided to the Senior Management Team and it is intended to share this report with all Councillors as well. To supplement this, the Corporate Management Team would bring forward a status report on each of the projects they sponsor on a quarterly basis. There will also be a six monthly review of the Business Plan to the Executive. The Performance Management Officer is also working with colleagues locally to start benchmarking data as well as using the LGA Inform toolkit. These combined actions negate the need for the annual report from each service area to Scrutiny and enables Councillors to bring forward concerns in a more responsive manner.
- 3.6 **Recommendation 2.2** - In order to make time available for more strategic Scrutiny work, looking at the core themes, less time will need to be spent considering Executive reports on their agenda for the same week. The Chairs have noted that some questions asked at meetings could have been resolved outside the meeting or had been resolved prior to the meeting but the item still progressed to Scrutiny for comment where no further points were raised. This had resulted in Officers and Portfolio Holders attending for no reason and time lost co-ordinating agenda orders. The proposals provide a trial for mitigating this and by establishing for a matrix to identify which items should come to Scrutiny from the Executive agenda further reduce this workload.

- 3.7 **Recommendation 2.3** – There has been an increase in requests to speak at Scrutiny by members of the public. It is proposed to make these minor revisions to the procedure rules, so that there is a deadline to register to speak, for this to enable clarity for the public and to make the process manageable for the Chair.
- 3.8 **Recommendation 2.4** - At present, the Work Programmes of the two committees have no overall theme and in respect of Finance and Audit, it also has a significant volume of work for their Audit Committee function. Therefore, it is considered appropriate to have a review of the current planned work, with a view to reducing work where possible. The Chairs would then provide a proposed Work Plan for each Committee to their respective next meetings. Going forward, items would only be added on some agreed criteria, with a greater emphasis on evidence or pre-work by the Councillor who raises the specific issue.
- 3.9 **Recommendation 2.5** – While the views of Members have been received on scrutiny, the Committees recognised there would be value in having feedback from senior officers on the work of scrutiny. These questions will be based on those asked to Councillors in the last report to both Committees of naming three good aspects of scrutiny and three areas for improvement.
- 3.10 **Recommendation 2.6** – The Committees agreed they would benefit from further training on good scrutiny work and finance in local government. However, this should be developed as a rolling programme looking forward for the Council as well, so it needs a short time to develop and bring back.
- 3.11 **Recommendation 2.7** – Following the introduction of remote meetings, there has been far greater public interest in Council meetings. Work is now underway by officers to further promote meetings via social media and traditional media channels. These options are being reviewed but could include weekly alerts to upcoming meetings and promotion of items to be considered at meetings as well.

#### 4. Policy Framework

##### 4.1 Fit for the Future (FFF)

The Council’s FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council’s FFF Strategy.

<b>FFF Strands</b>		
<b>People</b>	<b>Services</b>	<b>Money</b>
<b>External</b>		
<b>Health, Homes, Communities</b>	<b>Green, Clean, Safe</b>	<b>Infrastructure, Enterprise, Employment</b>
<u>Intended outcomes:</u> Improved health for all Housing needs for all	<u>Intended outcomes:</u> Becoming a net-zero carbon organisation by	<u>Intended outcomes:</u> Dynamic and diverse local economy

met Impressive cultural and sports activities Cohesive and active communities	2025 Total carbon emissions within Warwick District are as close to zero as possible by 2030 Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	Vibrant town centres Improved performance/productivity of local economy Increased employment and income levels
<b>Impacts of Proposal</b>		
The aim of improved scrutiny should be to enhance all aspects of services provided by the Council	The aim of improved scrutiny should be to enhance all aspects of services provided by the Council	The aim of improved scrutiny should be to enhance all aspects of services provided by the Council
<b>Internal</b>		
<b>Effective Staff</b>	<b>Maintain or Improve Services</b>	<b>Firm Financial Footing over the Longer Term</b>
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
<b>Impacts of Proposal</b>		
The aim of improved scrutiny should be to enhance all aspects of services provided by the Council	The aim of improved scrutiny should be to enhance all aspects of services provided by the Council	The aim of improved scrutiny should be to enhance all aspects of services provided by the Council

4.2 **Supporting Strategies** – This report does not direct impact on relate to a supporting strategy of Fit for the Future.

4.3 **Changes to Existing Policies** – The report brings forward minor amendments to Council Procedure Rules but no other proposed changes to Policy at this time.

## 5. **Budgetary Framework**

5.1 The proposed training would need to be funded from within the Member Development Budget and the details of the costs of this will be included in the report back to Committees in October.

## **6. Risks**

- 6.1 The primary risk for this report is not taking forward the ideas developed by Councillors and therefore losing engagement and support for scrutiny by not trying to enhance its work.

## **7. Alternative Option(s) considered**

- 7.1 No alternative recommendations have been considered in respect of this report as it brings forward the ideas and discussions from the Joint meeting of the Committees on 7 July 2020.

## ARTICLE 6 - OVERVIEW & SCRUTINY COMMITTEES

### Access to Information Regs 2000 – Reg 18 – Sections 21 and Schedule 1 para 7

### Local Government Act 2000 – Constitutions Direction – Para 3(k)

#### 6.01 Terms of Reference

The Council will have the two Committees called, the Overview & Scrutiny Committee and the Finance & Audit Scrutiny Committee, to undertake the overview and scrutiny functions. The scope of activity for each of these is set out below.

The prime purpose of the Overview and Scrutiny Committee is to review items to be considered by the Executive, to review past decisions, policy development, health and wellbeing issues, specific issues and problems within any service area.

It will also be able to address any other matter not otherwise delegated to the Finance and Audit Scrutiny Committee.

The Health Scrutiny Sub-Committee is a sub-committee of Overview and Scrutiny Committee. It has been delegated the task by its parent committee to handle most of the health and wellbeing scrutiny work that would otherwise fall to the Overview and Scrutiny Committee.

The prime purpose of the Finance and Audit Scrutiny Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, issues of an audit nature and to oversee the financial reporting process.

The Finance and Audit Scrutiny Committee will:

- Review the robustness of business cases
- Promote value for money and good procurement practice
- Make recommendation on good financial management practices
- Keep the treasury management performance under review
- Approve the Statement of Accounts in accordance with regulation 10 of the Accounts and Audit Regulations 2003.
- Review specific Executive items and past decisions

#### 6.02 General role

Within their terms of reference, the Committees will:

- i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- ii) make reports and/or recommendations to Council and/or the Executive and/or any policy, joint or area committee in connection with the discharge of any functions;
- iii) consider any matter affecting the area or its inhabitants;

- iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive and/or any policy or area committees; and
- v) agree the terms of reference of best value reviews

### 6.03 **Specific functions**

#### (a) **Policy development and review.**

The Committees may:

- i) assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
- ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- iv) question members of the Executive and/or committees and officers about their views on issues and proposals affecting the area; and
- v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

#### (b) **Scrutiny**

The Committees may:

- i) review and scrutinise the decisions made by and performance of the Executive and/or committees and council officers both in relation to individual decisions and over time;
- ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- iii) question members of the Executive and/or committees and chief officers about their decisions and performance of their services, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- iv) make recommendations to the Executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
- vi) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Committee(s) and local people about their activities and performance; and
- vii) question and gather evidence from any person (with their consent).

#### (c) **Finance**

The Committees may exercise overall responsibility for the finances made available to them (if any).

#### (d) **Annual report**

The Committees must report annually to Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

### 6.04 **Proceedings of the Committees**

The committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules and the Council procedure rules (in part) as set out in Part 4 of this Constitution.

### 6.05 **Task and Finish Groups**

The Committees may each at any time instruct an officer, using the agreed methodology, in consultation with a group of named members, to establish a

Task and Finish Group to undertake a particular review and make recommendations thereon, either at the volition of the Committee or in response to a request from the Executive for such a review.

6.06 Such Task and Finish Groups are not Committees or Sub-Committees and are not subject to a requirement for political proportionality, it being customary for any member with an interest or expertise in the particular topic to be included in such a consultative group.

6.07 **Political balance**

The allocation of seats to political groups will be made in accordance with the political balance rules and where there are an uneven number of seats then the odd seat shall *be in the discretion of the Leader in consultation with other Group Leaders*

6.08 **Excluded matters**

The Committees will not be permitted to consider some matters under legislation and others because of best practice these are set out below:

- (a) Any matter relating to a decision on a specific planning application;
- (b) Any matter relating to a decision on a specific licensing application;
- (c) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment; including but not limited to;
- (d) Standards decisions and items which may be brought for decision;
- (e) Appeals decisions and items which may be brought for decision;
- (f) Breaches of the Constitution and its protocols e.g. Code of Conduct;
- (g) Matters relating to the terms and conditions of employment or conduct of individual or groups of staff or Members;
- (h) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the overview and scrutiny committee or at a meeting of a sub-committee of that committee;
- (i) Audit process and items which are likely to be considered by the Audit process;
- (j) Matters within the proper remit of the Section 151 and Monitoring Officers;
- (k) Matters relating to a particular identifiable service recipient or potential service recipient;
- (l) Complaints or matters before the courts, or Ombudsman, or Regulatory Bodies; and
- (m) Contractual matters, other than performance monitoring and review, except with the agreement of the Executive.

