

Overview and Scrutiny Committee
23 JULY 2018

Present: Councillors: Leonard Crosbie (Chairman), David Coldwell (Vice-Chairman), Toni Bradnum, Paul Clarke, Jonathan Dancer, Matthew French, Nigel Jupp, Lynn Lambert, Mike Morgan, Brian O'Connell, Kate Rowbottom and Michael Willett

Apologies: Councillors: Tim Lloyd and Ben Staines
Absent: Councillors: Billy Greening

Also Present: Councillor Ray Dawe

SO/14 **MINUTES**

The minutes of the Committee held 4th June 2018 were approved as a correct record of the meeting and signed by the Chairman.

The minutes of the Committee held 26th March 2018 were approved as a correct record of the meeting subject to the following amendment to SO/46a.

The amended minute should read:

SO46a

“Two members of the public spoke in support of this item.

This item had been raised as a suggestion from a member of the public regarding concerns about access to information regarding planning and access to viability information.

The Committee noted the suggestion and agreed that there were matters of concern.

The Committee also noted that whilst it could not review planning matters as they were outside of the remit of Overview and Scrutiny, it could and should review the process surrounding the redaction by HDC of material that was deemed not to be commercially confidential by the ICO.”

SO/15 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

SO/16 **ANNOUNCEMENTS**

There were no announcements.

SO/17 **CABINET MEMBER INTERVIEW**

The Leader was invited to the meeting of the Committee as part of the on going programme to interview Cabinet Members.

There had not been any questions submitted for the Leader in advance of the meeting by the agreed deadline, therefore the Leader agreed to answer questions of a general nature on Council activities.

The Chairman of the Committee expressed his concern regarding the Novartis site in Horsham. West Sussex County Council (WSSCC) were looking to undertake a housing programme on the site and the Chairman asked for the Leader's view on the proposal and the departure from the original intention to use this as a science park creating employment for the District. The Leader's views were that the site should be as much commercial as is viable, there was a job deficit in the District but he would await the viability report to understand WSSCC's intentions for the site before a formal response could be made.

The Committee asked when the results of the Local Plan Review would be available which would show the parish and neighbourhood councils' reactions to the number of sites in the District which could be used as employment sites.

The Committee asked the Leader how the Transformation Programme was progressing, as this would have an impact on the Medium Term Financial Strategy. The Leader explained that extra funding had been put into the programme and the Council would be concentrating on efficiency, delivering existing services at reasonable cost.

One Member asked how Overview and Scrutiny could add the greatest value to the Council going forward. The Leader suggested that the Committee look at areas where the Committee could make a difference, suggestions and ideas which contribute to the overall aim and direction of the Council. Learning lessons from looking back but focussing on looking forward.

The Chairman thanked the Leader for attending the meeting and answering the Committee's questions.

SO/18 **EFFECTIVENESS AND TRANSPARENCY OF OVERVIEW AND SCRUTINY COMMITTEE**

The Chairman prepared a paper on the effectiveness and transparency of the Overview and Scrutiny Committee, which was circulated as part of the agenda. The Committee was asked to approve the recommendations in the paper.

Recommendation one would be picked up by the second paper on the agenda (agenda item 7) which would approve the setting up of a new task and finish group to review the engagement of Overview and Scrutiny in Council activities.

The Chairman sought approval from the Committee for the remaining recommendations.

Members questioned how the recommendations three to five would be implemented, the Chairman explained that these issues had arisen from the report of the House of Common Committee on Effectiveness of Local Authority Overview and Scrutiny in December 2017 and recommended ways of effective working for scrutiny which should be adopted, and these should be dealt with internally with the support of the officers.

The Committee supported the paper and the Chairman and Vice Chairman would follow up the recommendations in discussions with the officers and report back to the Committee, together with the conclusions of the task and finish group.

RECOMMENDED TO GOVERNANCE COMMITTEE

That the Scrutiny and Overview Committee report to full Council and not the Cabinet.

REASON

To support the effectiveness of local authority Overview and Scrutiny as identified in the House of Commons Report December 2017.

