

Overview and Scrutiny Committee

Minutes of the remote meeting held on Tuesday 9 February 2021 at 6.00pm, which was broadcast live via the Council's YouTube Channel.

Present: Councillor Milton (Chair); Councillors; Cullinan, Davison, A Dearing, Jacques, Kohler, Margrave, Noone (late arrival), Norris, Redford and Russell.

Also Present: Councillors Day, Falp, Hales, Matecki and Rhead.

36. **Apologies and Substitutes**

There were no apologies for absence or substitutions made.

37. **Declarations of Interest**

There were no declarations of interest made.

38. **Minutes**

The minutes of the Overview and Scrutiny Committee meeting held on 8 December 2020 were taken as read and signed by the Chair as a correct record.

39. **Executive Agenda (Non-Confidential items and reports) – Thursday 11 February 2021**

The Chair informed Members that Items 13 – Confirmation of Article 4(1) direction for Sherbourne Conservation Area, and 21 – Purchase of s106 Plots at Bishop's Tachbrook on the Executive agenda, had also originally been called in for scrutiny by Councillors Davison and Dearing. Following liaison by email with Councillor Davison, in light of the pre-meeting questions and answers received on Item 13, Councillor Davison had agreed that this did not require further discussion at the meeting. The Principal Committee Services Officer was asked to load the pre-meeting questions and answers to Item 21 on the Council's website. The Chair informed Members that he had recommended in agreement with Councillor Davison that this item would be considered by the Climate Emergency PAB, because of the particular issue on certification and standards of property.

The Committee considered the following items which would be discussed at the meeting of the Executive on Thursday 11 February 2021.

Item 4 – Working together with Stratford District Council

The Committee was pleased to note the intention to provide quarterly updates but it recommended that this should go further and that there should be a "Scrutiny Plan". This plan should set out points in the project where there were key decisions being made and where matters requiring scrutiny at either or both O&S or F&A were embedded within the plan. Short progress updates should also be provided to each Scrutiny meeting so that the Committees were not overwhelmed with less frequent, longer

reports that effectively meant there was no time to scrutinise other areas of the Council's operations at those meetings.

Members were mindful of the amount of time officers required to undertake this project and the Committee would plan its meetings to allow sufficient time to scrutinise with the aim to help the Executive. It would look at whether joint meetings of both Scrutiny Committees would be of assistance, and also joint meetings with Stratford District Council.

(Councillor Noone joined the meeting during this item and Councillor Day left the meeting once this item was completed.)

Item 11 – Warwick District Leisure Development Programme – Kenilworth Facilities

The Chair clarified that this report had been called in for scrutiny on recommendation 2.8 only.

Councillor Rhead read out an amendment to recommendation 2.8 in the report. This amendment was to ensure flexibility on re-opening Abbey Fields Swimming Pool and Castle Farm Recreation Centre. The amended recommendation delegated power to the Deputy Chief Executive & Monitoring Officer and the Head of Cultural Services, in liaison with the Portfolio Holder for Environment & Neighbourhood, to decide when and which facilities would be re-opened. This amendment affected other parts of the report to the Executive and these were read out in full by Councillor Rhead.

The Chair expressed strong misgivings about openness and transparency because of the late changes to the recommendation and asked for his views to be entered on record in the minutes. He was concerned that the amended recommendation meant that the decision on when and which facilities to open would be delegated to officers rather than the Executive, which meant it was no longer open to scrutiny and that, he considered, was unacceptable because the issues surrounding Kenilworth leisure facilities were sensitive.

The Committee recommended that the amended recommendation 2.8 should be further amended to include consultation with both the Leadership Co-ordination Group (LCG) and all Kenilworth District Councillors over when and which facilities should be re-opened.

(Councillors Rhead left the meeting.)

The meeting was adjourned for seven minutes at 19.57pm for a comfort break.

