



# Overview and Scrutiny

## Committee

Thu 6 Jun  
2019  
6.30 pm

Committee Room Two  
Town Hall  
Redditch

**REDDITCH** BOROUGH COUNCIL

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**If you have any queries on this Agenda please contact  
Jess Bayley and Farzana Mughal**

**Town Hall, Walter Stranz Square, Redditch, B98 8AH  
Tel: (01527) 64252 (Ext. 3268) or 01527 881412 or 01527 881407  
e.mail: [jess.bayley@bromsgroveandredditch.gov.uk](mailto:jess.bayley@bromsgroveandredditch.gov.uk) /  
[farzana.mughal@bromsgroveandredditch.gov.uk](mailto:farzana.mughal@bromsgroveandredditch.gov.uk)**



# Overview and Scrutiny

Committee

Thursday, 6th June, 2019

6.30 pm

Committee Room 2 - Town Hall  
Redditch

## Agenda

### Membership:

Cllrs:

Joe Baker (Chair)  
Debbie Chance (Vice-Chair)  
Salman Akbar  
Joanne Beecham  
Michael Chalk

Peter Fleming  
Andrew Fry  
Mark Shurmer  
Jennifer Wheeler

### 1. Apologies and named substitutes

### 2. Declarations of interest and of Party Whip

To invite Councillors to declare any Disclosable Pecuniary Interests and / or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests, and any Party Whip.

### 3. Minutes of the meeting held on 21 March 2019 (Pages 1 - 12)

### 4. Public speaking

To invite members of the public who have registered in advance of the meeting to speak to the Committee.

### 5. Private Sector Home Repair Assistance Policy - Pre-Scrutiny (To follow)

### 6. Scoping document - Review of Parking Enforcement Contract (Pages 13 - 16)

### 7. Overview and Scrutiny Training Event - Feedback

The Overview and Scrutiny training will be taking place on the evening of Tuesday 29<sup>th</sup> May, after the agenda for this meeting is due to be published. Therefore a written record of the items arising from this session will be circulated in an additional papers pack.

### 8. Overview and Scrutiny - Select Committee Findings and new Government Guidance (Pages 17 - 60)

### 9. Executive Committee Minutes and Scrutiny of the Executive Committee's Work Programme - Selecting Items for Scrutiny (Pages 61 - 76)

The next edition of the Executive Committee's Work Programme is due to be published on Monday 3<sup>rd</sup> June, after the publication of the agenda for this meeting. It will therefore be published in an additional papers pack.

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## **10. Overview and Scrutiny Work Programme (Pages 77 - 80)**

## **11. Task Groups, Short Sharp Reviews and Working Groups - Update**

- a) Budget Scrutiny Working Group – Chair, Councillor Wheeler
- b) Performance Scrutiny Working Group – Chair, to be confirmed

## **12. External Scrutiny Bodies - Update**

- a) West Midlands Combined Authority (WMCA) Overview and Scrutiny Committee – Council representative, Councillor Michal Chalk and
- b) Worcestershire Health Overview and Scrutiny Committee (HOSC) – Council representative, Councillor Michael Chalk



# Overview and Scrutiny Committee

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## MINUTES

### Present:

Councillor Joe Baker (Chair), Councillor Debbie Chance (Vice-Chair) and Councillors Salman Akbar, Joanne Beecham, Michael Chalk, Andrew Fry, Pattie Hill, Anthony Lovell and Jennifer Wheeler

### Other Attendees

Mr Bob Baker, Ms Christine Bridges and Mr Simon Dunn (Diamond Buses)

### Officers:

Sue Hanley and Paul Spooner

### Democratic Services Officers:

J Bayley and F Mughal

## 97. APOLOGIES AND NAMED SUBSTITUTES

An apology for absence was received on behalf of Councillor Gemma Monaco. It was confirmed that Councillor Salman Akbar was attending as her substitute.

## 98. DECLARATIONS OF INTEREST AND OF PARTY WHIP

There were no declarations of interest nor of any party whip.