SO/19 **ENGAGEMENT OF THE OVERVIEW AND SCRUTINY COMMITTEE IN COUNCIL ACTIVITIES**

The Chairman of the Committee presented a paper to help enhance the effectiveness of Overview and Scrutiny in the future by looking at how it scrutinised aspects of the Council's business going forward.

Arising from this was a suggestion for a new task and finish group to look at how Scrutiny engages with activities such as the Corporate Plan, the Budget and Medium Term Financial Strategy and the Transformation Programme, the task and finish group would not review these items but at how Scrutiny should review them.

The Committee supported the suggestion and it was agreed that the following Councillors sit as members of the new task and finish group: Councillors Leonard Crosbie, David Coldwell, Paul Clarke, Jonathan Dancer, Nigel Jupp, Lynn Lambert and Brian O'Connell.

SO/20 **REPORT ON THE COUNCIL'S CORPORATE PLAN PRIORITIES, FINANCE AND PERFORMANCE IN 2017/18**

The Committee received the Report on the Council's Corporate Plan Priorities, Finance and Performance for 2017/18 with details of how successful the Council had been in delivering its services against the identified Corporate Plan Priorities.

The following questions on the report were submitted prior to the meeting and these, along with the answers, were presented at the meeting:

1. PP10: Number of complaints received: 183 in total, this was down on last year which was good, but do we know how many were resolved at the initial stages and how many went forward? The report from the Local Government Ombudsman indicated that there seem to have been 20 complaints of which only 3 were upheld which is very good.

Officer response:

Of the 183 complaints that the Council received, only 32 went to stage 2 of the complaints process. 20 were escalated to the LGSCO and of those, three have been recorded as upheld, one more than last year. The Council was currently disputing one of these as the decision notice we received indicates that it was not upheld.

2. SSC9b: No. of enforcement notices: 18 enforcements - were good results produced?

Officer response:

The Council has a dedicated post for covering enviro crime which had allowed the Council to investigate reported crime resulting in a number of actions being recorded. The 18 enforcement actions mainly consisted of letters of caution sent to individuals where insufficient evidence existed to pursue any other line. In addition to this we had two prosecutions both for Failure under Duty of Care as opposed to the act of Fly Tipping. Ultimately failure to discharge liability under Duty of care leads to 3rd party fly tipping. The Council had two further cases pending at the time which were likely to end in prosecution.

It should be noted that the Council investigates under PACE which requires the same evidential level and process requirement to be followed as one would for serious crime. It's therefore quite complex and resource intensive. The level of enviro crime continues to rise particularly fly tipping which was notoriously difficult to prosecute given that the perpetrator must be seen carrying out the act of fly tipping. We are therefore investigating the possibility of procuring redeployable CCTV.

3. OP17: Number of refuse, recycling and garden waste collections reported as missed: Could the numbers of bins missed be explained, how can missed bins be in fractions?

Officer response:

The reported figure was the monthly average across the year. The number of collections monthly before the introduction of fortnightly collections was in excess of 412,000.

4. DM19: % Major applications determined under 13 weeks or subject to voluntary extension: How many major applications involved?

Officer Responses:

Major Applications - 65 across the year.

Further questions to the Director of Corporate Services at the meeting:

Capital expenditure amounted to £28m, which was 61% of the approved Capital Programme. Has this underspend been identified in the past two years?

The Director explained that this type of underspend was common across a number of authorities. Officers were asked to spread Capital programmes across the year, it often was the case that officers did not spend in the year what they had intended to as they may have been optimistic with the timing of a project.

The Directors encouraged officers to be realistic about the delivery of their projects. These figures did not indicate an inefficiency.

Members questioned how much of the debtors figure would be written off? The Committee was advised that the Council did not write off large amounts of debt and the reason for these debts was often due to lengthy on going disputes.

The Chairman commended the figures of both LS01a: Attendance at sports centres and LS01b: Swimming attendances, which were both higher than budgeted.

Alongside this the Chairman also welcomed the total figures from parking income: TS02a: Total paid car park users, which were also significantly above budget.

