



# Overview and Scrutiny Committee

Monday, 5th June, 2017 at 5.30 pm  
Conference Room, Parkside, Chart Way, Horsham

Councillors:

Toni Bradnum	Nigel Jupp
Alan Britten	Tim Lloyd
Peter Burgess	Mike Morgan
Paul Clarke	Brian O'Connell
David Coldwell	Ben Staines
Leonard Crosbie	Michael Willett
Jonathan Dancer	Tricia Youtan
Matthew French	

You are summoned to the meeting to transact the following business

Tom Crowley  
Chief Executive

## Agenda

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	Page No.
1. <b>Election of Chairman</b> <i>(The Overview and Scrutiny Committee Chairman will be elected from those Members who are not of the majority group unless they are not available or otherwise unwilling to be nominated as Chairman. (HDC Constitution Part 4c.5))</i>	
2. <b>Apologies for absence</b>	
3. <b>Appointment of Vice Chairman</b> <i>(The Vice-Chairman of the Overview and Scrutiny Committee will be from the majority group (HDC Constitution Part 4c.5))</i>	
4. <b>To approve the time of the meetings of the Committee for the ensuing year</b>	
5. <b>Minutes</b> To approve as correct the minutes of the meeting held on 3 <sup>rd</sup> April 2017	3 - 12
6. <b>Declarations of Members' Interests</b> To receive any declarations of interest from Members of the Committee	

7. **Announcements**

To receive any announcements from the Chairman of the Committee or the Chief Executive

8. **Review and Approval of of Self Evaluation Report and Committee Structure for 2017/18** 13 - 26

9. **Appointment of Members to any Sub-Committees or Task and Finish Groups**

10. **Appointment of a Member to the WSCC Health and Adult Social Care Select Committee**

11. **Call-In Procedure** 27 - 28

12. **Report from the Business Improvement Sub-Committee on S106 Funding Review** 29 - 32

13. **Overview and Scrutiny Work Programme and Proposals** 33 - 36

14. **Urgent Business**

Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

# Public Document Pack Agenda Item 5

## Overview and Scrutiny Committee 3 APRIL 2017

Present: Councillors: Leonard Crosbie (Chairman), David Coldwell (Vice-Chairman), Toni Bradnum, Alan Britten, Paul Clarke, Matthew French, Nigel Jupp, Tim Lloyd, Brian O'Connell, David Skipp, Ben Staines, Michael Willett and Tricia Youtan

Apologies: Councillors: Roger Clarke and Jonathan Dancer

Also Present: Councillors: Brian Donnelly and Gordon Lindsay

### SO/55 MINUTES

The Committee agreed two addendums to the minutes of the meeting held on 30<sup>th</sup> January 2017 item SO/48 Review of the proposed Council Budget:

- a) The Budget's proposed expansion of the Council's real estate investment/non-operational portfolio by £3million per annum from 2017/18 to 2020/21 (detailed in the report to Cabinet on 26<sup>th</sup> January 2017 Appendix E(i)) would be financed solely by the Council's sale of assets, yet to be identified, that provided minimal or nil financial return
- b) The Council's Gross Debt and the Capital Financing Requirement (Report to Cabinet on 26<sup>th</sup> January 2017 Appendix G) provides for the Council's 2016/17 current external borrowings of £4million, to be repaid by 2019/20 and that no additional external borrowing is proposed to take place before 2019/20

### SO/56 DECLARATIONS OF MEMBERS' INTERESTS

There were no declarations of interest.

### SO/57 ANNOUNCEMENTS

There were no announcements.

### SO/58 CABINET MEMBER INTERVIEW

The Cabinet Member for Local Economy was invited to the meeting of the Committee to answer a number of questions prepared by Committee Members in relation to his portfolio, he was also asked to present his portfolio summary.

1. *Strategy for tourism: I note that there are several references to a strategy for tourism through HDC documents. Can the Cabinet Member advise just how such a strategy can be implemented and if there are*

*discussions with neighbouring councils and National Park to develop a coordinated approach tourism? Councillor Coldwell*

The Cabinet Member for Local Economy replied as follows:

*The work of Acorn Tourism will produce a Visitor Economy Strategy for the District. As part of the development of the strategy they will be talking to WSCC, Coast to Capital and the National Park to ensure that there is a co-ordinated approach. Our neighbouring authorities have a mixture of leisure strategies, visitor guides, cultural strategies. There is also work progressing across Coastal West Sussex to promote the Visitor Economy. We are already liaising with CWS to ensure that there is a co-ordinated approach. The work will also look at visitor accommodation.*

*The second part of Acorn's commission is to establish a new Partnership, which will need to involve our visitor economy businesses. The Partnership will be primarily responsible for implementing the new Strategy.*

- 2. In the MTFS 2017-21 there appears to be no allocation of Resources for Economic Strategy objectives. This despite the following conclusions presented to Cabinet on 14th January in the Horsham District Economic Strategy- Employment Land: 1.4 "Resources need to be focused to identify new employment opportunities and secure economic growth" Resources Consequences 7.1 "A review of the Economic Development Team has taken place and the necessary resources will be in place to deliver the new strategy." Councillor Crosbie*

The Cabinet Member for Local Economy replied as follows:

*Clare Mangan was appointed Economic Development Manager in 2015 and we are in the process of hiring a research assistant to develop and maintain a business sites DB and to update the web site which at the moment looks more like a visitor's web site. We will also produce improved economic reports.*

- 3. Currently the Cabinet is evaluating future investment opportunities for the Council including launching a housing company; increasing investment in a property portfolio, amongst others. Are Economic Strategy objectives also included as possible investment options by the Cabinet? Councillor Crosbie*

The Cabinet Member for Local Economy replied as follows:

*We are currently looking for a suitable site for a Basepoint facility. When we have done this we will prepare a business case.*

- 4. The Economic Strategy states the following: ....our economic performance has been poor; we are the worst performing authority in West Sussex; we must create conditions that support the local economy;*

