

# Overview and Scrutiny Committee

Minutes of the meeting held on Thursday 20 July 2023 in the Town Hall, Royal Leamington Spa at 6.00pm.

**Present:** Councillor Milton (Chair); Councillors Armstrong, Barton, Collins, Day, D Harrison, Kohler, Russell and Sinnott.

**Also Present:** Councillor Chilvers – Portfolio Holder for Resources, Councillor Davison – Leader of the Council, Councillor J Harrison – Portfolio Holder for Transformation, Councillor King – Portfolio Holder for Place.

## 17. **Apologies and Substitutes**

- (a) An apology for absence was received from Councillor Luckhurst.
- (b) Councillor Kohler substituted for Councillor Payne, and Councillor Sinnott substituted for the Labour Group vacancy.

## 18. **Declarations of Interest**

There were no declarations of interest made.

## 19. **Urgent Item – Call-in of Cabinet Decision 5 July 2023 – Customer Services Relocation Options**

The Committee considered a report from the Head of Governance and Deputy Monitoring Officer. In accordance with the Council’s call-in procedure, three or more Councillors had called-in the decisions made by Cabinet on the “Customer Services Relocation Options” report at its 5 July 2023 meeting, for them to be considered by the Overview & Scrutiny Committee.

The report advised Members that the options available to them were:

- a) to refer it back to the Cabinet for reconsideration, setting out in writing the nature of the Committee’s concern; or
- b) decide to take no action; or
- c) refer the matter to Council for debate.

These recommendations were in line with the procedure set out in the Council’s Constitution under Council Procedure Rules for call-ins. Members were reminded of the Call-in procedure, as set out at Appendix A to the report, and that only Cabinet could amend the decision that had been taken - neither the Overview & Scrutiny Committee nor Council could amend the decision that had been taken.

A call-in was simply the referral of a decision made, but not yet implemented, to the Overview and Scrutiny Committee. It was a key way of holding the Cabinet to account. A called-in decision could not be implemented until it had been considered by the Overview and Scrutiny Committee, which could examine the issue and question the decision maker on the reasons for the decision.

On 5 July 2023, the Overview and Scrutiny Committee considered a report that would be decided by the Cabinet the following day. This was listed on the agenda as "Item 12 - Customer Services Relocation Options".

The Overview & Scrutiny Committee made the following comment on the report:

"The Overview & Scrutiny Committee expressed concerns about the increase in costs from those that were initially stated. The Committee requested that costs were kept closely under control for the duration of the project and reduced if possible and provided value for money. The Committee requested that further effort should be made in respect of the plans for the Pump Rooms Shop to ensure that the service provided to residents continued."

On 6 July 2023, the Cabinet met and made its decision on the report attached at Appendix B to the report, as follows:

- (1) That Cabinet approves the design concept for the Customer Service Centre as shown in Appendix 1 and 2 and delegates authority to the Head of Customer and Digital Services to approve minor design amendments, in consultation with the Portfolio Holder for Customer and Digital Services.
- (2) That Delegated Authority is provided to the Head of Customer and Digital Services to seek Listed Building and any other consents required to implement the proposals.
- (3) That a budget of £410,000 is approved for the project, funded from the Corporate Asset Reserve.
- (4) That subject to agreeing recommendations 1 to 3, officers continue their work to find an alternative venue or approach for the Pump Rooms shop.

The draft minutes of the Cabinet for this item were set out at Appendix C to the report.

On 13 July 2023, Councillors Boad, Kohler and B Gifford requested a call-in, under Council Procedure Rule E3, 21 - Decisions of the Cabinet, for the following reasons:

- Cabinet did not have an analysis available to them of the various current or future customer needs, or projected volumes, ranging from dropping off or collecting documents, making complaints, to detailed housing and benefits or planning matters. Each of which required a different solution from a simple reception desk to rooms for confidential discussions.
- The budget had increased by £210,000 to £410,000 since February. No challenge was made by the Cabinet as to whether the proposal put forward was either an appropriate or affordable solution, or value for money for Council taxpayers.
- The removal of the shop selling local artists products located in the Pump Rooms next to the Art Gallery was a new proposal with no appropriate alternative solution available or how it would be staffed.

The call-in was in respect of the overall design and cost of the proposal and not the relocation of the services to the Pump Rooms that was

considered and agreed by Cabinet in February under Minute 87 - Relocation of Office Accommodation and the Provision of Public Facing Access to Council Services as follows:

“(6) a Customer Service Hub is created at the Royal Pump Rooms as a replacement and significant enhancement to the customer service provision currently operated at Riverside House, be agreed.”