VE10: Commercial property return on investment: The Committee noted that the acquisition of The Forum had caused the significant difference in these figures.

Members questioned the variance in the staffing cost figures. The Director explained the main reasons for staff turnover and that a proportion of this was due to the transfer of TUPE staff. This was not an area of concern for the Director. However she explained the difficulty the Council faced in recruiting professional staff and that it was currently looking at different options i.e. apprenticeships and staff training.

Members noted that the 22 members of Census IT employees had now left the Council, therefore the variance in staff figures was not anticipated to be so significant next year.

The figures for temporary staff were anticipated to be lower next year, as the numbers had increased to deal with the roll out of the new waste collection service.

The Chairman concluded by reminding the Committee that all questions based on the Corporate Plan Priorities report should be submitted in advance of the meeting in order to allow officers sufficient time to prepare the answers.

SO/21 **TASK AND FINISH GROUP UPDATES**

- a Census Revenues and Benefits Task and Finish Group
The Chairman of the Committee proposed to close the Census Revenues and Benefits Task and Finish Group due to the extended delay in presenting its final report to the Committee. Instead a summary paper on the findings of the review was proposed, from the Chairman of the Task and Finish Group.

The Chairman of the Task and Finish Group asked for the opportunity to complete this review.

Members noted that the Group was formed in May 2017 and the Committee was reminded that only three task and finish groups could run at one time.

After discussion it was agreed by the Committee that the Task and Finish Group would be closed. However the members of the Group should produce a draft interim report which would be presented to the Chairman and Vice Chairman of the Committee, at the earliest opportunity.

Following this stage, the report could be presented to the Chief Executive and relevant officers as part of the consultation, as the Chairman of the Group. Then a collective decision on whether the report was ready to come forward to Overview and Scrutiny in September, would be made.

- b Review of Councillors' Technology Task and Finish Group
The Chairman of the Task and Finish Group explained that a questionnaire had been sent to all Councillors asking about their technology needs and issues. 29 Councillors had responded and their answers were reviewed.

A draft report had been prepared and this sought to address the needs of the Councillors whilst meeting security requirements as set down by the General Data Protection Regulations.

The Group would have its final meeting in August and it was anticipated that the final report would be presented to the next meeting of the Overview and Scrutiny Committee.

The Chairman of the Group thanked the officers for their contribution to the review.

SO/22 **WORK PROGRAMME 2018/19**

Two members of the public spoke on the Work Programme. They both spoke in relation to a work programme suggestion which had been submitted to the Overview and Scrutiny Committee on 26th March 2018 which raised concerns regarding access to information and access to viability reports. They were concerned that this item had not been included on the work programme for the Committee and that there had been no official communication regarding the status of the proposal.

After listening to the speeches the Chairman concluded that the Committee acknowledged the statements made by the members of the public. Legal advice would be sought on the matters raised in the statements. And the Committee would attempt to incorporate, where possible, the main aspects of the statements into the work programme.

Copies of the statements made by the members of the public would be circulated to the Committee.

The Chairman, together with the Vice Chairman, would seek advice from the Council's lawyers and the Chief Executive, on how to address the concerns raised in the speeches regarding redaction of information and the ICO report findings.

This was agreed by the Committee.

SO/23 **SUGGESTION FOR THE WORK PROGRAMME TO REVIEW THE TRAINING OF COMMUNITY EMERGENCY FIRST RESPONDERS BY SECAMB**

This suggestion was raised by Councillor Morgan following concerns about delays in the training of Community Emergency First Responders by South East Coast Ambulance Service (SEACMB).

Community Emergency First Responders were considered to provide an essential service in villages such as Henfield where ambulance response times can be slow due to their rural location.

The suggestion for the work programme was to review the training programme for first responders.

The Committee discussed the suggestion and expressed support for this proposal, although agreed that Councillor Morgan should meet with the Cabinet Member for Community and Wellbeing to discuss this issue and how to take it forward, taking into consideration both the North and South of the District.

SO/24 **URGENT BUSINESS**

None.

The meeting closed at 7.40 pm having commenced at 5.30 pm

CHAIRMAN