## **OVERVIEW AND SCRUTINY COMMITTEE PROCEDURE RULES**

### **1. WHAT WILL BE THE NUMBER AND ARRANGEMENTS FOR OVERVIEW AND SCRUTINY COMMITTEES?**

The Council will have two Committees, to undertake the Scrutiny functions (called Finance and Audit Scrutiny Committee and Overview and Scrutiny Committee), whose terms of reference, general roles and specific functions are set out in Article 6 and will appoint to them as it considers appropriate, normally on an annual basis, (at the Annual Council meeting). Each Committee will have a maximum of 15 members.

### **2. WHO MAY SIT ON OVERVIEW AND SCRUTINY COMMITTEES?**

All Councillors except Members of the Executive may be members of an Overview and Scrutiny Committee However, no member may be involved in scrutinising a decision in which they have been directly involved. (Council Procedure Rule 20)

### **3. CO-OPTees**

Overview and Scrutiny Committees will have discretion to appoint non-Councillors to sit on their Committees but those persons will have no power to vote. (Council Procedure Rule 20)

### **4. MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEES**

All Overview and Scrutiny Committees shall meet in accordance with the approved timetable of meetings.

Special meetings of the Overview and Scrutiny Committees may be called in accordance with Council procedure rule 27.

### **5. QUORUM**

The quorum for Overview and Scrutiny Committees shall be a quarter of the membership subject to a minimum of 4. (Council Procedure Rule 3)

### **6. WHO CHAIRS OVERVIEW AND SCRUTINY COMMITTEES?**

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

### **7. WORK PROGRAMME**

The Overview and Scrutiny Committees will be responsible for setting their own work programme and in doing so they shall take into account wishes of Members on that Committee who are not Members of the largest group on the Council.

### **8. AGENDA ITEMS**



Any member of the Council may place an item on the agenda in accordance with Council Procedure Rule 7.

**9. POLICY REVIEW AND DEVELOPMENT**

- (i) The role of the Overview and Scrutiny Committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (ii) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, Scrutiny Committees may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.
- (iii) Overview and Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisors, assessors and witnesses a reasonable fee and expenses for doing so.

**10. REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES**

- (i) Once they have formed recommendations on proposals for policy development, the Overview and Scrutiny Committees will prepare a formal report and submit it 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)
- (ii) If an Overview and Scrutiny Committee cannot agree on one single final report to the Council or Executive as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Executive, with a majority report.
- (iii) The Council or Executive shall consider the report of the Overview and Scrutiny Committee within one month of it being submitted to the Chief Executive.

**11. IN ORDER TO ENSURE THAT OVERVIEW AND SCRUTINY COMMITTEES' REPORTS ARE CONSIDERED BY THE EXECUTIVE THE AGENDA FOR THE EXECUTIVE WILL CONTAIN:**

- (i) A record of the Overview and Scrutiny Committee(s) recommendations and comments on agenda items.
- (ii) Where individual reports are made by an Overview and Scrutiny Committee to the Executive, the Chairman of the relevant Scrutiny Committee will normally be expected to attend the Executive in order to address the Executive and answer questions.

To assist this process Portfolio Holders each have in their remit areas of the Council services which directly relate to the remit of the Overview and Scrutiny Committees.

## **12. RIGHTS OF OVERVIEW AND SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS**

- (i) In addition to their rights as Councillors, members of Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (ii) Nothing in this paragraph prevents more detailed liaison between the Executive and Scrutiny Committees as appropriate depending on the particular matter under consideration, for example through the Chairmen of Scrutiny Committees and the Executive Portfolio holders

## **13. MEMBERS AND OFFICERS GIVING ACCOUNT**

- (i) Any Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation in fulfilling the scrutiny role, it may require the member of the Executive, the Head of Paid Service and/or any Officer, as defined within Article 12, to attend before it to explain in relation to matters within their remit:-
  - (a) any particular decision or series of decisions;
  - (b) the extent to which the actions taken implement Council policy; and/or
  - (c) their performance.

and it is the duty of those persons to attend if so required.

- (ii) Where any member or officer is required to attend an Overview and Scrutiny Committee under this provision, the Chairman of that Committee will inform the Chief Executive. The Chief Executive will inform the member or Officer in writing giving at least 10 working days notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (iii) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall, in consultation with the member or officer, arrange an alternative date for attendance.

## **14. ATTENDANCE BY PORTFOLIO HOLDER**

- (i) Where the Executive refers an item to any Overview and Scrutiny Committee, the relevant Portfolio Holder shall attend the meeting and may be called upon to address the Committee and answer questions on the item; and

- (ii) Portfolio Holders will be expected, where practicable, to attend meetings of the Overview & Scrutiny Committees when (a) significant issues within their portfolio are being considered, and (b) performance reports are being presented where targets for which the Portfolio Holders are responsible are out of tolerance.

15. **ATTENDANCE BY OTHERS**

Overview and Scrutiny Committees may invite people other than those people referred to in paragraphs 13 & 14 above to address them, discuss issues of local concern and/or answer questions. They may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. Attendance is of course entirely optional.

16. **CALL-IN**

The mechanism for call-in is set out in the Council Procedure Rules "Call-in Explanation and Criteria".

17. **THE PARTY WHIP**

When considering any matter in respect of which a member of any Overview and Scrutiny 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 Committee's deliberation on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

18. **ORDERS OF BUSINESS AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS**

\*Items will always appear on the agenda. Other items will appear as necessary

- (a) Overview and Scrutiny Committees 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 and Scrutiny Committee
- (vii) Scrutiny of Performance Decisions - reports from Officers covering
  - \* service performance
  - \* investigations requested by the Overview and Scrutiny Committee on the effect of decisions taken
- \* (viii) review of Executive agenda items requested by members by 9.00am on the day of the meeting.

- (b) Where an Overview and Scrutiny Committee conducts investigations, (e.g. with a view to policy development) the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:-
  - (i) that the investigation be conducted fairly and all members of the 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 Committee shall prepare a report, for submission to the Executive and/or Council as appropriate and shall make its report and findings public.

19. **MATTERS WITHIN THE REMIT OF MORE THAN ONE OVERVIEW AND SCRUTINY COMMITTEE**

Where a matter for consideration falls within the remit of one or more Overview and Scrutiny Committee the decision as to which Overview and Scrutiny Committee will consider it will be resolved by agreement of the Committee Chairman.

20. **MALADMINISTRATION AND FINANCIAL MALPRACTICE**

Following any findings by the Monitoring Officer or Chief Financial Officer respectively, of unlawfulness/maladministration or financial malpractice the relevant Overview and Scrutiny Committee may hold a short enquiry, into the officer's report and its findings. If such an enquiry is held its findings must be available for consideration by the Executive at the same time as it meets to consider the Monitoring Officer's or Chief Financial Officer's report.

21. **EXCLUDED MATTERS**

The Committees will not be permitted to consider some matters and these will be set out within Article 6 Overview & Scrutiny Committees.

**Council Procedure Rules**

(Additional text in *italics*)

**34 Public Speaking**

**(c) Committees**


**Scrutiny committees**

Overview and Scrutiny Committees may invite people to address them, discuss issues of local concern and/or answer questions.

They may, for example, wish to hear from residents, stakeholders, members and officers in other parts of the public sector and shall invite such people to attend. Attendance is of course entirely optional.

Any request to speak on other items will be a matter of discretion for the Chairman *but must be made to Civic & Committee Services* [Committee@warwickdc.gov.uk](mailto:Committee@warwickdc.gov.uk) or by calling 01926 456114 by 12 noon on the working day before the meeting.

*Any member of the public addressing a Scrutiny Committee person speaking will be allocated between 3 and 5 minutes with no more than 30 minutes public speaking at any meeting.*

 <b>Executive</b> <b>30 July 2020</b>		<b>Agenda Item No.</b> <b>2</b>
<b>Title</b>	Governance Review of Warwick District Council	
<b>For further information about this report please contact</b>	Graham Leach Democratic Services Manager & Deputy Monitoring Officer <a href="mailto:graham.leach@warwickdc.gov.uk">graham.leach@warwickdc.gov.uk</a> 01926 456114	
<b>Wards of the District directly affected</b>	All	
<b>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?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	Executive 10 July 2019 Minute 10	
<b>Background Papers</b>	Notes of the Warwick District Governance Review Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities CfPS Guidance documents	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	Yes
<b>Equality Impact Assessment Undertaken</b>	No

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive	30/6/2020	Chris Elliott/ Andrew Jones
CMT	7/7/2020	Bill Hunt, Andrew Jones, Dave Barber
Section 151 Officer	7/7/2020	Mike Snow
Monitoring Officer	7/7/2020	Andrew Jones
Portfolio Holder(s)	20/7/2020	Andrew Day
<b>Consultation &amp; Community Engagement</b>		
Leadership Co-ordinating Group, Governance Review Working Party and Ed Hammond (Centre for Public Scrutiny)		
<b>Final Decision?</b>	No	
<b>Suggested next steps (if not final decision please set out below)</b>		
If approved some recommendations require approval from Council on 5 August 2020		

## 1. **Summary**

- 1.1 The report brings forward proposals for revisions to the role and approach of working parties, following the review undertaken by the Governance Review Working Party in partnership with the Centre for Public Scrutiny.