40. **HEART Shared Service Review**

The Council delivered its Disabled Facilities Grant (DFG) function through the Home Environment Assessment and Response Team (HEART) shared service. A review of the HEART Service had been undertaken on behalf of the HEART Board. The findings had informed an improvement plan that the HEART Board were monitoring and the Host authority (Nuneaton and Bedworth Borough Council) were implementing.

The Overview & Scrutiny Committee considered a report from Housing Services which summarised the documents involved in the review and the improvement plan for the service.

Appendix 1 to the report was the HEART Business case. Under the terms of the Partnership Agreement, a review of the service mid-way through the period of the agreement was required. Appendix 2 to the report was a summary of the findings of the review that had been undertaken by a consultant engaged to undertake the work on behalf of the HEART Board. Appendix 3 to the report was a summary of the improvement plan agreed by the HEART Board based on the findings of the review, which had found certain aspects of the service required improvement.

In response to questions asked by Members, the Head of Housing Services and the Portfolio Holder for Housing & Culture, Councillor Matecki, explained that:

- The Board had held its meetings on a quarterly basis which meant that too much momentum was lost between times addressing concerns and implementing improvements. Certain participants being dual-hatted meant there were conflicts of interest in setting the agenda for meetings, which meant that sometimes trickier business got pushed to "Any other business" and therefore were not being held to account. Meetings were now more frequent and the conflicts of interest were no longer happening.
- There was an action plan in place but it was not yet clear if this was having the desired outcome because the Covid-19 pandemic had not been a factor when the plan had been drawn up. Covid-19 had meant that the work had not been undertaken in the volumes that had been required, but priority cases were being given proper priority, whereas previously, cases had been handled in date order. However, waiting lists were still unacceptably high because of the Covid-19 restrictions which meant that home visits to undertake the improvements were being hampered.
- Staffing levels had remained almost the same despite the increase in demand for the service and this would need to be addressed. Figures on staffing levels would be provided to Members.
- Whilst the Council might not consider completely re-tendering the service because it was a shared service, there were various options that might be considered for the future and this might be where Scrutiny would have a role. For example, the host might be changed or the service could be split into South Warwickshire and North Warwickshire, rather than County wide.
- The improvement plan was felt to be sufficient whilst the pandemic was ongoing because people did not want tradesmen entering their homes to fit equipment whilst there was risk of infection. There was no viable alternative to this at the current time because to cancel the current agreement required 12 months' notice and the Council could not operate independently because it relied upon the Occupational Health Service provided by Warwickshire County Council. The improvement plan was also felt to be sufficient in non-Covid-19 times, but the way it was implemented by the host was the key point and why a second report would be forthcoming in August 2021 to review if the plan had been effectively implemented.

- The KPIs available at the moment were still very much in draft form and needed to be measured over a greater span of time to be meaningful. For this reason, in response to a request for an interim report to the one being suggested for August 2021, any interim report would be more descriptive than analytical. The recommendation for a report in August 2021 had been made to fall into line with what was going to happen in the other authorities involved and this would allow an independent review to see how the improvement plan was progressing. It was unclear what information would be obtained from an interim report because of the pandemic.

The Chair summarised the debate and was pleased to note that Warwick District Council had been very proactive in spotting the failings in the shared service which were now being rectified and monitored. An interim update was requested in two meetings' time, with a full report coming to Committee around August 2021, to consider the options for the delivery of Disabled Facilities Grants from April 2022 onwards and to make a recommendation to Executive.

(Councillor Matecki left the meeting.)

41. **Noise Complaints**

The Committee considered a report from Health & Community Protection which provided an update subsequent to the briefing presented to the Committee at its 8 December 2020 meeting. The previous briefing had detailed the legislation used and what the Council was legally required to undertake. It also discussed routine and current Covid service delivery, with complaint numbers and performance indicators also detailed. Subsequent to the report in December 2020, nothing had changed and the team responsible for handling noise complaints was still under pressure.