The Chair of the Overview & Scrutiny Committee had agreed to take this as an urgent item because this would negate the need for additional meetings, as it allowed, if needed, the debate to be taken at Council on 26 July and/or recommendations to be made to the Cabinet on 2 August 2023.

The Chair reminded Members of the reasons for the call-in, the order of the proceedings and the options available to the Committee and that it would need to give clear reasons for any recommendations it might make. He then asked Councillor Kohler to expand on his reasons for the call-in.

Councillor Kohler advised the Committee that:

- this was not a party-political matter;
- as far as he was aware, the petition created online was not sponsored by a political party and it was created by groups such as the Leamington Society, Friends of Leamington Art Gallery and Museum, Leamington History Group etc., which were not political and were interested in what was best for the town;
- the timing of the decision was unfortunate, with it being brought forward at the first meeting of the new Cabinet;
- in February 2023, the report that came forward to Cabinet reassured Members that the shop in the foyer would stay and that the budget was £200,000, and the most recent report was being called in because those two aspects were now changing;
- given that these assurances had fallen away, alternatives should have been more thoroughly investigated, including the meeting rooms available at the Town Hall;
- with the move out of Riverside House and its urgency, relocating the Customer Services reception desk in one of the spaces at the Town Hall would be the quickest and most straightforward option;
- the report did not spell out timescales, and with both buildings being listed buildings, these would need listed buildings planning consent, which would take some time;
- the budget had more than doubled from the time the report was first brought forward, and there was no guarantee that this would not increase even further;
- the removal of the shop was a change in the service the Council was providing to the residents, as well as the local artists;
- he would suggest that the item should be referred to Council, when the petition would also be presented;
- the rooms downstairs should be open for Members to have a look at the space;
- any new information could be circulated to Members by way of an addendum ahead of the Council meeting.

The Chair advised Members that, should the Committee be minded to refer the item to Council, Council could not alter the decision, but it could ask the Cabinet to re-consider it.

The Chair and the Head of Governance and Deputy Monitoring Officer reminded Members that whilst it was not for the Committee to debate the most appropriate site for the Customer Services reception desk to be located, the Committee was there to look at what was best value for money, having residents' interests in mind. As a result, it could comment that alternative sites should have been considered in more detail.

In answer to questions from Members, Councillor Harrison, the Portfolio Holder for Transformation, Councillor Davison, the Leader and the Head of Customer and Digital Services advised Members that:

- the recommendation from the last Cabinet report was that officers would continue to look for alternative venues for the shop, and a lot of work was already taking place on that;
- although some rooms at the Town Hall were empty at the time of the meeting, the plan was for those to soon be occupied as part of the Council's offices moving out of Riverside House;
- in terms of the cost increase from £200,000 to £410,000, this became clear when the requirements and adjustments required were investigated, with the project now at RIBA stage 2;
- some of the expenses surfaced when taking on board feedback from residents, such as ensuring privacy for customers accessing services;
- there was a £30,000 contingency built into the £410,000 budget requested;
- the average number of customers over the previous 27 months was 260 people per month;
- a cost of £11 per transaction for a face to face interaction was not unusual across local authorities;
- the Council was committed to moving out of Riverside House, for which it had a buyer, around October time. One-month delay would mean an additional cost of £58,000. Whilst relocating the Customer Services team was pricy, it would be even more expensive not to do anything;
- any further delays would make the project even more expensive;
- officers were looking to reduce costs further if possible, although conversations with BID Leamington had not been fruitful so far;
- the Council's deeds store, the Council's Corporate Support Team, meeting rooms and hot-desking space would occupy the rooms currently available at the Town Hall;
- some of the activities within the programme were in progress in parallel, and the architects had put together a building programme which would take three and a half months to be completed;
- Atkins had provided a very detailed breakdown of the expected costs, looking at every aspect of the project;
- the designers came up with cost estimates for the fully equipped facilities, but some items such as desks and chairs could be recycled from Riverside House;
- the timetable for the Pump Rooms was already quite tight and the call-in did introduce a delay;
- the additional costs for staying at Riverside House would kick in when the building would be otherwise vacated;

- the reason for visiting the reception desk at Riverside House was recorded, and on average, 180 a month were customers who needed attention, such as needing to speak to officers; there was also a proportion who were coming in to drop something off and the interaction would be very brief.

The Head of Governance and Deputy Monitoring Officer advised of timelines with each of the decisions available to the Committee, and asked that robust reasons should be given for any recommendations made, so that the next steps were clear for Members but also the wider public.

