

**MINUTES OF A MEETING OF THE  
OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE  
HELD ON 17 JULY 2019 FROM 7.00 PM TO 9.20 PM**

**Committee Members Present**

Councillors: Alison Swaddle (Vice-Chairman), Chris Bowring, Jenny Cheng, Andy Croy, Paul Fishwick, Guy Grandison, Sarah Kerr, Abdul Loyes, Ken Miall and Ian Pittock

**Other Councillors Present**

Councillors: Emma Hobbs

**Officers Present**

Neil Carr, Democratic and Electoral Services Specialist  
Chris Easton, Service Manager - Transport, Drainage and Compliance  
Andy Glencross, Lead Specialist, Community, Heritage and Green Infrastructure

**26. APOLOGIES**

Apologies for absence were submitted from Jim Frewin, Pauline Helliard-Symons and Rachelle Shepherd-Dubey.

Emma Hobbs attended the meeting as a substitute.

**27. MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting of the Committee held on 19 June 2019 were confirmed as a correct record and signed by the Chairman, subject to the following additions:

Minute 19: Future Housing Consultation – Add the following words:

“It was then proposed by Paul Fishwick that the Future Housing Consultation should be for a period of three months.

On being put to the vote, the proposal was not agreed.”

Minute 21 – Local Transport Plan Process and Invitation for Comments – Add the following words:

“Members stressed the importance of engaging with children and young people and liaising with schools”.

**28. DECLARATION OF INTEREST**

There were no declarations of interest.

**29. PUBLIC QUESTION TIME**

There were no public questions.

**30. MEMBER QUESTION TIME**

There were no Member questions.

**31. TASK AND FINISH GROUP - ROADS AND OPEN SPACES**

The Committee considered a report, set out at Agenda pages 13 to 22, which set out the process for establishing a Task and Finish Group to scrutinise the Council’s Policies and

Procedures for adopting estate infrastructure (roads, play areas, landscaping and open space).

The report stated that, at its meeting on 19 June 2019, the Committee had considered a suggestion from Andy Croy to set up a Task and Finish Group. Councillor Croy stated that delays in the adoption process were a cause of significant frustration for residents. The proposed Task and Finish Group would be able to look ways to speed up the adoption process and improve residents' understanding of the role of WBC, developers and individual homeowners.

Appended to the report were draft Terms of Reference for the proposed Task and Finish Group and a briefing on the process for adopting roads and public open space. The briefing set out details of the legal powers relating to highways and public open space and summarised the 79 ongoing Section 38 agreement applications being managed by WBC. These comprised:

- 17 Agreements not instructed – Section 38 Agreement submitted but plans not yet achieved technical acceptance, consequently Legal Services had not been instructed to take any action;
- 32 Agreements instructed – Legal Services had been instructed to progress with drafting the agreement and preparing engrossments (final versions) in communication with the developer's solicitor;
- 9 Signed Agreements – Section 38 Agreement signed by all parties and sealed by WBC. Works not yet completed to the point where a provisional Certificate of Completion could be issued;
- 21 Agreements on Maintenance – Provisional Certificate issued. Minimum 12 month maintenance period, during which the developer retains responsibility for the site was underway or WBC was awaiting completion of remedial works/sewer adoption/other outstanding issues requiring attention ahead of adoption.

The briefing stated that an Officer task force had been set up in 2018/19 to focus on long-outstanding Section 38 agreements. As a result, three of these sites had now been adopted whilst progress was being made in relation to other sites. Issues preventing adoption included delays to the adoption of sewers and outstanding lighting/remedial works.

Members considered the draft Terms of Reference for the Task and Finish Group and agreed the following objectives:

1. To consider the Council's current approach to the adoption of estate infrastructure (new and historic);
2. To consider the legal framework and planning process within which the Council operates;
3. To consider the views of local stakeholders – residents, community groups and Town and Parish Councils;
4. To consider the views of housing developers;

5. To consider examples of best practice across the country;
6. To consider how progress on adoption is monitored, reported and communicated to Members and local stakeholders (including new residents);
7. To produce a final report to the Executive with recommendations for improvement.

In relation to witnesses, Members agreed the following list: WBC Members and Officers; residents, community groups, Town and Parish Councils; experts/representatives from other local authorities; developers and the Home Builders Federation.