## 99. MINUTES OF THE MEETING HELD ON 20 FEBRUARY 2019

The minutes of the Overview and Scrutiny Committee meeting held on 20<sup>th</sup> February, 2019 were submitted for Members' consideration.

### RESOLVED that

the minutes of the Overview and Scrutiny Committee meeting

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Chair

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held on 20<sup>th</sup> February, 2019 be approved as a correct record and signed by the Chair.

## 100. BUS SERVICES - INTERVIEW WITH REPRESENTATIVES OF DIAMOND BUS SERVICES

Representatives from Diamond Bus Services were present at the meeting to provide Members with an update in respect of bus services in the Borough of Redditch. The representatives provided answers to the list of Members' questions which had been provided in advance of the meeting.

In the ensuing debate, the following questions were raised:

What changes, if any, had been made to bus services in Redditch in the last five years?

The majority of the changes had been made due to changes to the contract with Worcestershire County Council, including fare increases and route alterations.

How were the changes to bus services communicated to Redditch residents?

Diamond Bus Services offered a wide range of information to bus user. Any changes to services were communicated on the company's website, on social media, on buses and also via Worcestershire County Council's website.

To what extent were the buses in service energy efficient?

The energy rate of vehicles was dependant on the routes and the type of vehicle used. It was further stated that there were no Euro 6 model buses in operation in Redditch. Vehicles that met Euro 6 emission were the cleanest in terms of emissions. However, should these be required in future Worcestershire County Council contracts the matter would be investigated further.

What were the strengths of the bus services in Redditch?

The management and staff were based in the local area, there was good network coverage and the bus service in Redditch was subject to some of the lowest fares in the country. Members stated that one of the concerns that the public had raised was that the fares were rising. In this context it was recognised that it would be

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beneficial to the bus company to inform residents that the fares for Redditch bus services were some of the lowest in the country.

## What were the challenges facing bus services in Redditch?

The challenges included some passengers' behaviour and funding cuts.

## How can public sector organisations help to address these challenges?

The Council could work in partnership with Diamond Buses to help alleviate some of the issues with bus users. The Council could also help with the promotion of job vacancies for bus drivers which could be filled by local residents.

Members further raised a number of points in detail:

- Diamond Bus Services did not offer return tickets, however, offered a day ticket, which could be used on multiple routes throughout the day and was value for money.
- It was recognised that it was important to establish sustainable bus services in Redditch.
- In response to the query regarding breakdowns that occurred on bus services, it was explained that this could be due to the modern vehicles used, which were fitted with sensors and could be due to electrical faults.
- With regards to training, it was stated that all drivers were qualified and received the required training. New drivers were mentored and no drivers were left alone to operate a service until they knew the bus routes. Drivers also undertook induction training which included health and safety and relevant legal requirements.

## **101. PRE-DECISION SCRUTINY - MATCHBOROUGH AND WINYATES DISTRICT CENTRE - OUTCOMES OF SOFT MARKET TESTING**

Members considered a report providing an update in respect of the Matchborough and Winyates District Centres' redevelopment.

Members were reminded that a report was presented to Executive Committee in January, 2019 and it was agreed that officers would undertake a soft market testing exercise with developers on the Homes England Delivery Partner Panel 3 (DPP3) in order to consider the best options for improvements in the District Centres.

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The Town Centre Advisor provided Members with a summary of the key findings which outlined the soft market testing exercise and looked at various development schemes that would be viable, sustainable and beneficial for the local residents.

Members were informed that four developers took part in the exercise, and they had indicated that would be interested in working with the Council.