*the visitor economy generates economic and social activity; the market towns .....face significant challenges, in particular the retail sector. A priority must be to support the market town businesses and enhance the vitality of their High Streets."*

*The key objective of the Economic Strategy states: "To help retain existing businesses."*

*In the light of these clear statements can the Cabinet Member please explain how he believes that the introduction of car parking charges in the rural communities is going to: help retain existing businesses, enhance the vitality of the rural High Streets, create a condition that supports the local rural economies, value the rural towns within HD and support them in evolving as modern economic locations and to encourage visitors to spend their leisure time in the local area? Could the cabinet member also let the committee know what his proposals are to develop the rural economies further than the broad outline of the Economic Strategy, which is lacking in substance and ideas and, what plans he has should the introduction of car parking charges be found to reduce the number of visitors and consequently damages the rural local economies? Councillor Lloyd*

The Cabinet Member for Local Economy replied as follows:

*The introduction of rural car parking charges will generate income which will be used to improve monitoring of car parks and to improve car parks and make them a bit more welcoming for visitors. Given that the main users of the car parks are Horsham District residents and that the very low cost disc can be used in all district rural car parks this may incentivise people to visit other car parks in the district.*

*One of the most important actions to improve rural economies is to identify more rural sites for economic development. In addition we have to make our HDPF more business friendly. For example policy 10 on rural economic development requires developments to "result in substantial environmental improvement." This has resulted in planners over emphasising landscaping requirements thus making it very difficult for small businesses to expand.*

*In developing the rural car parking proposals significant consideration was given to how new proposals could support the rural economy. These included:*

- *Feedback from local businesses was that the current system was confusing, clunky and not user friendly and discouraged visitors.*
- *We have introduced pay and display machines which are straightforward and familiar to all car owners.*

- *We have considered users and customers that frequent our market towns regularly and given that nearly 90% of the users surveyed last summer were local people, we developed a disc systems which is easy to use, requires a small one off purchase and can be used in all the rural car parks. The one off charge also encourages loyalty and customers wanting to get value for money out of their parking disc. Whilst we could have gone down the use of pay and display machines for every visit, as many market town areas do, we considered that this did not encourage convenience and loyalty.*
  - *We have taken into consideration the needs of market town businesses understanding that they and their employees need places to park with convenience knowing they can get to work on time. We have considered local needs and demands of local employers to provide a sufficient number of long term season tickets in all of our market towns.*
  - *We have also set the maximum parking times to reflect and encourage 'churn' and freeing up of spaces. Some areas are limited to 2 hours to ensure cars are not occupying spaces all day or for long periods which prevents customers using them.*
5. *In the HDC Business Survey (2016) firms identified "Business Support" as their 3rd Priority.  
Surely the launch of Horsham as a WI FI Town would offer significant support to businesses all types.  
Also the project would be excellent PR for the Council and the Local Economy. Councillor Crosbie*

The Cabinet Member for Local Economy replied as follows:

*The Town Centres and Events Manager is currently working on this. Good Wi-Fi networks need to be managed and we have to ensure there is a sound business case. I don't think it necessarily should be assumed that a Wi-Fi network is beneficial to town traders so we have to determine whether they would support such a project.*

6. *There is much made of migration of young people out of the District. This is surely to be expected as many will go to university or colleges of higher education gain qualifications and obtain jobs worldwide.*

*There is however a shift in that many cannot afford or do not wish to move on after school or college.*

*Has a survey of young people been undertaken in the area as to what employment they are looking for, what sort of numbers make up this cohort? How many apprenticeships are available in the district? It is encouraging to see aspiration for more liaison with businesses and colleges could we be given a timeline as to when and where events will*

*be held? Who assesses the outcomes and where is the information published? Councillor Skipp*

The Cabinet Member for Local Economy replied as follows:

*The Economic Development Officer is developing some specific actions around apprenticeships. We partnered with WSCC in relation to an apprenticeship fair on 28th March and undertook a survey of attendees who might be interested in taking up an apprenticeship with HDC and the subject areas. Under the new levy, HDC will be developing 11 apprenticeship opportunities. The model we develop can then be used in our conversations with businesses to help them set up their own apprenticeships. Under the LEAP scheme we provided funding for 3 apprenticeships and have c4 other businesses interested in setting up new apprenticeships.*

*The Economic Development Officer is starting to work on this year's job fair.*

*In terms of results we have published outcomes in the ED bulletin as well as press releases following events.*

*The developing action plan is looking at whether we need to set up an Education Business Partnership and how we can help to co-ordinate careers fairs with our schools and colleges. I am currently updating the action plan in relation to outcomes and the timelines.*

- 7. Budget 2016/17 shows the gross expenditure of Economic Development Departmental costs as: £472,365. An additional sum of at least 25-50% should be set aside to support the ambitious objectives identified in the Strategy Report. Councillor Crosbie*

The Cabinet Member for Local Economy replied as follows:

*Additional resources can be bid for once there are specific business cases e.g acquisition of land to facilitate a business hub. A more critical area is regarding the need to find matched funding to secure external funding. Again, where there is a business case established re the outcomes, a bid can be made to existing HDC resources. One priority area for us is in drawing up such business cases and having the resources to submit bids.*

The Cabinet Member for Local Economy was asked to comment on his portfolio summary, also presented to the Committee. He addressed the Corporate Plan Priorities and the updates on the position at February 2017.

Members went on to question the Cabinet Member on rural car parking strategy which had been implemented and whether this had had an adverse effect on the villages. Steyning was in the process of producing its business review report which would provide feedback on how the businesses had been affected. Also the Cabinet Member would review the progress of the strategy in approximately six months.

In relation to the Billingshurst Village Centre SPD, Members suggested that another progress meeting be held following approval from Cabinet later in April. The Cabinet Member agreed to this.

The Committee discussed briefly some other aspects of the Cabinet Member's portfolio, such as a lack of expansion sites in the District for business parks and concern regarding the lack of affordable housing for young people in Horsham. The Cabinet Member was asked when the Council's apprenticeship scheme was due to progress and he agreed to report back on this.