## 2. **Recommendations**

- 2.1 That Executive endorses the creation of six Programme Advisory Boards (PABs), along with their remit and membership rules including that they do not have to be politically proportionate, and ceases/ revises to the various working parties as set out at Appendix 2 and 3 respectively.
- 2.2 That Executive requires each PAB, within two months of its first meeting, to agree measures with the Leadership Co-ordinating Group (LCG) which will be used to monitor their effectiveness at 6 months, 12 months and 18 months with the data made available to all Councillors for scrutiny.
- 2.3 That, subject to the comments of the Independent Remuneration Panel, the Executive recommends to Council a Special Responsibility Allowance of £260.10 per annum for the Chairman of a Programme Advisory Board
- 2.4 That Executive notes that the creation of PABs will remove the requirement for Shadow Portfolio Holder Briefings.
- 2.5 That Executive notes that a review of the Members' Allowances Scheme will start in December 2020, in line with the legal requirement to review the scheme every four years.
- 2.6 The Executive approves the approach, discussed with the LCG, that in future, the presumption should be that all training/briefing for Councillors will be held remotely at a time agreed with the relevant Portfolio Holder or Committee Chair, and made available to all Councillors to attend. The recording will be made available for Councillors to ask questions about for 7 days after, at which time the questions will be combined, responded to and shared with all Councillors.
- 2.7 The Executive approves an independent assessment of these arrangements is undertaken in November 2021 and officers are asked to bring back an outline proposal for this, in consultation with the Chair of Scrutiny, in September 2021 along with proposed funding arrangements.
- 2.8 The Executive approves the revised Part 3 Schedule 3 Executive Functions, as set out at Appendix 5 and recommends it to Council for them to amend the Constitution.

## 3. **Reasons for the Recommendations**

- 3.1 This report brings forward the outcomes of the Governance Review undertaken with support from the Centre for Public Scrutiny, details of which are set out at in Section 8 and Appendix 1 of this report.
- 3.2 The work was reviewed by the Leadership Coordination Group (LCG) along with options for Governance arrangements. It was agreed the most prudent approach is to strengthen the current arrangements where possible and introducing revisions to the working parties. This is in recognition of the

significant changes already taking place in the Council and the potential need for further changes to Governance structures as a result of the work with Stratford-on-Avon District Council.

- 3.3 **Recommendations 2.1 and 2.2** – The Governance Review Working Party (GRWP) concluded that there was an overall desire for Councillors to work collectively. There was recognition that the Executive model adopted by the Council resulted in a lot of decision making at the centre, with some Members feeling they did not have enough influence in decisions being made. It was recognised as being essential that Councillors had the opportunity to feed into the development of projects/ policies and services before the decisions were taken. This was a key role for Members, rather than being involved at the last moment to vote upon a policy. There was also a recognition that the development of Service-specific Committees, whilst building knowledge of specific teams, could create a silo effect for both Councillors and Officers. In addition, there was a fear that it could lead to a lot of business being generated to justify committee meetings, where the reports were just for information.
- 3.4 For these reasons, the GRWP concluded that one of the two approaches should be developed. These were:
- 1. Three or four Committees chaired by Portfolio Holders which are used to develop the key themes and projects for the Council for that year or year after. Their ideas are then taken to Executive for approval. These could potentially be called Executive Advisory Committees; or*
  - 2. The same as (1) but not being politically proportionate, to enable those Members interested in the project and talented to work on the ideas. However more informal working party focused but in the public domain in the evening."*
- 3.5 Since the GRWP last met, there have been significant changes in working practice as a result of the pandemic, but also within the Council, with the introduction of the LCG. As part of this work, the Leader of the Council has considered the above, listened to the views of others and as a result, developed PABs. These are a combination of the above points, but have a backbench Councillor chairing, as a form of development for the Councillor. The responsibility for each PAB has been included within Appendix 2 and has been amplified to set out the current projects sponsored by a member of CMT.
- 3.6 Although the PAB meetings will not be in the public domain, the intention would be to publish the agreed action points after the meeting (where possible), so that all can see what has been discussed. This way, there will be more robust and open discussions/advice, as well as enabling discussion on more confidential matters. PABs can be seen as improved Working Parties, with a clear remit and measures to be judged against, but also more transparent than at present.
- 3.7 This approach recognises the strength of Working Parties as the forum for developing ideas, but improves transparency and measures their effectiveness. Therefore, for the PABs to be established formally, it is felt necessary for each PAB to have set measures that performance will be judged against regularly. It is felt these should be designed by the respective PAB, who will then report on its performance to all Councillors, via a combined annual report to the Executive. This initiation phase will need the PABs projects to be clearly scheduled by implementation timing and importance, to enable a clear focus on the urgent/ important, including a matrix (similar to model being developed by



Scrutiny) for focusing priority. This may mean that a PAB could have a series of meetings focused on only one or two key areas, and not cover all of the work plan at each meeting.

- 3.8 The PABs will therefore act in advisory capacity, or providing guidance, in developing and delivering the projects/policies of Warwick District Council and in doing so, enabling backbench members to have greater involvement in shaping the Executive decisions of the Council, particularly on services, key projects and programmes (but not day to day operations). This also helps to utilise the skills, knowledge and talent of all Councillors in a more effective way. They will not be a decision making Group or be scrutinising service or policy delivery as these will remain the responsibility of Council/Executive and Scrutiny respectively. This supports the underlying aim of helping foster the talent and knowledge that Councillors had within specific areas without the need for them to be politically proportionate. It will also enable backbench Councillors to have a direct involvement in the proposals coming forward.
- 3.9 To compliment these proposals and ensure best governance for the Council, robust scrutiny of the Executive is key. With the development of the PABs, there is a clear overlap with the current remit of the Scrutiny Committees, as set out in Article 6 of the Constitution, Appendix 4 to the report. To look at this area of concern, the Scrutiny Committees met jointly meeting on 7 July to form their own views on the development of Scrutiny and will be producing an agreed approach at a further joint meeting on 29 July 2020. The Executive will need to consider any views carefully before making any recommended changes to Council.
- 3.10 While most current Working Parties/Forums will be moved into PABs, some will remain, for the reasons set out within the table at Appendix 3. In addition to this, a project led by the Chief Executive is not included. This is the delivery of the 2021 elections within Warwick District. While the Council cannot lose sight of the impact this will have on service delivery, the responsibility for its delivery rests solely with the Chief Executive as Returning Officer. It is also important to remember that the Chief Executive will also be Police Area Returning Officer for the whole of Warwickshire and at present, he has asked his team to plan for the potential delivery of Police & Crime Commissioner Election, Warwickshire County Council Elections, a potential Council Tax Referendum, Leamington Neighbourhood Plan Referendum, Radford Semele Neighbourhood Plan Referendum and the Bishop's Tachbrook Neighbourhood Plan Referendum on 6 May 2021. If these all progress, this will be the most public polls held on a single day within the District and delivered by WDC.
- 3.11 **Recommendation 2.3** –A small Special Responsibility Allowance (SAR) is proposed, for the Chair of Programme Advisory Boards, in recognition of the responsibility for coordinating work, regular liaison with officers and the potential number of meetings each year. The allowance proposed is the same level as that of the members of the Planning Committee and the lowest value offered by the Council. By law, the proposals would need referring to the Council's Independent Remuneration Panel (IRP), for them to provide a view before Council takes a decision on this. Therefore, if the Executive agree this proposal an a view will be sought from the IRP and shared with all Councillor ahead of Council.
- 3.12 **Recommendation 2.4** – The GRWP identified that the briefings between Heads of Service and Shadow Portfolio Holders were generally not well attended and had mixed results. They were considered to be a telling forum rather than a

discussion and development of ideas. Consequently, a lot of preparation time was put in, with the overall benefit to the Council being minimal. With the development of performance management data within the Council being made available to Councillors, the informing aspect could be reduced and the development of ideas could be more effectively completed through the PABs. There was mutual agreement that these scheduled monthly briefings would stop.

- 3.17 **Recommendation 2.5** – By law, the Council is required to review its Members' Allowances Scheme every four years. This was last completed in April 2017 and therefore is due for review by April 2021. It is considered appropriate to start this work in good time in December 2020, to enable the appropriate information to be collated and considered by the Council's Independent Remuneration Panel. By completing in this time frame, information would be available to the Panel on how the work of the new Committee and PABs has developed.
- 3.18 **Recommendation 2.6** –The Council primarily holds its formal meetings, briefings and training events at 6.00pm. This provides a challenge to find dates for presentations without conflicting with other meetings (both for this Council and other Councils). Therefore, to make more time available, the intention is to hold most sessions remotely, to which Councillors will be invited. These will be recorded and therefore, if a Councillor is unable to attend, they will be able to catch up on the briefing. There would also be a formal window of one week from the initial session where Councillors can post questions. These will then be combined (along with answers) and shared with all Councillors.
- 3.19 **Recommendation 2.7** – Is included to provide assurance to Councillors that the changes are having the desired effect and are being robustly monitored. Therefore, the remit of the review and the agreement of who undertakes the review needs to be carefully considered. For this reason, it is felt a report, in consultation with Chair of Scrutiny, should be presented to the Executive for consideration in Spring 2021. After this review, it is intended that there will be a move to business as normal with review through the work of Scrutiny Committee.
- 3.20 **Recommendation 2.8** – The Scheme of functions of the Executive should be revised and updated each time a new Leader is appointed. This is because the Executive decision making functions are delegated, in law, to the Leader and they should confirm the delegations that they have put in place. The current scheme has not been updated for several years and was due to be updated after the last election in May 2019. This was placed on hold, pending the Governance review and therefore it is considered appropriate to bring this revised version to Executive at this time. While the format has changed the authorities within the section remain the same less those parts which have been updated to reflect current arrangements and names of core functions.