Following the presentation of the report Members discussed a number of areas in more detail:

- Members expressed concerns regarding the re-development, as they had been mindful of mistakes which had been made in previous projects; in particular, the Church Hill redevelopment. The Town Centre Advisor reassured the Committee that lessons had been learnt and a different approach was being taken.
- The Committee raised concerns with regard to the lack of public consultation undertaken to date and noted that residents were aware of and in some cases anxious about the proposed scheme. The Town Centre Advisor explained that the Council had drafted a Communications Plan and this would be utilised should the Executive Committee agree the proposals detailed in the report.
- Members were informed that a meeting had taken place with some Ward Members, businesses and residents. Members asked for clarity of the arrangements for these meetings and the notes arising from them. The Committee further expressed their concerns that not all ward Members were informed of this meeting.
- It was specified that this was a soft market testing exercise and it was recognised that early engagement with the public was prudent and this would be undertaken once the developer was appointed.
- It was important that the district centres had continuity. Members were informed that it was envisaged that no existing houses or businesses would be demolished until the new development was completed.
- The Council would appoint a developer that they had full confidence in.
- A number of the developers had expressed the view that should they be successful in a future procurement exercise they would expect to have continuing involvement in the area once the development was completed. No options had been



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considered at this stage. A full report of the proposed scheme would be presented to the Executive Committee in June, 2019.

- It was important that the Council considered the financial implications when considering the options.
- Members agreed that the next report to the Executive Committee in respect of this matter, due to be considered in June 2019, should be subject to pre-scrutiny.

## **RECOMMENDED that**

- a) the positive outcome of the soft market testing is noted and officers are instructed to continue to analyse the results;**
- b) as a preparatory to procuring a preferred developer, to instruct officers to continue to work to develop the Council's parameters for a potential scheme (economic, social and environmental) and the frame of reference for joint working with a developer and delivery of a scheme; and**
- c) Officers report back with specific proposals for the formal procurement of a suitable development partner to work with the Council, stakeholders and the local community to develop and agree a comprehensive regeneration scheme for Matchborough and Winyates.**

## **RESOLVED that**

**the Overview and Scrutiny Committee pre-scrutinise the report in respect of the proposals for the formal procurement of the development on 6<sup>th</sup> June, 2019 prior to Executive consideration on 11th June, 2019.**

## **102. PUBLIC SPEAKING REPORT**

The Senior Democratic Services Officer (Redditch), presented a report which invited Members to determine arrangements for public speaking at meetings of the Overview and Scrutiny Committee. The committee was reminded that at a meeting of Council on 25<sup>th</sup> February, 2019, Members had agreed to introduce public speaking at certain Committee meetings where formal public speaking arrangements were not already in place, including meetings of the Overview and Scrutiny Committee. It was noted that public speaking arrangements were already in place for some

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Committees, including Council, the Executive Committee and Planning Committee. However, at other public meetings public speaking rights were not formalised and could only be exercised at the discretion of the Chair.

The background to this change was that a complaint had been received from a member of the public who had called for formal public speaking to be introduced at all public Committee meetings. The complaint had been considered by the Constitutional Review Working Party, who had decided to recommend to Council that formal public speaking should be introduced for those Committees where it was not currently in place.

Members expressed the view that they wished to adopt the same approach as both Licensing and Planning Committees, whereby members of the public were allowed a time limit of three minutes for individual speakers and a maximum overall time limit of 15 minutes for all public speaking. Members also agreed that a cut-off point for registration of noon on the day of the meeting was efficient.

The Committee was informed that an item in respect of public speaking at Overview and Scrutiny Committee meetings would be included on the agenda at the start of the meeting.

## **RESOLVED that**

**the following arrangements for public speaking at Overview and Scrutiny Committee meetings be adopted:**

- a) that members of the public wishing to register to speak at Overview and Scrutiny Committee shall notify Democratic Services officers of their intention to do so and the subject on which they intend to speak by no later than 12 noon on the day of the meeting;**
- b) that the time limit for individual speakers speaking at Overview and Scrutiny Committee meetings shall be three minutes; and**
- c) that the maximum time limit devoted to public speaking at meetings of the Overview and Scrutiny Committee shall be 15 minutes.**

# Overview and Scrutiny Committee

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## 103. OVERVIEW AND SCRUTINY COMMITTEE RECOMMENDATION TRACKER

The Senior Democratic Services Officer (Redditch) highlighted a number of recommendations made through the Overview and Scrutiny process that had already been acted on. The Committee was informed that the outstanding actions would be followed up and an update would be provided to the Committee in due course.