The Chairman concluded that the Horsham District Economic Strategy was very ambitious, covering the whole of the District, there were many challenges in the Strategy and a large agenda for the Cabinet Member and officers to deliver. The Overview and Scrutiny Committee would continue to observe progress made under the Strategy and how the objectives were met.

SO/59 **STORRINGTON AIR POLLUTION NOTE**

A report on Storrington Air Pollution was provided for the Committee by the Environmental and Licensing Manager after concerns were raised by Councillor Ben Staines at a previous meeting.

A recent monitoring exercise had recorded Storrington with having the highest levels of air pollution. The Council was working with West Sussex County Council to address this issue and reduce emissions from traffic, as the main cause of the pollution in Storrington was traffic related.

Members of the Committee questioned whether the traffic problems should be included in the upcoming review of the Horsham District Planning Framework, before further development in Storrington and the surrounding area.

However it was noted that this was a far larger problem which due to a lack of infrastructure to support the development and problems with the roads, it also related to housing and businesses.

SO/60 **OVERVIEW AND SCRUTINY SELF EVALUATION EXERCISE - REPORT TO DATE**

Councillor David Coldwell, Chairman of the Overview and Scrutiny Self-Evaluation Project Group, presented a report on progress to date.

The Committee was asked to approve the recommendations presented in the report.

The Chairman of the Project Group talked the Committee through the report and the work which had been undertaken so far and the next steps.

The Group had concluded that the Overview and Scrutiny training sessions had been inadequate, more work needed to be done in relation to work programming, the Scrutiny Guide was a valuable document which should be recirculated to Members of the Committee.

Going forward, the Group would be considering the role of the sub-committees and whether task and finish groups would be more appropriate.

The Chairman of the Group asked for support for the Project Group to present their findings to a wider group of Members in a seminar style discussion later in April, this was supported by the Committee.

The Committee discussed the report and the functions of the Committee in terms of its “overview” role and its “scrutiny” role. Members felt that the Council was more transparent in terms of decision making, there was better access to information and therefore the scrutinising role was not required to the extent that it had been in the past.

The Members also discussed the Policy Development Advisory Groups and were keen to ensure that the Committee did not duplicate the work undertaken by these but were reminded that the role of these were different to that of the sub-committees.

The Committee was reminded that scrutiny was established when the Cabinet system was introduced by the Local Government Act in 2000 and decisions were no longer made at full Council.

The Committee approved the recommendations in the report and agreed that it was a timely and comprehensive report and supported the proposal to set up a seminar to discuss the final report in a wider forum.

The Scrutiny Guide would be circulated to all Councillors.

#### RECOMMENDED

That the Committee:

- (i) Endorse and support the progress of the self-evaluation project group
- (ii) Note the next steps identified in section 4 of the report and participate in a member seminar in April.

#### REASON

To enact Overview and Scrutiny Committee minute reference SO/53 by participating in the nationally recognised self-evaluation framework for overview and scrutiny, in order to prepare for the function for the forthcoming municipal year.

SO/61 **SUB-COMMITTEES - CHAIRMAN'S UPDATE**

- a) The Chairman of the Business Improvement Sub-Committee updated the Committee, the next meeting of the Sub-Committee was on 2<sup>nd</sup> May 2017 when the Members would review the S106 funding report before presenting it to the Overview and Scrutiny Committee.
- b) The Chairman of the Finance and Performance Sub-Committee explained that there had been an informal briefing with the Cabinet Members regarding CenSus Revenues and Benefits, and the reduction in subsidy for Horsham District Council in relation to housing benefits. The Chairman confirmed that a report would be presented to a future Overview and Scrutiny Committee.
- c) The Chairman of the Health and Social Inclusion Sub-Committee explained that Members had met with the doctors from the CCG at the last meeting.
- d) The Chairman of the Crime and Disorder Sub-Committee was not present at the meeting, but the Chairman thanked him for his work over the course of the year as he was stepping down as to become Chairman of the Council for the forthcoming year.

SO/62 **TO RECEIVE ANY SUGGESTIONS FOR THE OVERVIEW AND SCRUTINY WORK PROGRAMME**

Two suggestions had been raised for the Overview and Scrutiny Committee Work Programme:

1. To examine, with a view towards solving, traffic issues, access issues and other problems at primary schools in the District.

This arose at a meeting with the local member and Upper Beeding Parish Council, however it was considered a district wide problem. Traffic issues around the schools in the residential areas lead to antisocial parking and antisocial behaviour. It was suggested that a sub-committee be set up to look at the particular problems in the village then hopefully, by working with West Sussex County Council, find a solution which could be applied to all schools.

Members noted that some work had already being undertaken by the CLC, so it was suggested that this be looked at in conjunction with this review.

It was noted that this was a nation wide problem.

2. The second suggestion for the work programme was to review the position to date in terms of the Business Transformation Programme, for

example how it delivered, current staff levels and whether financial targets had been achieved.

It was suggested that task and finish groups could be set up to look at these suggestions.

The Committee approved the two suggestions for the work programme.

SO/63 **REPLIES FROM CABINET/COUNCIL REGARDING OVERVIEW AND SCRUTINY RECOMMENDATIONS**

There were no replies from Cabinet or Council.

SO/64 **URGENT BUSINESS**

There was no urgent business.

*The meeting closed at 7.32 pm having commenced at 5.30 pm*

CHAIRMAN

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## Report to Overview and Scrutiny Committee

5 June 2017

By the Governance Project Manager

**DECISION REQUIRED**



**Horsham  
District  
Council**

Not Exempt

### Report of the findings of the Overview and Scrutiny Self-Evaluation Group 2017

#### Executive Summary

The Overview and Scrutiny Committee resolved at its meeting on 30 January 2017 to undertake a Self-Evaluation of the Overview and Scrutiny function using the Centre for Public Scrutiny (CfPS) Self-Evaluation Framework. This report sets out the findings of the self-evaluation, and recommends that the structure of the Overview and Scrutiny function be adjusted for 2017/18.