**RESOLVED** That:

- 1) the proposed Task and Finish Group on Adoption of Roads and Open Spaces be established;
- 2) the Task and Finish Group comprise Andy Croy (Chairman), Paul Fishwick, Sarah Kerr and Abdul Loyes;
- 3) the Task and Finish Group's Terms of Reference, appended to the report, be agreed, subject to the amendments set out above;
- 4) the Task and Finish Group submit its final report to the Committee at its meeting on 27 November 2019.

**32. EXECUTIVE-OVERVIEW AND SCRUTINY PROTOCOL**

The Committee considered a report, set out at Agenda pages 23 to 28, which gave details of a draft Executive-Overview and Scrutiny Protocol. The Protocol gave details of the practical expectations for Executive and Overview and Scrutiny Members which underpinned an effective Scrutiny process.

The report stated that the suggestion for a Protocol was included in the Government's Statutory Guidance on Overview and Scrutiny, issued in May 2019. The guidance stated that effective Scrutiny involved looking at issues that could be politically contentious. As a result, a number of Councils had developed protocols which laid out ground rules and clarified the expectations of Members involved in the Scrutiny process.

The draft Protocol suggested that biannual discussions be held between the Chairman of the Overview and Scrutiny Management Committee, the leader of the Council and representatives of the Political Groups. This would help to ensure an ongoing dialogue which would smooth out any issues arising between Executive and Scrutiny Members. Discussions would also be held with the Council's Chief Executive and Directors.

The draft Protocol stated that the Council's Monitoring Officer and Scrutiny Officer would monitor compliance with the Protocol in liaison with Executive and Overview and Scrutiny Members and the Corporate Leadership Team. Any issues arising during the year would then be reported to Council via the annual Overview and Scrutiny Committee reports.

Members considered the draft Protocol and made the following amendments:

Paragraph 9 – Overview and Scrutiny Members will review the Council Plan priorities, the Executive Forward Programme and the Individual Executive Member Decision Forward Programme on a regular basis in order to identify potential items for review.

Paragraph 10 – Biannual discussions will be held between the Chairman of the Overview and Scrutiny Management Committee, the Leader of the Council and representatives of the Political Groups to ensure that there is clarity on the work programmes and that any matters arising are addressed. Similar discussions will be held with the Council's Chief Executive.

Paragraph 14 – The relevant Overview and Scrutiny Committee Chairman will attend the meeting of the Executive to introduce the Scrutiny report. In the Chairman's absence, another member of the Committee will attend the Executive meeting on his/her behalf. Similarly, the relevant Chairman, or substitute, will address Council to introduce a Scrutiny report.

Paragraph 15 – The Executive or Council will consider any Scrutiny review report within two months of receipt of the report. Details of decisions made by the Executive or Council in relation to the report's recommendations will be circulated to all members of the Council.

Members emphasised the importance of communication and publicity about the work of Overview and Scrutiny in order to ensure that residents and community groups were able to engage with the process. Members felt that this should be the subject of discussion at a future meeting of the Committee and that the Council's Communities and Engagement Manager should be invited to attend.

**RESOLVED** That:

- 1) the draft Executive-Overview and Scrutiny Protocol, as amended, be approved for consultation;
- 2) the draft Protocol be the subject of consultation with the Leader of the Council, the Chief Executive and the Corporate Leadership Team;
- 3) the final draft of the Protocol be submitted to the next meeting of the Committee for final comment and approval;
- 4) the Council's Communities and Engagement Manager be invited to attend a future meeting to discuss ways of improving communication, engagement and publicity relating to the work of the Overview and Scrutiny Committees.

**33. OVERVIEW AND SCRUTINY MEMBER TRAINING**

The Committee considered a report, set out at Agenda pages 29 to 31, which considered feedback on the recent Overview and Scrutiny Member training session and options for additional Member training.

The report stated that the Government's Statutory Guidance on Overview and Scrutiny had emphasised the importance of training for Members to enable them to carry out their Scrutiny roles effectively.

The report also stated that a Member Scrutiny induction/refresher training session had been delivered on 26 June 2019. A further training session on Budget Scrutiny would be

held on 22 July 2019. This would be a pre-cursor to the Community and Corporate Overview and Scrutiny review of the WBC Budget-setting process.

The report gave details of further training sessions which could be provided for Members on specific subjects including:

- Chairing skills and Scrutiny leadership;
- Performance management;
- Children's safeguarding and Scrutiny;
- Scrutiny of Health and Adult Social Care;
- Effective questioning skills;
- Scrutinising Partner/Commercial organisations.

In the ensuing discussion Members emphasised the need for training sessions to be open to all Members.