It was proposed by Councillor Kohler, seconded by Councillor Day and

**Resolved** that

- (1) the item be referred to Council for further debate so that all Members can be given the opportunity to ask questions and fully understand the implications, and to provide the Council with assurance that it is providing a viable option.

The Committee asks for pertinent information, such as a breakdown of customer attendance at Riverside House reception, plans for rooms at the Town Hall, an update on shop location (confidentially if needed), timescales for the overall project to be circulated ahead of Council by way of an addendum.

The Committee notes that the move of the Customers Services team is not done in isolation, but it is part of a wider picture, with the plan to move the Council offices out of Riverside House and the developments planned for the Town Hall. As such, the Committee asks that the relevant information from these different projects is brought forward ahead of the Council meeting.

The Committee also requested further details on what other options were considered as potential for relocating the Customer Services and reasons why these were discounted.

The Overview & Scrutiny Committee asks that the issue of relocating the Pump Rooms shop should be considered by Council, asking that any confidential information be sent in advance to all Members, to inform the debate at Council,

which should be carried in public session as much as possible, for the purpose of transparency and accountability; and

- (2) a briefing be arranged for Members advising what Council services are moving where and when.

## 20. **Learning and Action Plan - Procurement**

The Committee considered a report from the Head of People and Communications providing an update of the learning and action plan following the confidential report to Cabinet - Contract Dispute – Dictate2Us Transcription Services on the 8 March 2023.

In July 2021, Warwick District Council (WDC) followed the procurement process to tender for a new supplier for transcription services. There was a discrepancy in the contract over its interpretation which both WDC and Dictate2Us disputed. The dispute was settled in March 2023. The report provided a summary of the learning and implementation timeline, and it was not intended to review the decision.

Although all officers involved in the procurement had received procurement training and the circumstances and resulting outcome of this situation could not have been foreseen, it was acknowledged that there could still be opportunities for lessons learned.

Following discussions with the Strategic Procurement and Creditors Manager, it had been proposed that:

- Procurement awareness training would be rolled out to all Council officers within the next 12 months, ensuring officers' awareness of legal accountabilities in spending public money, at all spend levels. That training would take place on a three-year cyclical basis.
- Officers would review with Legal and Procurement colleagues what further controls and safeguards could be put in place, learning from the best practice of similar organisations, to reduce the likelihood of such events re-occurring.

The Chair offered Members some background on the subject matter and advised that this was a "lessons learnt" report rather than re-considering the issue.

In answer to questions from Members, the Portfolio Holder for Resources, Portfolio Holder for Transformation, the Head of People and Communications, the Head of Finance and the Strategic Procurement and Creditors Manager advised that:

- the level of skill and capability needed varied a lot depending on the contract;
- the current training provision was very high-level, light touch, basic awareness training;
- once the skills needed were identified for officers to manage a specific contract, the level of training needed would also be

- established, which might be a formal qualification, including professional maintenance where necessary;
- though the training was going to be three-yearly, the Procurement team would be available to answer questions and support officers;
  - the training was a corporate requirement and it would be kept under review as to how often the training should be delivered to staff, and if one-to-one coaching was necessary;
  - the induction programme was also being reviewed, with the HR department looking at the mandatory training sessions and how these were being delivered;
  - as a profession, procurement was a highly competitive market which made it difficult to recruit to, and the Council had been taking the approach of “growing our own”;
  - it was desired for Members to have more involvement in the procurement cycle;
  - there were different processes depending on a contract’s value;
  - the Code of Procurement Practice included the minimum expectations on officers and Members, outlining the thresholds and the process needed depending on each set of circumstances;
  - a question about how confident officers felt with the procurement process had not been part of the surveys so far, but it would be the starting point with designing the new training plan;
  - the contract register published on the website had the information the Council had to make public, and an internally published contract register had a lot more detail on each contract; and
  - the internal contract register would have the silver, bronze and gold classifications, but these would not be publicised.

**Resolved** that the report be noted.

(At 19:56, the Chair adjourned the meeting for a five-minute comfort break.)

## 21. **Climate Change Action Programme Update**

The Committee considered a report from the Programme Director for Climate Change which provided an update on the Council’s progress towards its climate change ambitions and specifically in relation to the delivery of the Climate Change Action Programme.

The Climate Change Action Programme (CCAP) was agreed by Cabinet in November 2021. This set out the key activities to be undertaken to ensure progress towards the Climate Change ambitions that had been agreed in July 2021.