#### Recommendations

That the Committee is recommended to:

- i) **Adopt 'structural model B' as described in 3.7 of this report to discharge the overview and scrutiny function for 2017/18**
- ii) **Consequentially adjust the existing work programme to discharge the function according to the structural model agreed at i)**

#### Reasons for Recommendations

To enable the Overview and Scrutiny function to be more effective and aligned to the good practice identified by the Centre for Public Scrutiny.

#### Background Papers

- Presentation to an all-member seminar 8 May 2017.
- Completed self-evaluation template

**Wards affected:** All Wards

**Contact:** Ben Bix, Governance Project Manager.

## **Background Information**

### **1 Introduction and Background**

- 1.1 The Overview and Scrutiny Committee resolved at its meeting on 30 January 2017 (SO/53) to undertake a Self-Evaluation of the Overview and Scrutiny function using the Centre for Public Scrutiny (CfPS) Self-Evaluation Framework. The framework can be found on the CfPS website.

### **2 Relevant Council policy**

- 2.1 All corporate plan priorities would benefit from an effective overview and scrutiny function in 2017/18.

### **3 Details**

- 3.1 The Committee urged that the self-evaluation be undertaken as soon as possible. The Chairman and Vice-Chairman of the Committee examined the CfPS framework and discussed how best to undertake the self-evaluation in a thorough but timely manner so that the findings of the self-evaluation could be enacted for municipal year 2017/18.

- 3.2 The self-evaluation framework provides a series of steps to guide participants through the framework. The framework suggested that a 'project group' of Overview and Scrutiny members be formed and that one officer supports the group. The Chairman and Vice Chairman felt that a group of experienced scrutiny members and members new to scrutiny would be appropriate.

- 3.3 The evaluation project group was selected by the Chairman and Vice Chairman of the Committee accordingly:

- Councillor Coldwell (Chairman of the Self-Evaluation Project Group)
- Councillor Crosbie (Chairman of the Overview and Scrutiny Committee)
- Councillor Jupp (Chairman of Finance and Performance Sub-Committee)
- Councillor O'Connell (Chairman of Business Improvement Sub-Committee)
- Councillor Skipp (Leader of the Liberal Democrat Group and Chairman of Health and Social Inclusion Sub-Committee)
- Councillors Bradnum, Dancer and Willett (Members of the Overview and Scrutiny Committee 2016/17)

- 3.4 The group completed the self-evaluation framework in seven task and finish style meetings at Parkside supported by the Governance Project Manager.

The group has:

- a) Agreed the design principles for the overview and scrutiny function
- b) Taken stock of the function to May 2017, including 'looking in' and 'looking out'
- c) Used a, and b, to consider the future role of overview and scrutiny, and the role of others
- d) Considered a future role and focus areas for the future

- e) Examined 'productive ways' of working
- f) Examined 'less productive' ways of working
- h) Considered and recommended a structural model, including the number of Overview and Scrutiny committees, and the role of task and finish groups

- 3.5 The findings of the group set out against the criteria provided in the framework is provided in appendix A.
- 3.6 The group hosted an all-member seminar on 8 May 2017. The outcome of that consultation is reported in section 5 below.
- 3.7 The group aligned its recommendation for the future structure of the function with the outcome of the consultation at the all-Member seminar. The CfPS described five models (lettered a-e) in the framework, none of which aligned to the model operating at Horsham in 2016/17. The group noted that the structural model at Horsham (model f in appendix A), demonstrated the 'less productive' characteristics identified by the CfPS. The group also took a sample of the structural models operating at 12 district councils.
- 3.7 The group recommends to the Overview and Scrutiny Committee that a new model structure be adopted to discharge the overview and scrutiny function for 2017/18. This model will be
- One Overview and Scrutiny Committee
  - The Overview and Scrutiny Committee will commission and appoint no more than three 'task and finish groups' to operate at any one time
  - That **no** 'standing bodies', howsoever styled, shall be formed.
- 3.8 The new model structure would align to the majority of the district councils sampled and the CfPS framework insofar that it mitigates the 'less productive' ways of working that were apparent under the 2016/17 structural model. Minor and consequential practicalities of the change will be resolved by officers in consultation with the Chairman and Vice-Chairman of the Committee, including the absorption of the crime and disorder overview and scrutiny function by the Overview and Scrutiny Committee.

## **4 Next Steps**

- 4.5 The recommendations of the self-evaluation group shall be considered at the first meeting of the Overview and Scrutiny Committee in 2017/18 (5 June 2017).
- 4.6 The recommendation set out in this report, to adjust the structure of the function, will be moved and debated.
- 4.7 Subject to the outcome of 4.6, the Scrutiny Officer, in liaison with the Chairman and Vice-Chairman of the Committee will prepare the delivery of the overview and scrutiny function for 2017/18, taking account of the findings of the self-evaluation group described in 3 above.

## **5 Views of the Policy Development Advisory Group and Outcome of Consultations**

5.1 Overview and Scrutiny is not a Cabinet function. The constitutional provisions relating to Policy Development Advisory Groups do not apply. The consultees were therefore:

- a) the Self-Evaluation Group described in 3.3
- b) all members of the council by seminar in May
- c) the Senior Leadership Team as required by the framework

5.2 The all-member seminar held on 8 May 2017 strongly endorsed structural 'model B', as described in 3.7 above as the model for the discharge of the Overview and Scrutiny function in 2017/18. Whilst the self-evaluation group had not been unanimous in its support for a model (and had presented a variant of model F to the seminar), the endorsement of the all-member seminar of Model B steered its recommendation to the committee.

5.3 The Senior Leadership Team endorse the findings of the self-evaluation group.

## **6 Other Courses of Action Considered but Rejected**

6.1 Five alternative structural models to that operating at HDC in 2016/17 were identified by the CfPS. The group considered the strengths, weaknesses, opportunities and threats of each model. Each model is described and was analysed by the group as shown in Appendix A. The group recommends the adoption of 'model B' and consequently, the 2016/17 model structure (model F) will **not** be formed in 2017/18.