The update listed the intended actions to be taken by the service shown in the report in December 2020, against the current position. There had been some progress made, most notably the trialling of a noise monitoring app for smart phones which gathered recordings in a manner that provided information that could be used to digitise noise diaries and replace the suspended use of the Matron noise monitoring equipment. The trial was now in its third week and was working well. The app was working well in other Councils and had been used as evidence in noise abatement cases.

In response to questions asked by Members, the Head of Health & Community Protection, the Safer Communities Manager and the Portfolio Holder for Health & Community Protection, Councillor Falp, explained that:

- The app could be used as evidence in court, but there were limitations because certainty was required on the source of the noise recorded. It was felt that solid evidence was better provided by officer visits. The main focus of using the app would be in the early stages of noise complaints and in the hope that the threat of legal action would prevent the complaint going further. Not many cases did proceed to court, so court evidence was not the primary focus of the app.
- The established "Night Noise Service" was not currently running because of operational difficulties uniquely caused by the Covid

pandemic restrictions and ensuring the safety of officers and residents so that they were not potentially exposed to the virus. The Night Noise Service was there to allow officers to “witness” the noise and establish if there was a statutory nuisance or if an abatement notice had been breached. It was not there to actively “stop” the noise.

- Noise complaints tended to fall in the winter because people keep windows and doors shut. There had been a spike in complaint levels last summer.
- Assuming a successful outcome from the app trial, it was hoped to “go live” on 5 April.

The Chair thanked the officers for attending the meeting and it was recognised that the department had been under enormous strain because of the additional work imposed because of the pandemic.

42. **Review of the Work Programme, Forward Plan and Comments from the Executive**

The Committee considered its work programme for 2021, the Forward Plan and the response from the Executive to its comments in November.

Members were informed that the update on plans to improve accessibility to, and the condition / cleanliness of, toilets for people living with disabilities had been delayed until such point as budgets had been agreed for improvements, so that officers would be able to work out what could be done. The update would come forward to Committee when there was something to report.

Members also agreed that in light of most Working Parties having been disbanded and replaced with PABS, there would be no need for a year-end report on Working Parties and Forums because information on the work being done on those remaining was readily accessible elsewhere. It was also confirmed that the annual report on Outside Bodies would go to all District Councillors and would not come to Committee unless a request was made by a Councillor.

Appendices 1 and 2 were noted subject to the agreed changes in the paragraph above being made to Appendix 1.

Appendix 3 “T&F Group – Role of Chairman” had been circulated to all Committee Members. In the absence of any requests for the report to come before Committee, the report was noted.

Appendix 4 “Shared Environmental Enforcement with Rugby Borough Council” had been circulated to all Committee Members. In the absence of any requests for the report to come before Committee, the report was noted. Councillor Davison remarked that the report had mentioned about moving towards working with Stratford District Council rather than Rugby Borough Council. He felt it would be useful to receive information on the Stratford Street Scene Team and how what their team did was different to what happened at Warwick District Council. He noted that the fly tipping enforcement should be recommencing after April and would appreciate a report to scrutinise the service once it did recommence and how the services were different. The Chair asked the Principal Committee Services

Officer to put this on the Work Programme for once the service had been running for six months so that there was something to report.

The Chair read out a statement from Councillor Mangat (see below) giving an update on the work of the Task & Finish Group, Race & Equality. A request to delay the report on internal staffing issues until April was agreed:

“The Group is in the final stage of the internally facing part of the review (essentially looking at race equality within the work place). The Group wanted to hear directly from colleagues about their own experiences during their time with the Council and for this to be effective they needed somebody independent from the Council to meet with colleagues on a one to one basis. For that reason, they appointed Monica Puri, Principal Consultant from West Midlands Employers, to meet with a selection of officers and from Black, Asian and ethnically diverse communities.