Members also asked for an update on Member induction/refresher training on safeguarding and DBS (Disclosure and Barring Service).

**RESOLVED** That:

- 1) progress in delivering Overview and Scrutiny Member training in 2019/20, to date, be noted;
- 2) each Overview and Scrutiny Committee consider further training needs at its next meeting;
- 3) Members receive an update on induction/refresher training relating to safeguarding and DBS.

#### **34. MANAGING THE SCRUTINY WORKLOAD**

The Committee considered a report, set out at Agenda pages 33 to 40, which examined options for addressing the Overview and Scrutiny workload in 2019/20.

The report stated that, at its meeting on 19 June 2019, the Committee had noted that a number of significant issues would be considered during 2019/20. These included a major Scrutiny review of the Council's Budget and the declaration of a Climate Emergency.

The report highlighted several options for addressing the workload issues, as follows:

Option 1 – establish an additional Overview and Scrutiny Committee. This could be achieved by splitting the Community and Corporate Overview and Scrutiny Committee into its constituent parts, i.e. a Community Partnerships Overview and Scrutiny Committee and a Corporate Services Overview and Scrutiny Committee. These two separate Committees had existed between 2013 and 2015.

Option 2 – maintain the current Overview and Scrutiny Committee structure and set up more time-limited Task and Finish Groups to tackle specific issues – e.g. the Task and Finish Group on Adoption of Roads and Open Spaces.

Option 3 – maintain the current Overview and Scrutiny Committee structure and rigorously review the work programmes to ensure that the Committees focus on a smaller number of key priorities during the year.

The report highlighted the implications of establishing another Overview and Scrutiny Committee such as additional resourcing for evening meetings, reviewing the political balance arrangements across all Committees and additional Member Special Responsibility payments.

In the ensuing discussion, Members made the following points:

In addition to the three options set out in the report, a further option could be for the existing Overview and Scrutiny Committees to hold additional meetings.

A further option could be to amend the terms of reference for the Health Overview and Scrutiny Committee to take on additional issues such as housing, community safety and the voluntary sector.

If another Committee was established would it be best to introduce it at the start of the next Municipal Year as this would avoid changes to the political balance arrangements mid-year.

The Committee also discussed the Overview and Scrutiny Work Programmes, set out on Agenda pages 37 to 40. Members requested that the work programmes be re-tabulated for future meetings to show:

- Procedural items – e.g. appointment of Task and Finish Groups and Call-In reviews;
- Specific Scrutiny Items – e.g. Climate Emergency and the Equality Act;
- Completed items – e.g. the Government Statutory Guidance on Overview and Scrutiny;
- Completed items to be reviewed at future meetings – e.g. the review of the Grounds Maintenance service.

**RESOLVED** That:

- 1) the Committee give further consideration to the options for addressing the Overview and Scrutiny workload issue at the next meeting, in September 2019;
- 2) further analysis of the change options considered by the Committee be presented at the next meeting;
- 3) the Overview and Scrutiny Work Programmes be re-tabulated for future meetings as requested by the Committee.

### **35. CONSIDERATION OF THE CURRENT EXECUTIVE FORWARD PROGRAMME**

The Committee considered a copy of the Executive Forward Programme and the Individual Executive Member Decision Forward Programme as set out on Agenda pages 41 to 48.

Members asked for clarification on the dates when the new Council Plan would be submitted to the Overview and Scrutiny Management Committee and the Executive. Members also requested sight of the draft Council Plan as quickly as possible.

**RESOLVED** That:

- 1) the Executive Forward Programme and the Individual Executive Member Decision Forward Programme be noted;
- 2) clarification be sought on the dates for consideration of the new Council Plan by the Overview and Scrutiny Management Committee and the Executive.

**36. COMMITTEE WORK PROGRAMMES**

The Committee considered its forward work programme and that of the Overview and Scrutiny Committees as set out on Agenda pages 49 to 64 (see also Minute 34 above).

**RESOLVED:** That the Overview and Scrutiny Work Programmes be noted.

**37. UPDATE REPORTS FROM CHAIRMEN OR NOMINATED MEMBER OF THE OVERVIEW AND SCRUTINY COMMITTEES**

The Committee considered update reports from the Overview and Scrutiny Committees.

Alison Swaddle reported that the Children's Services Overview and Scrutiny Committee was considering the establishment of a Task and Finish Group to look at the issues surrounding the recent difficulties at the Northern House School.

**RESOLVED:** That the update reports be noted.

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