6.2 The group considered issuing an electronic questionnaire to gather the views of members, but it was felt that a workshop or seminar during May was better as it would encourage participation and discussion. The Chairman and Vice-Chairman of the Committee (2016/17) valued the enthusiasm and participation of those members in attendance.

## **7 Resource Consequences**

7.1 The Self-Evaluation was undertaken within existing resources. There are no resource consequences flowing from the findings of the review. The adjustment to the structural model recommended in this report can be met within existing resources (one overview and scrutiny committee and not more than three task and finish groups operating at any one time).

7.2 A Special Responsibility Allowance of £2,313 is provided to the Chairmen of the Finance and Performance and Business Improvement Sub Committees – (£4,626 in total). The Independent Remuneration Panel (IRP) will be invited by the Monitoring Officer to consider the role of Chairmen of task and finish groups as necessary, consequent to the resolution of this committee on the recommendation set out in this report.

## **8 Legal Consequences**

- 8.1 The Local Government Act 2000, as amended by section 9F of the Localism Act 2011 requires that a local authority operating Executive arrangements (the Cabinet and Leader model) must include provision for the appointment by the authority of one or more committees of the authority to discharge the overview and scrutiny function. The recommendation in this report satisfies Section 9F.
- 8.2 A single committee with a 'task and finish group' approach is the most typical way of discharging the overview and scrutiny function identified in the sample and by the CfPS. In order to offer clarity and certainty, each group should have a quorum of three non-cabinet members. The appointments to, and chairmanship of, such groups should be stated by the Overview and Scrutiny Committee meeting when it commissions the formation of the task and finish group (and not at some other point). The overview and scrutiny committee will set out the task, and timescale which the group must complete. Each task and finish group must conclude with recommendations for the overview and scrutiny committee to consider.
- 8.3 The overview and scrutiny committee will ensure that the task and finish groups operate effectively. Ineffective groups may be dissolved by resolution of the committee.

## **9 Risk Assessment**

- 9.1 The timely self-evaluation of the function has mitigated the risk that the function would continue to demonstrate the 'less productive' characteristics described by the CfPS.

## **10 Other Considerations**

- 10.1 The Overview and Scrutiny Committee will remain responsible for discharging the Crime and Disorder Overview and Scrutiny regulations 2009. An additional meeting of the Committee could be considered. This report does not have any other materially relevant considerations.

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# Findings of the Overview and Scrutiny Self-Evaluation Group 2017

This paper summarises the findings of the Overview and Scrutiny Self-Evaluation Group 2017 set out according to the steps identified in the Centre for Public Scrutiny publication 'the scrutiny evaluation framework' and reflects the feedback of the outcome of the group's consultation with an all-member seminar on 8 May 2017. <http://www.cfps.org.uk/scrutiny-self-evaluation-framework/>

## Step 1 - basic 'design principles' for overview and scrutiny

CfPS Consideration	Finding
<b>Members leading and owning the work</b>	<ul style="list-style-type: none"> <li>• Work programme should be directed and led by overview and scrutiny members</li> <li>• The Chairman and vice-chairman should better engage with the scrutiny officer on the work programme</li> </ul>
<b>Flexibility</b>	<ul style="list-style-type: none"> <li>• Be flexible enough to respond to matters affecting the area</li> <li>• Consider resources</li> <li>• Members 'do' overview and scrutiny, supported by officers</li> </ul>
<b>Adding value, outcomes and prioritisation</b>	<ul style="list-style-type: none"> <li>• Members should provide and lead on enough topics to warrant prioritisation</li> <li>• Work programme should be aligned to residents' survey priorities</li> <li>• Outcome focussed, and add value</li> </ul>

The group noted the importance of design principles as the CfPS framework explained that the design principles would keep the group focussed on the way the function would work in the future, and help the group to 'avoid fixating exclusively on governance structures' (like the number and terms of reference of the bodies that form the function. The group applied a simple RAG status to each finding, and where possible looked forward, rather than back.

CfPS 'characteristics'	Finding
Clearly defined role in improvement and governance arrangements?	<ul style="list-style-type: none"> <li>• Not a clearly defined role</li> <li>• Has lost direction in recent years</li> </ul>
'Inquiries' / reviews methodologically sound	<ul style="list-style-type: none"> <li>• Need stronger more committed member leadership</li> <li>• Focus on achieving a recommendation to a decision maker</li> <li>• Function can be seen as 'boring'</li> </ul>
Member training and development	<ul style="list-style-type: none"> <li>• Preference for 1-1 sessions, advice and assistance</li> <li>• Preference not to have 'bought-in' or generic training</li> </ul>
Support from corporate management team	<ul style="list-style-type: none"> <li>• Director is Scrutiny Lead Officer</li> <li>• Consider synchronising work programme with cyclical cabinet items – budget and corporate plan</li> </ul>
Councillor led, balanced priorities based on risk and importance	<ul style="list-style-type: none"> <li>• Scrutiny is councillor led</li> <li>• Awareness of work programme could improve</li> <li>• Consider early steer on next corporate plan</li> <li>• Has not been enough items to warrant prioritisation</li> </ul>
Meetings and activities well planned and make the best use of resources?	<ul style="list-style-type: none"> <li>• Work programming needs more focus</li> <li>• Work needed on leadership of the function</li> </ul>
Decision makers give public account of themselves	<ul style="list-style-type: none"> <li>• Recognition of the value of the cabinet member interview programme</li> <li>• Continue to refine programme of interviews &amp; asking strategic questions of cabinet member</li> </ul>
Effective communication to raise awareness of, and encourage participation in democratic accountability	<ul style="list-style-type: none"> <li>• Members are a conduit for participation</li> </ul>
Operates non-politically and deals effectively with issues, tension and conflict	<ul style="list-style-type: none"> <li>• Non-political, little or no tension, any tensions have been well-managed</li> </ul>
Build trust and relationships with internal and external stakeholders	<ul style="list-style-type: none"> <li>• Reasonable internal relationships have been built</li> <li>• External relationships need further work (and awareness building amongst members)</li> </ul>
Enable the voice of local people to be heard as part of the decision making process	<ul style="list-style-type: none"> <li>• Use residents survey in setting work programme and awareness of local issues affecting residents</li> <li>• Raise awareness that members set the work programme using the suggestion form</li> </ul>