Members were reminded that the Overview and Scrutiny Committee made a recommendation that all Members should receive a briefing on the new finance system. The briefing session was held on 19<sup>th</sup> March, 2019, however, only six Members attended the session. Members agreed that in future consideration should be given to the timing of any such briefings as it was appreciated that Members might not always be available during the election period.

With regard to the Redi Centre Lease Arrangements, Members were advised that action on the recommendations remained ongoing. However, Members sought clarity on the progress of this as it had been thought that the actions required had been completed.

### **RESOLVED that**

**the recommendation tracker be noted.**

## 104. DRAFT OVERVIEW AND SCRUTINY ANNUAL REPORT 2018/19

The Chair presented the Overview and Scrutiny Committee's Annual Report 2018/2019, which detailed the work undertaken by the Overview and Scrutiny Committee during the municipal year 2018 – 2019.

The Chair stated that this had been a successful year for the Committee, although the Committee had not launched any Task Group reviews, Members had pre-scrutinised a range of items that were important to the community and had made a number of recommendations to the Executive Committee many of which had been approved. The Chair expressed his thanks to the Members of the Overview and Scrutiny Committee for their valued contribution. He further expressed his gratitude to the Democratic Services Officers for all their help and hard work.

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Members were advised that the Annual report would be presented to Council at its meeting on 15<sup>th</sup> April, 2019 for Members' consideration.

**RESOLVED that**

**the Overview and Scrutiny Committee Annual Report 2018/19 be noted.**

**105. TASK GROUP REVIEWS - DRAFT SCOPING DOCUMENTS**

Members gave consideration to a scrutiny proposal form which proposed a Short, Sharp Review in respect of suicide prevention. Members were asked to consider whether this would be a suitable topic for further scrutiny.

The suggestion of a Short, Sharp Review to look at suicide prevention in Redditch had been put forward by Councillor Debbie Chance. She explained that this was an important topic to be investigated in light of public health statistics from 2015 to 2017, which indicated that Redditch had a higher suicide rate than the national average.

Members acknowledged that this was an important topic as this had an impact on many people; therefore, the proposed review was welcomed.

The potential for the Committee to first receive a presentation in respect of this matter was briefly discussed. However, Members were advised that as the Council did not have internal expertise in this field, it might be more practical for relevant external partner organisations to be invited to attend meetings of a Short Sharp Review group; in order to share their expertise.

It was envisaged that the review might take longer to complete than anticipated. Members agreed that the review would take place in the new municipal year.

The Senior Democratic Services Officer (Redditch) advised Members that the Chair for scrutiny reviews were usually appointed by the Overview and Scrutiny Committee at the same meeting that Members agreed to launch a review. However, as the proposal had been agreed close to the date of the local elections and Members were not intending to launch the review until the 2019/20 municipal year started Officers suggested that on this occasion the Chair should be appointed in the new municipal year.

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**RESOLVED that**

- a) the proposed Short, Sharp Review in respect of suicide prevention be launched; and
- b) the Chair of the Suicide Prevention Short ,Sharp Review be appointed in the new municipal year.

**106. EXECUTIVE COMMITTEE MINUTES AND SCRUTINY OF THE EXECUTIVE COMMITTEE'S WORK PROGRAMME - SELECTING ITEMS FOR SCRUTINY**

The Overview and Scrutiny Committee considered the minutes of the Executive Committee meeting held on 25<sup>th</sup> February, 2019 and the Executive Committee's Work Programme for the period 1<sup>st</sup> April to 31<sup>st</sup> July 2019.

Members were informed that the Executive Committee had noted the Overview and Scrutiny Committee's comments and concerns raised in relation to the Medium Term Financial Plan 2019/20 to 2022/2023, including the Pay Policy Statement and Council Tax Setting.