#### 4. **Policy Framework**

##### 4.1 **Fit for the Future (FFF)**

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council’s FFF Strategy.”

<b>FFF Strands</b>		
<b>People</b>	<b>Services</b>	<b>Money</b>
<b>External</b>		
<b>Health, Homes, Communities</b>	<b>Green, Clean, Safe</b>	<b>Infrastructure, Enterprise, Employment</b>
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Becoming a net-zero carbon organisation by 2025 Total carbon emissions within Warwick District are as close to zero as possible by 2030 Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/productivity of local economy Increased employment and income levels
<b>Impacts of Proposal</b>		
None	None	None
<b>Internal</b>		
<b>Effective Staff</b>	<b>Maintain or Improve Services</b>	<b>Firm Financial Footing over the Longer Term</b>
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers’ needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
<b>Impacts of Proposal</b>		
Part of the funding within this report would be used to provide further training and support for both Councillors and Officers to enable them to have the correct skills for delivering this role	The overall aim of the report is to make a better use of Council resources and the skills/knowledge the Councillors have to add greater value to projects.	None

4.2 **Supporting Strategies** - Each strand of the FFF Strategy has several supporting strategies but this report does not directly impact on any of these.

- 4.3 **Changes to Existing Policies** – The report brings forward amendments to the Constitution which are detailed within the reasons for the recommendations.
- 4.4 **Impact Assessments** – This should set out the impacts of new or significant policy changes proposed in respect of Equalities. Reference can be made to an appendix which sets out the detail of the impacts.
5. **Budgetary Framework**
- 5.1 If the recommendations are approved by Council/Executive, there would be a be an increase in costs for the payment of the Chairmen of the six Programme Advisory Boards of £1560.6 (6x £260.10). It is considered this can be met within the budget for Special Responsibilities Allowances.
- 5.2 No budget is proposed for undertaking the Members' Allowances Scheme review as it is anticipated this can be covered within the existing budget based on savings made from the reduction in printing and postage of Council agendas.
6. **Risks**
- 6.1 There are no significant risks associated with the report overall. The proposals are about building on the foundations of good governance the Council has already.
- 6.2 This said, the broad outline of the report has been discussed with the CfPS who raised concerns about the introduction of all the PABs at the same time, even accepting that to all intense and purpose, one existed already in the form of the Climate Change Working Party. CfPS also raised concern about the need for clearly defined remits and that without these, it was very hard to measure success/performance and therefore justify ending a PAB if it was not working. They also raised concerns about the significant extra work this could bring for the Council at a significant time of change overall. Therefore, while these proposals are brought forward with some revision to mitigate this, the key will be to ensure they are reviewed robustly, ideally by Councillors not involved within the PABs.
- 6.3 With PABs helping to formulate proposals that will result in decisions for the Executive, there is a chance that members of the Scrutiny Committee will help in challenging proposals they helped to formulate. This will need to be monitored carefully and members will need to take advice as appropriate on necessary conflicts of interest.
- 6.4 It should be noted that the guidance around Special Responsibility Allowances says that no more than half the Council should be in receipt of a Special Responsibility Allowance (SRA). With the introduction of an SRA for the PAB Chairs, the Council will be offering allowances to between 20 and 30 Councillors (depending on how many held two roles which permitted an SRA where only one was claimed) but almost certainly 22. This was a key consideration for the last review of the allowances scheme because the guidance on allowances is that if such a large proportion of Councillors receive an SRA it is reasonable taken that there is extra work that should be built into the basic allowance for Councillors and therefore this should be increased.
- 6.5 There is an inherent risk in respect of capacity with the Civic & Committee Services team to support the PABs, even from a low level administrative point

of view. This is because the team have very limited resources (2.75fte) for supporting all Committees, the work associated with supporting these and delivering the project work within the agreed Team Operation Plan and Service Area Plan. The team were operating at capacity before the introduction of remote meetings and therefore extra work supporting PABs or Task and Finish Groups will mean a review of other planned work, which without additional resources will need to be put on hold or stop. The details about challenges faced since March can be summarised as follows, below, but these will continue to be present through greater use of remote meetings (either formal, informal or training) going forward.

The legislation for allowing Council meetings to happen remotely is in place until May 2021. Government advice has made it clear that if meetings can happen remotely, they should do so. Due to the uncertain nature of the situation, it is extremely difficult to predict and therefore plan for the future. However, based on the experience of conducting remote meetings over the last two months, the following conclusions have been reached:

- organising remote Committee meetings takes longer because of the added step of setting up the remote meeting, including a number of steps which need to be repeated every time to comply with security requirements. Members have also asked for the meeting papers to be available on the Channel for each meeting, which also takes additional time;
- looking at other neighbouring Local Authorities, some of which have as much as three Committee Officers at each of their remote meetings, and also looking at the experience of Committee meetings held so far, it has become clear that a minimum of two Committee officers are needed at each of the remote meetings. This is double the resource needed for face to face meetings, and it is to cover some of the following scenarios, all of which have happened in the recent past: the lead Committee officer losing internet connection; Councillors being unable to join and therefore calling the office / emailing in; members of the public experiencing difficulties and calling for help; managing public speakers; ensuring the live broadcast is working in order to comply with the legislation; ensuring the meeting is quorate at all times;
- additional time has been spent with helping both Councillors and public speakers when encountering issues or needing training for attending remote committee meetings;
- due to meetings taking longer, it has been agreed by Members to hold these more often, such as having two Planning Committee meetings a month, as well as two Delegated Planning Committee meetings a month.
- A number of special / urgent meetings had to be covered due to the nature of the current situation.

There are several other aspects which can be added to the above, such as the training time needed for Committee officers themselves to understand the constant changes to the remote committee meetings system.

There is a risk that there are not sufficient resources within the Civic & Committee Services team to focus on supporting PABs, to cover some of the administrative tasks relating to remote committee meetings, such as setting these up, managing the Committee Meetings calendar and stepping in to cover situations such as sickness and annual leave. The last two points around covering sickness and annual leave are particularly relevant, irrespective of meetings held remotely or face to face. For a number of years, the department has struggled to build resilience and Members will be aware of the various challenges in recruiting and retaining staff. Looking at neighbouring local

authorities, officers feel that more resilience is needed in the Civic & Committee Services team, even more so during these times of change, to ensure Members are provided with the support they need which will be reviewed in the autumn as PABs progress. Failure to address these points puts significant additional pressure on the team, who may not be able to deliver this without support even if normal physical meetings return.

- 6.6 The Executive needs to be mindful of the effort that will be required to introduce and embed this work within the Council at a time when joint working with Stratford District Council is being considered. This joint work could require further significant revisions to the Governance Framework of this and/or both Council's which will require further time and effort from Councillors and Officers.

## **7. Alternative Option(s) considered**

- 7.1 The Executive could consider not progressing the outcome of the reviews and remain as at present. However, this would have a negative impact due to the commitments made from all parties and work undertaken so far.
- 7.2 The Executive could consider disposing of the Executive model and moving to a Committee system. This would require approval from central government and a minimum commitment of five years (as defined by law). This could potentially see a creation of silos with service specific committees or an increase in reports for information. It was noted during the workshops that a number of Councils who tried this model have moved back to an Executive model, but an equal number to that have also moved to the Committee system. The evidence provided was that the key is not in the model but the engagement of Councillors with the model and the desire to work together for the community, putting party politics aside as much as possible.
- 7.3 The Executive should be mindful of the review work undertaken to progress a proposed Governance Committee and could progress this if it was so minded to. However, at this stage it was not progressed due to the significant number of other changes progressing across the Council which may require further amendments to this within the near future.
- 7.4 There are also a number of options that could be considered outside the views of the Working Party, for example, those areas which focused more on governance that sat with the Licensing & Regulatory Committee on elections and ward boundaries and private member bills. However, these were not considered by the Working Party who considered this Committee.
- 7.5 The Executive should be mindful that as they are establishing the PABs they do not need to be politically proportionate to the Council, in the same way the Executive is not. However, the proposal is not following the traditional model of the Executive being of the majority party on the Council (as there is not one) and is also not being politically proportionate to the Council. The Executive could therefore establish the PABs on strict rules of proportionality or with just membership of the administration (Conservative & Whitnash Residents Association). These proposals were not considered because the intention is to use the relevant talent within the Council and not based on Party lines. This does present a risk of losing the balanced view from all parties, recognising that no party has overall control of the Council, but this is retained through good scrutiny and Council.