Appendix 1 to the report provided an update on progress against each of the CCAP commitments. Each was given a R.A.G rating (Red – Significant issues or challenges encountered, Amber – Progressing with some identified issues, Green – completed or on track) as an indication of progress. There had been significant progress in a number of areas. At the same time, there were a number of activities where progress had faced some significant challenges. The update from December 2022 was also included for context.

Sections 1.3 to 1.6 in the report provided an update on the Council’s ambitions and challenges.

The Programme risk register had been updated and attached at Appendix 2 to the report. It extended to include in part 1 an assessment of the risk of failing to achieve the three climate change ambitions, whilst part 2 assessed the extent to which key generic risks could impact on the overall Climate Change Programme.

Part 1 showed that without using a carbon offset scheme, there was a high risk of failing to achieve the Council's 2025 ambitions. For the other ambitions, the risks were assessed as medium.

Part 2 showed that the likelihood of risk 6 occurring had increased slightly since December 2023. This related to a lack of specialist expertise/skills to deliver the CCAP Action Plan. It had increased in likelihood as a result of the ongoing challenges with identifying expertise to support a comprehensive approach to assets decarbonisation and the ongoing costs associated with procuring expert advice to support the development of key projects such as the Net Zero Carbon DPD and the hydrogen hub.

There were two risks which continued to be categorised as "red". These were:

- Risk 2: The cost of achieving the shared ambitions could not be met within available Council resources. A funding update was provided at Appendix 7 to the report.
- Risk 3: Increasing local impacts from climate change and increasing costs of supporting adaptation. Whilst the Council had its part to play in minimising the likelihood of this risk, in the main the likelihood of this risk occurring would be dependent on international action. However, it was important that the Council stayed focused on this in considering the actions (and the costs) that it needed to take to adapt to climate change. The greater the impacts on local weather patterns, the greater the long-term cost would be in helping the economy, environment and communities to adapt to those changes.

In answer to questions from Members, the Leader of the Council, the Portfolio Holder for Place and the Programme Director for Climate Change advised that:

- a report highlighting the climate change action plan was going to be brought forward soon after adopting the corporate strategy;
- Council buildings and Council houses were high priority in reducing carbon emissions;
- the biodiversity action plan was also being developed and that would feed in the Council's third ambition;
- it was suitable to do a full review of the action plan towards the end of the year but this would depend on other factors;
- it was not achievable to reach zero-carbon by 2025, but it was realistic to aim for net-zero carbon by 2025;
- Cabinet considered how to make it easier for others to reduce their carbon emissions, and would consider the cost of offsetting in the future;



- the aim was for genuine, local offsetting – the Net-Zero Carbon Development Plan, which was out for consultation, included an offsetting scheme;
- the carbon emissions were measured yearly, by looking at a range of sources of energy and how they were used, for example, in buildings, vehicles etc.
- it was difficult to see the impact of individual projects when the review was done annually, and bringing more time-sensitive data was still a challenge;
- the biodiversity elements in Ambition 3 had been linked with the work taking place with the work taking place with the biodiversity action plan;
- the Council's consultants were preparing data, looking at the biodiversity assets across the District and where the strengths and weaknesses were;
- it was not easy to provide yearly data on the area of biodiversity because species would need to be monitored for a longer period of time;
- in terms of tracking biodiversity, one option was to look at a few specific sites and monitor progress in those locations to assess any changes;
- Warwickshire County Council was taking the lead on the local nature recovering strategy from the Environment Act, and the District Council would not want to duplicate any of those duties;
- the public sector decarbonisation scheme was a valuable resource, but it was spread very thinly across the public sector around the UK, and Warwick District Council needed to make sure it was in the best place to be accessing that, but there were very hard criteria to meet;
- officers had access to a wide range of data on the MET office website, and could provide any specific data the Overview & Scrutiny Committee might require;
- every Cabinet report had a section explaining the climate change impact of the proposals, and if the Scrutiny Committee was not satisfied about how this was being addressed, it would be appropriate for it to comment on that;
- the planning process was lengthier in terms of updating policy, and the Net-Zero Carbon DPD had been a very long time in the making, but once adopted, the Planning Committee would be able to apply it;
- there was no longer a formal joint working arrangement with Stratford-on-Avon District Council, but the two Councils continued joint work on a few projects, including the South Warwickshire Local Plan;
- there had not been any financial savings from the projects that had run so far because of the rising energy bills, but these should be forthcoming should the prices go down;
- part of the UK Shared Prosperity funding issued to the Council had been used for refuse collection vehicles trials, market engagement on hydrogen-related potential investments and renewable energy options;
- EPC C for the Council's stock by 2030 was the target, and it would not be realistic to try to achieve this earlier;