Is not the role of overview and scrutiny	Is the role of overview and scrutiny
<b>Managing staff</b>	<b>Engaging with Cabinet members about strategy, not management</b>
<b>Using up the council's resources</b>	<b>Recommending how resources could be prioritised better / differently</b>
<b>Managing contracts</b>	<b>Understanding the impact on residents when things aren't going well and make a recommendation to strategically address performance</b>
<b>Duplicating the work of others internally or externally</b>	<b>Understand the work of others, how it fits strategically, respond to any consultations, and make recommendations</b>
<b>Promoting the unilateral view of a single person, member or external group</b>	<b>Have a consensus view on recommendations. Task and finish approach must have a quorum of 3</b>
<b>'Navel gaze'</b>	<b>Have a broad view of all the influential bodies regionally</b>

CfPS 'productive' way of working	Finding
Limiting the number of 'substantive' items and limiting items 'to note'	Less than 10% of overview and scrutiny agenda items were 'substantive' in 2015-17. More substantive items are needed
'Themed' agendas	O&S Committee not themed, but standing bodies themed
Cabinet members answer questions, rather than chief officers	Overview and scrutiny should decide how to operate the interview sessions
Relying on members to read papers, and that all important information is written	Papers may not be read – little awareness of work programme / suggestion form
Chairman empowered to move recommendations at the meeting	O&S <i>only</i> received recommendations from sub-bodies - just 4% of O&S Committee items 2015 /17. No examples of Chairman 'moving recommendations' at a committee 2015/17

CfPS 'Less productive' way of working	Finding	CfPS - what can be done about it?
Too many 'substantive' items on the agenda	Too few substantive items generally	Sharpen work programme, ensure the committee has a role in making recommendations.
Items to note or to provide an update (including updates from yourselves)	Two thirds of overview and scrutiny committee agenda items 2015 – 17 were updates to note	The outcome should be the making of recommendations, not ongoing noting or reviewing.
Provision of full performance management reports/ scorecards to a meeting	Role of finance and performance sub-committee  Note: no recommendations have been made consequent to performance information 2015-17	Consider exception reporting. Use data specifically to bring forward recommendations.
Establishment of open ended 'standing bodies'	Business Improvement, Finance and Performance, Social Inclusion, Crime and Disorder	'Raises resource challenges and means that such scrutiny work risks not being especially task orientated'
Work that adopts only a council focused perspective of the local community 'navel gazing'	Social inclusion outward looking. Other bodies council focussed	Be more strategic, look outward and across providers. Lack of overall focus leads to silo working.

<b>'as is - 2016/17'</b>	<b>'to be - 2018/19'</b>
<b>A reactive function</b>	<b>A proactive function</b>
<b>Few members put forward work programme items</b>	<b>Members are urged to put forward work programme items</b>
<b>Work programme doesn't seem 'strategic' or policy focused</b>	<b>Work programme will be more 'strategic' and influence policy</b>
<b>Limited 'horizon scanning' of external matters that O&amp;S function could influence</b>	<b>Greater 'horizon scanning' of external matters that O&amp;S function could influence – responding to consultations for example</b>
<b>Finance and performance information has not led to recommendations</b>	<b>Finance and performance information does lead to recommendations</b>
<b>Task and finish approach is infrequent and slow</b>	<b>Task and finish approach is more frequent and fast</b>

## Step 4 considering structural models for 2017/18

### Structural models at a glance

#### 12 sample districts (and model)

Arun (B), Crawley (A/B); Guildford (B), Chichester (B), Tunbridge Wells (B), Mid Sussex (E), Wealden (A/B), Sevenoaks (B), Lewes (A/B), Reigate and Banstead (A/B/F) (with 1 budget task & finish panel & 1 standing panel, Tandridge (Committee system) (A), Mole Valley (B) (calls task and finish groups 'panels').

All councils in sample have equivalent of cabinet member interview session and undertake crime and disorder scrutiny at O&S Committee, not in a separate 'body' (check MV)