- 7.6 The Executive could consider an allowance for the Chairman of the Members/Trades Unions Joint Consultation & Safety Panel, or other Working Parties. This was not considered as part of this review and would be more appropriately considered as part of the wider review of allowances.
- 7.7 The Executive could decide to provide the additional funding to support this work. The Civic & Committee Services Team are at capacity in terms of simply delivering the scheduled meetings and work required to support the Governance structure for the Council as at present (excluding remote meetings work). In addition to this work they are due to bring forward proposals to; re-procure the Committee Management System this year which would see further enhancements in the digital by design approach; and further enhancements to the system used by the public to register to speak to make the process easier for all parties. The Executive could consider stopping these plans to free up capacity, however this would not be sufficient to deliver all the work anticipated through the PABs, will have a negative effect on team morale and will miss opportunities to improve service delivery to all parties.

## 8. **Background**

- 8.1 In July 2019, the Executive agreed to review the Governance arrangements for the Council, with the support from the Centre for Public Scrutiny, through three workshops. The Executive agreed to the purpose of each Workshop as set out below.

*"Workshop 1: to introduce Members to the fundamentals of governance change, to talk about the different options and our approach to reviewing them. We would then go on to discuss design principles – what would good governance look and feel like for them? What role do they want to play in decision-making? What level of oversight do they see themselves having? What involvement do they anticipate local people, and partners, having in the future? We will review this in light of the Council's strategic plans (recognising the sensitivity of aligning political objectives with governance, but recognising also that the former inevitably impact on the latter);*

*Workshop 2: translating design principles into practical changes to ways of working (on policy development, on the way information is shared with members, on decision-making, on the monitoring and oversight of council and partner business); and*

*Workshop 3: in the light of all the foregoing considering whether formal governance change is, in fact, necessary, and agreeing actions to accompany that change if necessary."*

- 8.2 All Councillors were invited to Workshop 1 (on 26 July 2020) with Councillors Bartlett, Boad, Cooke, Cullinan, Day, K Dickson, R Dickson, Evans, Grainger, Hales, Heath, Jacques, Kohler, Leigh-Hunt, Luckhurst, Matecki, Margrave, Nicholls, Norris, Sanghera and Weber attending.
- 8.3 On advice from the CfPS, the Executive agreed to a small Working Party undertaking Workshops 2 and 3 and bringing back proposals. The Working Party comprised of Group Leaders of the Conservative, Green and Liberal Democrat Groups, plus one other Member from their group, along with the Leaders of the Labour and Whitnash Residents Groups. These were originally agreed for August 2019, but member availability issues led to these being re-arranged for October 2019, However, suitable dates could not be found. The

work was then delayed by the General Election. The meetings eventually took Place on 17 and 20 February 2020.

- 8.3 The Executive also required that the Working Party prepare and present a report on the outcomes to the Executive and Council as soon as possible in the autumn of 2019 so that any changes can be implemented by May 2020.
- 8.4 The Governance Review Working Party (GWRP) was formed of Councillors, Boad, Davison, Day, Cullinan (later replaced by Nicholls), Heath, Kennedy, Redford and Syson. Appendix 1 to the report sets out the notes of Workshop 3 of the GWRP, which formulated the ideas brought forward in this report. These notes were circulated to the GRWP and were agreed via email. The only additions to the notes were the requests as follows:
1. clarity on the role of the Governance Committee for fear the audit work may swamp everything else;
  2. the importance of Housing to the Council and a specific committee to look at it, as whilst the Scrutiny Committees did, it was a significant part of the Council, both in service and proportion of expenditure;
  3. expression of disappointment at the end of the shadow portfolio holder briefings because they were working well (especially in Finance); and
  4. a reminder of the desire not to add additional meetings overall because of the impact on Councillors' workload, especially with a significant number of WDC (and non WDC) evening meetings in place already.
- 8.5 Within the last 12 months, the Council has also appointed a Performance Management Officer. They have worked with the Senior Management Team (SMT) to develop a portal for recording the measures within Service Area Plans. This is updated quarterly and includes trends overtime. This is now due to be made available to Councillors as a way of keeping up to date on performance rather than simply seeing a service review report each year. The approach is being further developed to include a Red, Amber, Green status of all projects sponsored by either the Chief Executive, the Deputy Chief Executives or Climate Change Director.



**Governance Review Workshop Notes**

As discussed at the conclusion of Workshop 3 for the Governance Review the conclusion the Group reached was as followed.

1. Aim for more efficient meetings
2. Recognition that day time meetings were challenging for Councillors
3. Working parties were not meeting or were meeting but not when Councillors were available and/or lacked transparency as nobody knows what happens at them.
4. Shadow portfolio holder meetings were not always taking place and when they did they were more tell than discuss & develop
5. Group Leaders meetings were beneficial because of robust discussion and ability to work issues through together. These must be required to take place no matter what political composition the Council has.
6. Planning Committee - Operating at an acceptable level and developing
7. Licensing & Regulatory Committee (and its Panels) - No issues or need to change
8. Executive – At session two there was an agreement for Councillors to consider what items they have could be delegated. No ideas were brought to Workshop 3
9. O&S and F&A are not having enough time to focus on scrutiny work and are having to spend too much time focusing on executive reports – challenge of why not have more meetings then and split work load was not responded to (although see point a)
10. There was a need to get members with talent more engaged to provide benefit recognising generally there are circa 14-15 Councillors who were not as engaged as others.
11. There was a challenge that officers have highlighted there is not enough resources to undertake lots of task & finish groups.
12. There was a statutory requirement for scrutiny within the Executive model but it was discretionary within the committee model
13. There was a requirement for an Audit Committee under both models
14. Any committees had to be politically proportionate to the Council unless (like current scrutiny) a decision was taken by Council, annually, to move away from this for a specific Committee and reason.
15. political consensus was important to all parties with a view to collaborative working being good for all parties as in the end it was about the District not a party.

**Proposals**

1. No revisions to officer delegations
2. Reports at present are too long and need to be reviewed by officers to see if they can be reduced in size (as an example a lot of information was contained within reports to inform Councillors of progress).
3. Planning Committee no changes
4. Licensing & Regulatory Committee no changes
5. Executive no change
6. Standards Committee, Employment Committee and Audit Committee merge into a Governance Committee
7. Retain an Overview & Scrutiny Committee which brings back in the work of Health Scrutiny Committee

8. Review all Working Parties (we had 21 listed/known) to see if they are fit for purpose and operating and feedback into this review
9. Annual away day for all Councillors to meet up and discuss priorities (foot note from GL we will need a budget for this as the one this year took 30% of the annual member development budget)
10. Then one of the two options below:
  1. Three or four Committees chaired by Portfolio Holders which are used to develop the key themes and projects for the Council for that year or year after. Their ideas are then taken to Executive for approval. Potentially called Executive Advisory Committees.
  2. The same as (i) but not being politically proportionate to enable those interested in the project and talented to work on the ideas. However more informal working party focused but in the public domain in the evening.

The aim is that Councillors are seen to be voting and having their say on important policies and projects which come forward and that the members who are not engaging are not doing so because they don't feel they are having their say. As a personal note on this point this isn't supported by training evidence which Group Leaders have and shows mixed level of engagement. I suppose the desire for this structure may come from Town & Parish Council's which all operate Committee structures and a lot of members are involved with.

For me the more I reflect on 9 they are both trying to achieve what we have in place now but what we have now is not working. As examples:

Working parties we could revise so the members who interested can be involved but which may mean either not one from each group, or ones of a larger size. However, this then moves away from the political consensus, which would need to be lead through Shadow Portfolio Holder meetings (see further notes below). There is also the risk that moving these into the public domain may remove the ability of more robust and frank discussions which are required. Therefore as a step forward could we move some working parties to the evening for the next 12 months to see what impact that has and make notes (from Lead officer) of these available via secure MyCMIS App?

Scrutiny Committees should be working in a way to help develop Policy (as set out in the Constitution) but seem to be too focused on Executive comments and when they try to seek early reports on projects they rarely come forward as a discussion paper for help with ideas. Therefore do we consider increasing frequency of scrutiny Committees so they meet more often and taking its workload of non-Executive business to another meeting, perhaps picking key subjects to cover? (it should be noted that if this is the case there would be a need for resources within Civic & Committee Services to support this and as previously experienced this difficult to find for short periods and at short notice)

There was consensus that the Shadow Portfolio Holder meetings were more of a telling rather than engagement process and any information shared was not available more than a couple of days before the meeting. Therefore these needed to be more structured and invites shared with Committee meetings calendar so everyone can see when they were scheduled and also include a common agenda. Based on this it would also be useful for Councillors to have access to information on performance so they could self-serve. This process should then be mandated within the constitution.

They also agreed that the monthly Group Leaders meetings should be mandated within the Constitution (Graham Leach is working on this for Executive in April).

**Programme Advisory Boards (PABs) proposal****Purpose:**

To act in advisory capacity, or providing guidance, in developing and delivering the projects/policies of Warwick District Council and in doing so, enabling backbench members to have greater involvement in shaping the Executive decisions of the Council, particularly on services, key projects and programmes (but not day to day operations). This also helps to utilise the skills, knowledge and talent of all Councillors in a more effective way.