Volunteers were sought by promoting the opportunity to all staff within WDC, by sharing with managers, staff voice, email and the intranet. As Councillors will be aware, they were also given the opportunity to participate.

I am pleased to say that 11 volunteers have come forward and the meetings will take place next week, with draft feedback from Monica shortly afterwards. Once this is finalised, the Committee will be able to complete the first half of their work which they anticipate will be reported to the April meeting of the Committee.

While this is later than anticipated this was to enable time to establish the staff meetings using somebody with the correct skills and knowledge but also enable those volunteers to fit the meetings around their work commitments.”

Resolved that

- (1) the following appendices to the report be noted:
 - Appendix 1 – Work Programme
 - Appendix 2 – Comments from the Executive; and
 - Appendix 3 – T&F Group – Role of Chairman; and
 - Appendix 4 - Shared Environmental Enforcement with Rugby Borough Council;
- (2) the Task & Finish Group – Race and Equality report currently scheduled in March on the Work Programme be moved back to April;
- (3) a report on the Stratford Street Scene Team and on how their fly tipping enforcement service differed from the one operated currently at Warwick District Council be added to the Work Programme for six months after the fly tipping service has recommenced;

- (4) the annual report on work done by Working Parties and Forums is no longer required; and
- (5) the annual report on Outside Bodies will be sent out to all District Councillors and will not come to the Committee unless a specific request is made.

43. **Step Back Review Task & Finish Group on the Council's response to Covid 19**

The Committee considered a report from the Deputy Chief Executive (BH) which brought forward the work of the Step Back Review Task & Finish Group on the Council's response to the Covid 19 pandemic, undertaken by Councillors Ashford, Alix Dearing, Jacques, Kohler, Milton and Nicholls.

The report had originally been listed on the agenda under Item 4, Work Programme. At the time of publishing the agenda, it was not apparent that parts of the report were confidential but once this became apparent, with the agreement of the Chair, the report was published as an additional item.

If the Committee approved the report, it would go forward to Executive for consideration.

The report contained 10 appendices, some of which were confidential:

Appendix One - Summary of findings & recommended actions;

Appendix Two - A timetable of actions on the People and Communications theme;

Appendix Three - The results of Manager, Staff and member surveys on the Council's response;

Appendix Four- The Vision document that was provided to the leadership Coordination Group;

Appendix Five - A report on the work of the Shielding Hub;

Appendix Six - The Organisational Recovery template we used to assess which staff would return to Riverside House and how we would support those that continue to work at home;

Appendix Seven - The economic recovery plan was something that SMT started working on from April;

Appendix Eight - The shielding hub stand up plan is indicative of the planning that was being envisaged in Sept/Oct and will now, no doubt, be revisited following confirmation of the lockdown plans by Parliament this week;

Appendix Nine - Summary of SMT responses to Task and Finish Group's remit; and

Appendix Ten - CMT feedback on the proposed recommendations.

Councillor Dearing suggested that going forward she would like to see clear, simple information provided to residents on a daily basis that was easily accessed, giving people the information that they needed to know. This should be kept updated on a continual basis so that it was current.

In considering the comments received from CMT in response to the recommendations, Members felt that it was important to recognise that staff had responded differently to the working environment subsequent to

the Covid-19 pandemic and felt that not all staff had had the opportunity to speak to their managers about the stress they were under. Members felt that it was right to leave those elements mentioned in the report alone because the human element needed to be captured, not just the processes that had taken place to accommodate the changes to work practices. For that reason, they felt that the recommendations set out in Appendix 1 to the report should go forward as set out in the report.

Resolved that

- (1) the findings of the Step Back Review Group be noted;
- (2) the recommendations set out at Appendix 1 be endorsed;
- (3) the comments of the Corporate Management Team set out at Appendix 10 be noted; and
- (4) the recommendations in the report be agreed and be presented to Executive for its consideration and response.

(The meeting ended at 9.16pm)

CHAIR
16 March 2021