### Analysis of models in self-evaluation framework

Model	Strengths	Weaknesses	Opportunities	Threats
<b>A</b> One committee that undertakes all work (without task and finish groups or standing bodies)	<ul style="list-style-type: none"> <li>Committee is very productive as carries out function directly, without a sub-architecture</li> </ul>	<ul style="list-style-type: none"> <li>No (or very few) task and finish reviews, members not likely to undertake in-depth work</li> <li>May limit the skills development of members</li> </ul>	<ul style="list-style-type: none"> <li>Offers a visibly strong, undiluted function</li> <li>An opportunity for a very strong chairman to direct function</li> </ul>	<ul style="list-style-type: none"> <li>That task and finish review work does not come forward</li> <li>Members may not like change</li> </ul>
<b>B</b> One committee which commissions work from task and finish groups and no standing sub bodies	<ul style="list-style-type: none"> <li>Most common model in sample districts</li> <li>Most likely to achieve CfPS productive outcomes</li> <li>Allows for the most Task and Finish Chairmen per year</li> <li>Works well with Advisory arrangements</li> <li>Is flexible and responsive</li> </ul>	<ul style="list-style-type: none"> <li>Lack of 'prestige' of 'task and finish group' title</li> </ul>	<ul style="list-style-type: none"> <li>Offers a visibly strong, less diluted function</li> <li>Each T&amp;F Chairman owns and leads a review to completion</li> <li>Most likely to be influential</li> <li>Task and Finish Chairmen could be given an SRA</li> <li>An opportunity for a very strong chairman to direct function</li> </ul>	<ul style="list-style-type: none"> <li>Members may not like change</li> <li>Ask IRP to consider SRA for T&amp;F chairmen in absence of sub-bodies</li> </ul>
<b>C</b> Two committees 'internal' and 'external'	<ul style="list-style-type: none"> <li>Allows for 2 chairmen</li> </ul>	<ul style="list-style-type: none"> <li>No districts in sample have this</li> <li>CfPS state not an effective way to divide up work</li> <li>Creates narrowed, not strategic focus</li> </ul>		<ul style="list-style-type: none"> <li>Does not allow for a strategic approach</li> <li>Falsely forces each matter to be either internal or external</li> <li>Had existed in some councils but superseded by other models</li> </ul>
<b>D</b> Two committees 'overview' and 'scrutiny'; dividing policy development from performance management and call-in	<ul style="list-style-type: none"> <li>Allows for 2 chairmen</li> </ul>	<ul style="list-style-type: none"> <li>Does not sit well in councils with Advisory arrangements (policy side)</li> <li>1 chairman must fulfil legislative role</li> <li>Have to create a way to divide by definition</li> </ul>		<ul style="list-style-type: none"> <li>Had existed in some councils but superseded by other models</li> <li>May be more adversarial</li> </ul>
<b>E</b> Three or more committees; terms of reference divided in a variety of ways, often aligned to corporate priorities	<ul style="list-style-type: none"> <li>Allows for multiple chairmen</li> </ul>	<ul style="list-style-type: none"> <li>Not likely to leave capacity for task and finish approach at districts</li> <li>Does not operate in models with Advisory arrangements</li> <li>1 chairman must fulfil legislative role</li> <li>Internal focus, limiting external engagement</li> </ul>		<ul style="list-style-type: none"> <li>Models existed at districts before 2011, more likely at very large councils (Cornwall: 124 members).</li> <li>Potentially drains capacity / energy for any task and finish work</li> <li>Internal focus, limiting external engagement</li> </ul>
<b>F</b> Horsham model: One committee with 4 standing sub-committees and ad hoc task and finish	<ul style="list-style-type: none"> <li>Allows for 5 'chairmen' positions</li> </ul>	<ul style="list-style-type: none"> <li>Task and finish have a long route back to the O&amp;S committee with any recommendations</li> <li>Has lacked focus, overview and scrutiny committee is unproductive</li> <li>Missed opportunities – corporate plan / budget setting</li> </ul>	<ul style="list-style-type: none"> <li>An opportunity for a very strong chairman to direct function</li> </ul>	<ul style="list-style-type: none"> <li>High proportion of unproductive characteristics at O&amp;S committee</li> <li>Diluted function</li> </ul>

**Step 4 – self-evaluation group propose structural change for 2017/18**

2016/17 'as is'	2017/18 'to be'
<b>One Overview and Scrutiny Committee</b>	<b>One Overview and Scrutiny Committee</b>
<b>Four Standing Sub-Committees</b>	<b>That no 'standing bodies', howsoever styled, shall be formed.</b>
<b>Ad-hoc task and finish groups</b>	<b>The Overview and Scrutiny Committee will commission and appoint no more than three 'task and finish groups' to operate at any one time</b>

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## Briefing Note on 'Call In'

Under the Local Government Act 2000 the Council must have a process whereby executive decisions can be 'called in' for scrutiny prior to their implementation. The process is essentially a power to delay a decision and make the executive 'think again' about the decision.

The rules relating to 'call in' at Horsham District Council are found at part 4c. 14 of the Constitution and follow a national model 'call in' process that has been adopted by most Councils in England.

### What decisions can be 'called in?'

All executive decisions made by the Cabinet collectively and decisions made by Cabinet Members (or the Leader) individually can be 'called in'. No other decisions can be 'called in'.

### What is the process for 'call in' at Horsham District Council?

When the Cabinet (or a Cabinet Member/Leader) makes an executive decision it cannot be implemented until 5 working days after publication of the decision (unless the decision was made subject to special urgency). That period of 5 working days is known as the 'call in' window during which time the decision can be 'called in'.

When a decision is 'called in' the matter needs to be debated at a meeting of the Overview and Scrutiny Committee within 7 working days (often a Special meeting of Overview and Scrutiny will need to be arranged).

The Overview and Scrutiny Committee can make 1 of 3 resolutions in relation to the decision; they can take no further action (in which case the decision is effective immediately), refer the decision back to Cabinet (or Cabinet Member/Leader as appropriate) for reconsideration (setting out the concerns of the Committee) or refer to Full Council if they consider the decision was outside of the Budget and Policy framework.

### Who can request a 'call in'?

1. The Chairman (or in their absence the Vice Chairman) of Overview and Scrutiny Committee; or
2. Any five non-Cabinet Members of Council (At least one of the Members will need to present the reasons for calling in the decision)

### What are the criteria?

The grounds in support of a request for 'call in' are cited at part 4c. 15.

In brief they are:-

- a) Inadequate consultation

- b) Inadequate evidence
- c) Decision outside the Budget and Policy Framework
- d) Decision not proportionate to the desired outcome
- e) Decision open to challenge on human rights
- f) Insufficient Legal and Financial consideration
- g) Decision not within the power of the Decision maker.

In effect the 'call in' request would need to demonstrate it is reasonable to 'call in' the decision. It is for the Chairman of Overview and Scrutiny to assess what is reasonable.

### Exceptional Circumstances

'Call in' should be used sparingly and indeed the rules state it should only be used in exceptional circumstances. The rules also provide a maximum of 5 'call ins' per year which further illustrates that the 'Call in' process should not be used routinely.

The above sets out the statutory and constitutional provisions relating to the call-in process. Officers are preparing a procedure note to assist members in the future and this will draw on these aspects but will also propose that greater clarity should be sought from those promoting a call in to establish what aspects of a particular Cabinet decision they would wish to see changed as a result of a reference back. The note will be prepared in consultation with the Chairman and Vice Chairman and will be circulated prior to the committee's next meeting.