- in relation to Ambition 2, the Members working group to do with building conservation policies had not been set up at the time of the meeting, though it had done in the past;
- the 2023 summer was part of the reason why some of the trees planted in the Council's tree planting campaign had not survived;
- officers were looking at experimenting with local acorns in the hope that they would be more resilient than the other trees planted;
- the Council had an Air Quality Officer within the Safer Communities, Leisure and Environment team, who was actively involved in working with other organisations and residents, as well as developing an Air Quality Strategy which would cover aspects such as nitrous oxides; and
- the funds through the HRA barely covered the housing statutory obligations as set out by the Government – the Council would move faster if it could, but it did not have the resource and moving money in or out of the HRA was complicated.

The Chair summarised the key areas identified by the Committee during the debate:

1. offsetting and any potential for getting involved early in policy development;
2. the issue of adaptation;
3. data tracking, how to best measure it and how the Council could be leading on it;
4. a briefing for Members with the background of the climate emergency and what the Council had done towards this over time, which would help Members understand where the priorities had come from;
5. when scrutinising Cabinet agenda, the Overview & Scrutiny Committee could play a role in ensuring the Climate Change section in the Cabinet reports was a robust response and not a tick-box exercise.

During the debate, the Committee asked that the Net-Zero Carbon DPD should be brought forward and updated as a matter of priority, and that Councillors should support officers in delivering this.

**Resolved that**

- (1) the report and its appendices be noted;
- (2) the Carbon emissions baseline data be updated as part of a separate report to the Committee in Autumn 2023, along with the data proposed for regular collation and reporting as part of the Climate Change Service Area Plan; and
- (3) a briefing be organised for all Councillors to provide the background of the Council's declared climate change emergency, what the Council has done over the last four years, and how the Council chose the priorities it had.

## 22. **Work Programme**

The Committee considered a report from Governance Services which informed Members of the Committee's work programme for 2023/2024, attached at Appendix 1 to the report. This had been developed in order for the Committee to focus on the four agreed core themes (Covid 19, Climate Change, Medium Term Financial Strategy and Business Plan). While this Committee would not have as much focus on the Medium-Term Financial Strategy, it would have to spend significant times looking at the other areas in detail.

Four additional meetings were added to the schedule of meetings for this Committee for the municipal year 2023/24. These additional meetings were scheduled on 20 July, 3 October, 23 January and 26 March. These meetings were for business on the Committee's own Work Programme – there was not a meeting of Cabinet on those weeks. To do this effectively, the Committee had to agree what it wished to scrutinise, how this would be done, and amend its Work Programme appropriately so that all of its meetings had a schedule that was appropriate and neither too full or underutilised. Effective scrutiny work would require sufficient staff resourcing and how this would be provided had to be agreed.

At the Committee's meeting 4 July, the Committee was asked to consider what themes it would wish to focus on during this municipal year and for the lifecycle of this Council. Members were asked to bring their thoughts to the meeting 20 July and these should include not just the theme subjects, but when and how each theme could be scrutinised. Members could select one or possibly two themes each year and there were various ways this could be conducted that could be considered, such as Task & Finish Group work.

The themes suggested by the Chair were:

- Monitoring the progress against responding to our climate & biodiversity motions;
- Housing;
- Creating diverse local economies; and
- Service delivery by the Council.

The Committee would consider the climate and biodiversity theme during the municipal year 2023/24 but Members needed to consider if it would concentrate solely on this one theme for 2023/24, or if it would wish to tackle another area as well.

Staffing resource for this scrutiny work was being reviewed. The Chair had already had a brief talk with the Council's Leader. The Chair had discussed, with the Leader and Head of Governance, the potential for additional resources to support the scrutiny function at Warwick District Council. This was being investigated to enable the financial implications to be considered by officers and the Cabinet.

**Resolved** that

- (1) No-Mow May be added on the Committee's work programme, covering areas such as:

how the decision was made; the rationale for the decision and measurements; the planning and recovery management; a "lessons learnt" plan. The areas of communication with Town and Parish Councillors, as well as flood risk should be covered too; and

- (2) the Committee asks Cabinet to consider the role of Procurement Champions and bring any proposals or updates to the next Council meeting, as well as the future of the Programme Advisory Boards.

(The meeting ended at 9.17pm)

CHAIR  
3 October 2023