They will not be a decision making Group or be scrutinising service or policy delivery as these will remain the responsibility of Council/Executive and Scrutiny respectively.

**Performance:**

Each will have no more than 10 measures which performance will be assessed against, with the data available to all members.

**Organisation:**

- Chaired by backbench members selected from across political groups, appointed by the Leader following consultation with LCG.
- No more than six members per PAB.
- Not politically proportionate (but all groups offered at least one place).
- Members nominate their preferred PAB; not required that every Member serves, with some able to serve on more than one PAB, if unfilled seats are available.
- Final PAB appointments agreed by LCG and confirmed by Council.
- No substitutes be permitted for the PABs.
- Chairs of PAB will be appointed annually by the Leader after consultation with Group Leaders.

**Meetings:**

- Time will be allocated within the calendar of meetings for each PAB to meet 4 times a year
- Additional Meetings held as scheduled at a date and time agreed by the Chairman of the PAB.
- They will meet either remotely or in-person, subject to agreement of Chairman of the PAB.
- The Chairman of each PAB would be expected to conclude business within 2 hours
- Additional meetings of the PAB can be requested by the relevant Portfolio Holder but final decision on date and time is that of the PAB Chairman.
- At least five clear working days' notice to be given of the PAB meeting.
- Attended by Portfolio Holder, who provides an update on key projects / programmes.
- Supported by an officer from the service or relevant area.
- The meetings will not be in public but actions from the meeting will be agreed with the Chairman and made available to all Councillors and SMT.
- Civic & Committee Services will arrange meetings and share paperwork as required and but will only attend the first meeting of each PAB

**Agenda Items**

- Items will be brought to each PAB, within their remit defined below, by the relevant project lead, in liaison with the relevant Portfolio Holder and PAB Chair as required.

- These will be at key stages of reports and in good time before formal decisions are required.

## Programme Advisory Boards: Areas of Work

### 1. Finance & Business

- Income generation schemes.
- Digital transformation (IT systems delivering services).
- Procurement.
- Customer service.
- Creative Quarter.
- Future High Streets scheme.
- Stratford Road employment site.
- St Mary's Lands (Hotel & other commercial elements).

<b>Customer Access Strategy Review</b>	
<b>Implement a replacement Financial Management software solution</b>	To replace the current TOTAL system
<b>Implement a replacement Licensing and Neighbourhood Management software solution</b>	To replace the current Civica system
<b>Implement a replacement Development Services software solution</b>	To replace the current Acolaid/Idox system
<b>Digital Strategy Review</b>	To replace the 2015-19 strategy. Aims to enhance access and usage of digital platforms for employees, councillors, residents and the public in Warwick District
<b>St Mary's Lands - hotel</b>	Construction of a hotel on St Mary's Lands, Warwick to serve both the town and the racecourse
<b>St Mary's Lands - golf</b>	Improvements to driving range and replacement of club house
<b>Leamington Creative Quarter</b>	Multi-site project in south central Leamington. To regenerate un or underused sites, using them to house small to medium sized companies/traders drawn from all areas of the "Creative" industry
<b>Leamington town centre vision and Future High Street bid</b>	WDC, BID Leamington and Leamington Town Council working together to gain funding from the Government's Future High Street fund. Projects include the Creative Quarter, Covent Garden site and better links between station and town
<b>Warwick town centre car parking redesign</b>	
<b>Town Hall alternative use</b>	District council offices to be moved out or cut in number. Instead space to be used for creative industry, restaurants, a cinema etc.
<b>Business Development Programme overall</b>	
<b>Implement the Asset Management Strategy</b>	

## 2. Climate Emergency

- Climate Emergency Action Programme and implementation.
- Tree scheme.
- Sustainable Transport Strategy (Cycling, Park & Ride, EV taxi).
- Leamington Station transport hub.

<b>Energy reduction, generation and storage options (Until Climate Change lead appointed)</b>	Following The Council's declaration of a Climate Emergency in 2019 and the creation of the Climate Emergency Action Programme this project aims to get WDC carbon neutral by 2025 and the District as a whole by 2030. A new Head of Sustainability to be appointed in 2020
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## 3. Development

- Local Plan Review.
- Major development areas (Europa Way, Kenilworth, South of Coventry).
- New Spine Road, north of Gallows Hill.
- South Gate bridge.
- University Masterplan.

<b>South of Coventry implementation overall</b>	
<b>Europa Way - access</b>	Widening of existing Europa Way, building of new spine road and cycleway to serve the 375 new homes, showroom, football stadium and athletics track to be built at Gallows Hill
<b>Europa Way - hotel and showroom</b>	Construction of a new hotel and a car showroom to replace an existing one
<b>Warwick Sea Scouts</b>	Moving of the 2nd Warwick Sea Scouts headquarters to a new building close to St Nicholas' Park leisure centre
<b>Redevelopment of the Covent Garden site</b>	To be achieved in tandem with the Warwick District HQ relocation below
<b>HQ relocation</b>	Warwick District Council offices to be moved from Riverside House to Covent Garden carpark footprint. Covent Garden site to include parking and offices. Riverside site to become residential

#### 4. Culture & Neighbourhood

- Waste management and other contracts.
- Leisure Development Phase 2.
- Country parks (Commonwealth, Newbold, Tach Brook).
- Destination parks (Abbey Fields, St Nic's / Myton Fields, St Mary's Lands).
- Play Equipment renewal and Open Space improvements.
- CG 2022.
- New Athletics track.
- Community Stadium.

<b>Europa Way - country park</b>	Design and creation of Tach Brook Country Park, a 56 hectare space between Leamington and Bishops Tachbrook
<b>Kenilworth Leisure Development Programme</b>	Additional family pool, new café, re-furbished changing rooms and studio rooms for community use at Abbey Fields. Castle Farm to be re-built completely with larger sports hall, new outdoor changing rooms, a petanque terrain and two exercise studios
<b>Commonwealth Games</b>	Preparation for and delivery of the lawn bowling competitions during the 2022 Commonwealth Games. To be hosted at Victoria Park
<b>St Mary's Lands - cycling</b>	Better cycle links between town and racecourse and onwards to the Birmingham Road and Warwick Parkway railway station
<b>St Mary's Lands - miscellaneous</b>	Improved footpaths and signage, flood management, increase in parking, new play area
<b>(Wardens) relocation</b>	Moving of the Wardens Cricket Club from Glasshouse Lane to Castle Farm sport fields. Inclusion of cricket pavilion facilities at new site
<b>(Rugby Club) relocation</b>	Moving of Kenilworth Rugby Club to a new site at Bullimore Wood between Warwick Road and the A46 and construction of new clubhouse
<b>Europa Way - stadium and track</b>	Creation of a football stadium for use by Leamington FC and community groups and an athletics track for Leamington C & AC and other community groups

## 5. Housing & Property

<b>Kenilworth School relocation</b>	Moving of Kenilworth School from Leyes Lane and Rouncil Lane to a new site at Southcrest Farm, Glasshouse Lane
<b>Leyes Lane housing development</b>	Building of residential housing and access roads between Kenilworth and the A46 to include re-located school
<b>Fire safety programme in HRA flats</b>	
<b>Leper Hospital site regeneration</b>	Site includes remains of the Grade II listed St Michael's Church and Master's House off The Saltisford. To be used as accommodation for individuals with mental health needs
<b>Europa Way - affordable homes</b>	Construction of around 50 affordable homes on land potentially to be purchased by WDC
<b>Affordable housing delivery programme overall</b>	Working to meet government targets across all areas where development is taking place in the district, primarily south Leamington, east Kenilworth and south of Coventry
<b>Kenilworth housing development sites</b>	Delivery of social & affordable housing on various sites in Kenilworth
<b>Council House building programme</b>	
<b>Neighbourhood Centre &amp; housing west of new Spine Road</b>	
<b>Riverside housing redevelopment.</b>	

## 6. Health & Community Protection

- Recovery plan.
- CCTV upgrade.
- Whitnash Civic Centre.
- Community Hubs (e.g. GP in Lillington; Whitnash CC phase 2; Bishop's Tachbrook).
- Health and Wellbeing Strategy and implementation

<b>Whitnash Civic Centre &amp; Library community hub</b>	Whitnash Town Council led. Will replace several existing buildings and will include sports hall, library, café, meeting rooms and Town Council offices
<b>Lillington new surgery and health hub</b>	Building of a new medical centre to replace or complement existing health facilities in Lillington and North Leamington



**Working Parties & Forums 2020/2021**

<b>Working Party / Forum</b>	<b>Councillors 2020/2021</b>	<b>Proposed changes</b>
Members' Working Group for Community Stadium and Related Projects (Formerly known as the Community Stadium/Europa Way Members Reference Group) 1 each Group plus PH	Kohler Luckhurst Margrave Nicholls Rhead Grainger as Portfolio Holder  Officers: Chief Executive Community Stadium Project Officer Programme Manager	Moves to Culture & Neighbourhood PAB
Councillor IT Working Party 1 each Group plus PH	Boad Jacques Margrave Tangri Vacancy Labour Cooke as Portfolio Holder	Moves to Leadership Co-ordination group
Creative Quarter Members' Reference Group 1 each Group plus PH (but cannot be the Leader of WDC)	Boad Davison Nicholls Heath Conservative Vacancy Rhead as Portfolio Holder  Councillor Isobel Seccombe (WCC) Councillor Jojo Norris (L/Spa TC)	Moves to Culture & Neighbourhood PAB