## **Business Improvement Sub-Committee**

### **Final Report on S106 Funding Review**

#### Executive Summary

The Business Improvement Sub-Committee has undertaken a review of s106 Funding. The review examined the process and procedures for the allocation and holding of S106 monies and this report confirms that monies from Section 106 procedures are accountable and available to interested and qualified parties.

#### Recommendations

1. To investigate the possibilities for an appropriate way to fund Parishes and Wards with no planned developments.
2. To investigate an appropriate way to fund unparished areas (eg Horsham Town) that will have community projects but no developments.
3. To continue to send the same Section 106 reports to Ward Members as sent to Parish Councils, thereby allowing Members to stay updated and work better with Parish Councils on Section 106 monies.

#### Reasons for Recommendations

- 1 To ensure the availability of Section 106 monies is known by the Members and Parish Councils to they can be used as and when intended.
- 2 To correct a possible lack of availability of Section 106 money for Parishes and Wards with no developments.

#### Background Papers

1. *Report to Council dated 11 December 2013 by The Chief Executive "Section 106 Contributions for Open Space, Sport and Recreation – Proposed Changes to Terms of Reference and membership of Planning Obligations Panel"*
2. *Business Improvement Working Group's Final Report on S106 Review by Cllr. Brian O'Connell, April 2016*
3. *Overview and Scrutiny Committee Minutes 28 November 2016 S0/37 (b)*
4. *Task and Finish Review Group Notes 11 January 2017 (not for publication)*
5. *Task and Finish Review Group Agenda 8 February 2017 (pp 3-46 inclusive Restricted)*

## Background Information

The purpose of this report is to give reassurance that the process and procedures for the allocation and holding of S106 monies are working satisfactorily.

The S106 Task and Finish Review Group was established under the Business Improvement Sub-Committee by the Overview and Scrutiny Committee on 28 November 2016. The Task and Finish Review Group first met on 11 January 2017 and agreed the following Terms of Reference:

- To ascertain the total amount of unspent and unallocated s106 funding.
- To ascertain the amount of s106 funding allocated to each type as set up by the Council, including Open Space Sport and Recreation and Community Facilities.
- To ascertain the total amount of s106 monies given to WSCC and their percentage allocation of the funds across types of use.
- To ascertain the amount of commuted sums for affordable housing including: where it is held and what is going to be done with it.
- To review the process of s106 reporting for Parish and Neighbourhood Councils.
- To clarify the amount of money remaining to be allocated by the Planning Obligations Panel.

At a meeting of the Task and Finish Review Group on 8 February 2017, the Planning Obligations Officer provided details of:

- The total amount of Section 106 Funds being held by HDC.
- The allocated and unallocated S106 funds being held by type for both HDC and WSCC contributions.
- A spreadsheet of S106 agreements entered into since 1 April 2014.
- An example of a spreadsheet sent to the Parish councils.

The Planning Obligations Officer confirmed by email on 2 February 2017 that a summary of unspent S106 funds per Parish/Neighbourhood Council area would be sent on a quarterly basis to all Councillors.

At the Review Group's meeting on 8 February the Head of Finance gave a detailed summary of figures on Allocated and Unallocated S106 funds. The monies are being held on the balance sheet in three areas:

- Capital grants and receipts in advance – Capital with Conditions
- Useable reserves – Capital grants and contributions unapplied – Capital with no conditions
- Useable Reserves – Reserves

West Sussex County Council monies are held under Long Term Liabilities –S106 Contributions

The Planning Obligations Officer was asked if the Allocated and Unallocated S106 funds report could be produced again alongside the new Balance Sheet on 31 March 2017, noting that this will be dependent on availability of information from Finance.

The Review Group concluded that the objectives of the review that were relevant had been met and a report should go to the Business Improvement Sub-Committee based on the work done by this group.

#### Next Steps

To review the recommendations 1 and 2 in the next Municipal Year and to continue to send out reports as mentioned in recommendations 3.

**Councillor Michael Willett**  
Chair S106 Review Task and Finish Group  
April 2017

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**Overview & Scrutiny Work Programme**  
**May 2017 to May 2018**

	<b>Scrutiny &amp; Overview</b>	<b>Social Inclusion &amp; Health</b>	<b>Finance &amp; Performance</b>	<b>Business Improvement</b>	<b>Crime &amp; Disorder</b>	<b>West Sussex Joint Scrutiny Group</b>	<b>Task and Finish Sub-Committees</b>
<b>April 2017</b>	Cabinet Member interview				Meeting		
<b>May 2017</b>				Meeting  S106 Funding report to BISC (following T&F group)  POP review by BISC			
<b>June</b>	S106 Funding report from BISC  Call-In Note	Meeting	Meeting  Quarterly Reports				
<b>July</b>	Cabinet Member interview  Council Tax/Early Help Plan Pilot			<i>12 month follow up on s106 review to review outcome and progress (see SO minutes 14/03/16)</i>			
<b>August</b>			Meeting  Quarterly Reports				
<b>September</b>	Meeting  Cabinet Member Interview	Meeting  Dr Patel and Dean to attend to provide update on S&TP following March meeting					
<b>October</b>				Meeting			
<b>November</b>	Meeting  Cabinet Member Interview	Meeting	Meeting  Quarterly Reports				

**Overview & Scrutiny Work Programme**  
**May 2017 to May 2018**

<b>December</b>					Meeting Mid-year Report		
<b>January 2018</b>	Meeting Cabinet Member Interview			Meeting			
<b>February</b>			Meeting Quarterly Reports				
<b>March</b>	Meeting Cabinet Member Interview	Meeting					
<b>April</b>					Meeting End of Year Report		

## **Draft Terms of Reference for the Review into the Traffic Problems at Primary Schools in the District**

(1) To examine traffic, access and other issues reportedly causing problems at primary schools in the District.

(2) To explore with other authorities what the Council can do to mitigate such problems.

Councillor David Coldwell

5<sup>th</sup> June 2017

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