<p>Housing Advisory Group  Conservative = 5  Lib Dem &amp; Greens = 2 each  Labour &amp; Whitnash RA = 1 each</p>	<p>Ashford  Bartlett  Boad  Cullinan  Davison  K Dickson  Falp  Leigh-Hunt  Luckhurst  Noone  Tracey</p>	<p>Work ends and is moved to Housing PAB.</p>
<p>HQ Relocation Member Reference Group  Group Leaders plus Finance, Business and Neighbourhood Portfolio Holders</p>	<p>Boad  Cullinan  Davison  Day  Heath  Hales as PH  Rhead as PH  Grainger as PH</p>	<p>Work Split between Leadership Co-ordination Group and relevant PAB for aspects of redevelopment</p>
<p>Infrastructure Delivery Plan (IDP) Working Group  1 each Group which includes PH Development Services</p>	<p>Cooke  B Gifford  Heath  J Dearing  Weber</p>	<p>Moves to Development PAB</p>
<p>Members' Working Group for the Leisure Development Programme  (Formerly known as the Leisure Development Member Working Party)  1 each Group plus PH</p>	<p>Cooke  A Dearing  Milton  Heath  Vacancy Labour  Grainger as Portfolio Holder &amp; Chairman of Working Group</p> <p>Officers: Andy Jones, Rose Winship and Debbie Cole</p>	<p>Leave due to significant knowledge until after submission of planning applications then move to Culture &amp; Neighbourhood PAB</p>

<p>2021 Major Contract Renewal – Cross Party Working Group 1 each Group plus PH</p>	<p>Boad Rhead Roberts Skinner Heath Grainger as Portfolio Holder</p>	<p>Leave due to significant knowledge within the Working Party until contracts awarded. Then ceases to exist.</p>
<p>Members’ Development Group (As part of the Group Leaders Briefings)</p>	<p>Boad Cullinan Davison Day Heath</p>	<p>Moves to Leadership Co-ordination Group</p>
<p>Members’ Working Group for the Commonwealth Games (Formerly known as Member Group on Commonwealth Games) 1 each Group plus PH</p>	<p>Bartlett Boad Cullinan A Dearing Margrave Grainger as Portfolio Holder &amp; Chairman of the Working Group</p> <p>Officers: Chris Elliott Christina Boxer Paddy Herlihy</p>	<p>Moves to Culture &amp; Neighbourhood PAB</p>
<p>Members – Trades Union Joint Consultation &amp; Safety Panel 1 from each Group</p>	<p>Vacancy Labour B Gifford Vacancy Green T Heath Wright</p>	<p>Leave as at present</p>
<p>People Strategy Steering Group 1 each Group plus Chair of Employment Committee</p>	<p>Falp C Gifford Mangat Margrave Wright Vacancy Green</p>	<p>Leave as at present</p>

Planning Forum	All Members of the Council	Replace with briefings as required to all relevant parties i.e. WDC Councillors, WCC Councillors, Parish/Town Councillors and members of CAF.
St Mary's Lands Working Party 1 each Group plus PH	Ashford Vacancy Lib Dem Vacancy Green Skinner Vacancy Whitnash RA Grainger a Portfolio Holder	Work now transfers to relevant PABs
Voluntary and Community Sector (VCS) Commissioning and Grants Panel 7 Members made up of 3 Conservatives, 1 Labour, 1 Whitnash Residents' Association, and 1 Liberal Democrat, 1 Green. This include PH Health & Community Protection.	Evans Jacques Murphy Skinner Syson Redford Vacancy Green Falp as PH & Group Rep	Work to be delegated to the Head of Health & Community Protection in Consultation with Portfolio Holders for HCP and Finance & Business.
Warwick District Conservation Advisory Forum Two elected Members of Warwick District Council who have an interest in the historic environment and planning matters.	Illingworth Syson	Leave as a valuable asset in enabling sensitive development within conservation areas.
Newbold Comyn Member Reference Group	Grainger R Dickson Roberts Skinner Cullinan Nicholls Weber Boad Russell Kohler Leigh-Hunt	Moves to Culture & Neighbourhood PAB

	Luckhurst Mangat	
Governance Review Group Leaders plus another from each of Conservative, Lib Dem and Green.	Boad Cullinan Davison Day Heath Kennedy Redford Syson	Ends as this report completes the work for now.
Climate Change Emergency Working Party 1 from each	Falp Milton Nicholls Rhead Roberts	Flagship leading on work of the Climate Emergency Action Programme and implementation.
DPD Climate Change and Sustainable Buildings Working Group	Rhead Cooke Milton J Dearing Nicholls	This is 12 to 18 months away from being completed. However, a significant knowledge base has been established with Councillors or the limitations of the DPD and legal requirements for these. Therefore this is left for now

## ARTICLE 6 - OVERVIEW & SCRUTINY COMMITTEES

### Access to Information Regs 2000 – Reg 18 – Sections 21 and Schedule 1 para 7

### Local Government Act 2000 – Constitutions Direction – Para 3(k)

#### 6.01 Terms of Reference

The Council will have the two Committees called, the Overview & Scrutiny Committee and the Finance & Audit Scrutiny Committee, to undertake the overview and scrutiny functions. The scope of activity for each of these is set out below.

The prime purpose of the Overview and Scrutiny Committee is to review items to be considered by the Executive, to review past decisions, policy development, health and wellbeing issues, specific issues and problems within any service area.

It will also be able to address any other matter not otherwise delegated to the Finance and Audit Scrutiny Committee.

The Health Scrutiny Sub-Committee is a sub-committee of Overview and Scrutiny Committee. It has been delegated the task by its parent committee to handle most of the health and wellbeing scrutiny work that would otherwise fall to the Overview and Scrutiny Committee.

The prime purpose of the Finance and Audit Scrutiny Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, issues of an audit nature and to oversee the financial reporting process.

The Finance and Audit Scrutiny Committee will:

- Review the robustness of business cases
- Promote value for money and good procurement practice
- Make recommendation on good financial management practices
- Keep the treasury management performance under review
- Approve the Statement of Accounts in accordance with regulation 10 of the Accounts and Audit Regulations 2003.
- Review specific Executive items and past decisions

#### 6.02 General role

Within their terms of reference, the Committees will:

- i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- ii) make reports and/or recommendations to Council and/or the Executive and/or any policy, joint or area committee in connection with the discharge of any functions;
- iii) consider any matter affecting the area or its inhabitants;

- iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive and/or any policy or area committees; and
- v) agree the terms of reference of best value reviews

### 6.03 **Specific functions**

#### (a) **Policy development and review.**

The Committees may:

- i) assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
- ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- iv) question members of the Executive and/or committees and officers about their views on issues and proposals affecting the area; and
- v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

#### (b) **Scrutiny**

The Committees may:

- i) review and scrutinise the decisions made by and performance of the Executive and/or committees and council officers both in relation to individual decisions and over time;
- ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- iii) question members of the Executive and/or committees and chief officers about their decisions and performance of their services, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- iv) make recommendations to the Executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
- vi) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Committee(s) and local people about their activities and performance; and
- vii) question and gather evidence from any person (with their consent).

#### (c) **Finance**

The Committees may exercise overall responsibility for the finances made available to them (if any).

#### (d) **Annual report**

The Committees must report annually to Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

### 6.04 **Proceedings of the Committees**

The committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules and the Council procedure rules (in part) as set out in Part 4 of this Constitution.

### 6.05 **Task and Finish Groups**

The Committees may each at any time instruct an officer, using the agreed methodology, in consultation with a group of named members, to establish a Task and Finish Group to undertake a particular review and make recommendations thereon, either at the volition of the Committee or in response to a request from the Executive for such a review.

6.06 Such Task and Finish Groups are not Committees or Sub-Committees and are not subject to a requirement for political proportionality, it being customary for any member with an interest or expertise in the particular topic to be included in such a consultative group.

6.07 **Political balance**

The allocation of seats to political groups will be made in accordance with the political balance rules and where there are an uneven number of seats then the odd seat shall *be in the discretion of the Leader in consultation with other Group Leaders*

6.08 **Excluded matters**

The Committees will not be permitted to consider some matters under legislation and others because of best practice these are set out below:

- (a) Any matter relating to a decision on a specific planning application;
- (b) Any matter relating to a decision on a specific licensing application;
- (c) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment; including but not limited to;
- (d) Standards decisions and items which may be brought for decision;
- (e) Appeals decisions and items which may be brought for decision;
- (f) Breaches of the Constitution and its protocols e.g. Code of Conduct;
- (g) Matters relating to the terms and conditions of employment or conduct of individual or groups of staff or Members;
- (h) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the overview and scrutiny committee or at a meeting of a sub-committee of that committee;
- (i) Audit process and items which are likely to be considered by the Audit process;
- (j) Matters within the proper remit of the Section 151 and Monitoring Officers;
- (k) Matters relating to a particular identifiable service recipient or potential service recipient;
- (l) Complaints or matters before the courts, or Ombudsman, or Regulatory Bodies; and
- (m) Contractual matters, other than performance monitoring and review, except with the agreement of the Executive.



## Section 3 Executive Functions

The Council has previously chosen to adopt a stronger Leader model for its executive arrangements and under this model all executive functions are vested in The Leader of the Council, who may then delegate functions as seen fit.

The main purpose of this Scheme of Delegation is to set out the decision making powers in relation to executive functions that the Leader has decided may be exercised by the Executive or Members of the Executive.

The delegation of decision making powers for executive functions that the Leader has decided may be exercised by Officers of the Council is included as part of the Scheme of Delegations to Officers, which appears at Part 3 of the Constitution. That Scheme also includes details for decision-making powers that have been delegated to officers by Council, in relation to Council functions.

The Leader can at any time amend either of the two Schemes of Delegation in relation to executive functions, for example, by taking back responsibilities delegated to the Executive, an individual member of the Executive or an officer, or delegating powers under certain conditions. These will then be notified to Council for it to update the Constitution.

### Structure of The Executive

The Executive will comprise of seven Members, with responsibilities for service areas as detailed in Part 7 of the Constitution.

### Executive decision-making

Policy decisions, as set out in Article 4 of the Constitution are reserved to The Council, except where detailed to the contrary in the Constitution.

Executive decisions are otherwise made under the provisions of the Local Government Act 2000, as amended and the related regulations:

- a. The decisions made by Executive, including recommendations to Council, shall be by majority at all meetings. In the event of equality, the Chairman shall have a casting vote.
- b. Executive decisions shall otherwise be made by a scheme of delegation determined by the Leader and either set out in this document (for those powers delegated to the Executive and/or Portfolio Holders) or as set out in the Scheme of Delegations to Officers.
- c. Formal decisions shall be published as required by law and shall be subject to the procedures for call-in to the Overview and Scrutiny Committee.

To consider and make recommendations to Council on:

1. The formulation of the Council's Corporate Strategy, and such forward programmes and other steps as may be necessary to achieve those objectives;
2. The Council's financial policies;
3. The organisation and management processes of the Council and their effectiveness in contributing to the achievement of the Council's Corporate Strategy. To keep them under review in the light of changing circumstances, making recommendations as necessary for change in either the committee or Service structure, or the distribution of functions and responsibilities;
4. The making and levying of the Council Tax;

5. Council functions that are not specifically assigned;
6. Preferred Option and Draft for Submission of Development Plan Documents e.g. the Core Strategy and Area Action Plans;
7. Approval of the Housing Strategy and Housing Investment Programme;
8. To approve the Development Planning Documents under the Planning & Compulsory Purchase Act 2004;
9. The basis upon which revenue estimate and capital programmes should be prepared;
10. Before the start of every financial year, to recommend to the Council the revenue estimates, the level of reserves and the capital programme for that year.

Subject to those matters reserved to Council and those matters delegated to an officer, the Executive to exercise delegated powers:

1. To take such action as the Executive thinks necessary in relation to:
  - (a) The Council's policies, objectives and priorities.
  - (b) The co-ordination and development of services.
  - (c) The work of other committees and bodies.
2. To agree minor changes to Council policy issues subject to the Overview Scrutiny & Committees being alerted to such decision.
3. To monitor revenue and capital expenditure during each financial year and to authorise variations in the revenue estimates and the capital programme.
4. To consider and review the budget management and financial control systems of the Council.
5. To supervise the insurances and banking arrangements and to administer, subject to any directions of the Council, any funds vested in the Council for the purpose of any of its statutory functions.
6. To make Grants under the RUCIS scheme.
7. To ensure the effective management, development and maintenance of all land and buildings.
8. To sell, purchase or appropriate land and buildings.
9. To grant or take leases of or any other interest in land and buildings
10. To acquire land and buildings by compulsory purchase
11. as the Housing Authority
12. Planning Authority (e.g. the regarding Development Plan Documents such as the Core Strategy and Area Action Plans, approving the issues and options for consultations documents and approval of all aspects of Supplementary Planning Documents, Non-Statutory Planning Documents and Planning Briefs) except those matters delegated to the Planning Committee and Council.
13. Development Management
14. To approve a Local Development Scheme and Statement of Community Involvement under Planning and Compulsory Purchase Act 2004
15. Culture, including (Parks & open spaces, Royal Spa Centre, Pump Room premises, Art Gallery & Museum; Sport, leisure & community or Catering establishments
16. Markets & mops Car park management Refuse collection and recycling Street Cleansing;
17. Food safety, Health and safety, Pollution control public health - pest control - animal welfare - nuisances - infection control Health promotion Cemeteries & crematorium
18. Main drainage
19. Housing benefits & Council Tax Reduction
20. To exercise overall management of information technology policy and related power and duties.

21. To exercise all powers and duties of the council in relation to any matter concerning compulsory or voluntary competitive tendering and oversee the operation of any Direct Labour or Direct Service Organisations.
22. To seek planning consent under Regulation 3 or 4 of the Town and Country Planning General Regulations 1992
23. To seek tenders for schemes where a budget allocation has already been made as long as the estimate for the scheme is within the budget allocation. (In the event of the original provision being insufficient a request must be made to the Council for an amendment to the capital budget and/or a supplementary estimate.)
24. To exercise all the powers and duties of the Council which are not delegated to another committee or person other than those which either cannot be delegated to the Executive or are specifically reserved to the Council.
25. To institute proceedings (other than for debt collection) in the High Court
26. Consideration of corporate risk.

### **Leader's Scheme of Delegation to Portfolio Holders**

At present, no decision making powers are delegated to Portfolio Holders. The guidance below is in place as a minimal provision if the Leader was so minded to introduce such decision making.

#### **(a) General provisions**

Support to the Leader will be provided by the Deputy Leader, who will act for the Leader in their absence.

Day-to-day issues relating to shared Council services shall be the responsibility of relevant Portfolio Holders, acting jointly where relevant.

Any exercise of delegated powers shall have regard to any report by the Head of Paid Service, the Monitoring Officer or the officer designated under Section 151 of the Local Government Act 1972.

Any exercise of delegated powers shall comply with statutory restrictions, all policies and procedures approved by Council or Executive and the Council's Code of Conduct and adopted protocols.

Executive powers should only be exercised following appropriate consultation with Legal, Finance and Human Resources as necessary. The relevant Ward Councillor(s) must be consulted where the matter specifically affects their Ward or Group Leaders where the matter is politically sensitive or contentious.

All decisions must be recorded and may need to be published where required by law.

#### **(b) Financial supervision**

Day-to-day operations are under the control of the Chief Officers (The Senior Management Team of the Council) as outlined in the Constitution.

All Members and officers are bound by the Council's approved, Budget and Policy Framework, Code of Financial Practice, Code of Procurement Practice and Code of Corporate Governance.

Where responsibility for any Executive decision is silent, the default decision-maker will be Executive unless the Leader determines otherwise.

(c) **Committees of the Executive** - There are none at present.

(d) **Working Groups of the Executive (with decision making powers)** - There are none at present.

(e) **External working**

### ***Representation on Strategic bodies***

The Leader shall appoint representatives on these external bodies:

- Warwickshire Police & Crime Panel -
- West Midlands Employers
- Coventry and Warwickshire LEP
- District Councils' Network
- LLP Board
- Safer Warwickshire Partnership Board
- South Warwickshire Community Safety
- Warwickshire County Council Health & Wellbeing Board
- Association of Retained Council Housing (ARCH)
- Shakespeare's England

### **Delegations regarding external working**

Chief Officers, the Leader and Portfolio Holders and other members are authorised to:

- (a) Agree terms of reference, memoranda of understanding and work programmes for any partnership that falls within the Council's approved policy framework, subject to legislative requirements or the Constitution;
- (b) Manage the Council's involvement in each of the Partnerships, undertaking partnership actions and work programmes within agreed terms of reference and/or memoranda of understanding and the approved policy framework of the Council;
- (c) Work with partner bodies, to support the development of partnership plans and strategies;
- (d) Develop strategic plans;
- (e) Work with partner bodies to support growth of the partnership in line with approved business plans;
- (f) Seek Government resources to support the work of any partnership or group of authorities delivering shared services;
- (g) Act in conjunction with the Leader to sign off submissions to the Government for external grant funding in the Coventry and Warwickshire Local Enterprise Partnership Area;
- (h) Act in conjunction with the Leader to sign off submissions to the Government for external grant funding in relation to local authorities acting jointly to deliver shared services.

All other decisions related to the work of these partnerships, unless they are a matter for Executive or the Council, shall be a matter for the Leader to determine or authorise, after due consultation with the Chief Executive, Deputy Chief Executives and Head of Finance/S151 Officer.

Most partnerships operate using their own boards, Committees or sub-groups and the above list embraces all such meetings as may be relevant.

Councillor Andrew Day  
Leader of the Council