During consideration of the latest edition of the Executive Committee's Work Programme Members noted the number of items that had previously been identified for pre-scrutiny. In addition Members agreed to pre-scrutinise the Town Centre Regeneration (Community Hub and Railway Quarter) at a meeting of the Committee in June, 2019.

**RESOLVED that**

- 1) the minutes of the Executive Committee meeting held on 25<sup>th</sup> February 2019 be noted;
- 2) the Executive Committee's Work Programme from 1<sup>st</sup> April to 31<sup>st</sup> July 2019, be noted; and
- 3) the following item be included in the Overview and Scrutiny Work Programme for pre-scrutiny as agreed:
  - a) Town Centre Regeneration (Community Hub and Railway Quarter).

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## 107. OVERVIEW AND SCRUTINY WORK PROGRAMME

The Senior Democratic Services Officer (Redditch) presented the Overview and Scrutiny Committee's Work Programme. Members were advised that the new Government guidance for Overview and Scrutiny had not yet been published. The document would be presented for Members' consideration once it was in the public domain.

### RESOLVED that

- a) **the item in respect of the Town Centre Regeneration (Community Hub and Railway Quarter) be added to the Overview and Scrutiny Committee's Work Programme; and**
- b) **the Overview and Scrutiny Committee's Work Programme be noted.**

## 108. TASK GROUPS, SHORT SHARP REVIEWS AND WORKING GROUPS - UPDATE REPORTS

### Budget Scrutiny Working Group – Chair, Councillor Andrew Fry

Councillor Fry informed Members that at the latest meeting of the Budget Scrutiny Working Group, held on 8<sup>th</sup> March, 2019, Members received an update in relation to the new Housing IT system and the new finance system. The group had proposed that Members of both Redditch Borough Council and Bromsgrove District Council should be involved in any programme board managing the introduction of the new finance system.

### Performance Scrutiny Working Group

Councillor Fry informed Members that the Performance Scrutiny Working Group had met on 18<sup>th</sup> February, 2019. Members were reminded that earlier in the year the group had agreed that each Member should take a lead on monitoring the performance of measures for a particular strategic purpose.

The group had agreed that it should set at least six meetings during 2019/2020. The dates of these meetings would be agreed in the new municipal year and once the membership of the group had been determined for 2019/20.

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To ensure there was adequate turnout at meetings, the group had proposed at its latest meeting that a quorum should be introduced of three Members.

It was suggested that any Members who were newly appointed to the group in 2019 should be required to attend the dashboard training session on 3<sup>rd</sup> June, 2019.

**RESOLVED that**

**a quorum of three Members should be in place for meetings of the Performance Scrutiny Working Group.**

**109. EXTERNAL SCRUTINY BODIES - UPDATE REPORTS**

Councillor Chalk provided a written update in respect of the West Midlands Combined Authority Overview and Scrutiny Committee. The Committee was informed that the meeting was again inquorate.

Councillor Chalk informed Members that he had submitted his apologies at the last meeting of the Worcestershire Health Overview and Scrutiny Committee held on 5<sup>th</sup> March, 2019. However, the items that were covered on the agenda for this meeting were in relation to the NHS Long Term Plan and Health Overview and Scrutiny Round-Up.

The Meeting commenced at 6.30 pm  
and closed at 9.30 pm

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REDDITCH BOROUGH COUNCIL**OVERVIEW AND SCRUTINY  
COMMITTEE**6<sup>th</sup> June 2019**REVIEW OF PARKING ENFORCEMENT CONTRACT – PROPOSED SCRUTINY  
REVIEW**

Relevant Portfolio Holder	Councillor Julian Grubb, Portfolio Holder for Community Safety and Regulatory Services
Portfolio Holder Consulted	No
Relevant Heads of Service	Head of Legal, Equalities and Democratic Services and Head of Environmental Services
Ward(s) Affected	All wards.

**1. SUMMARY OF PROPOSALS**

This report provides Members with an opportunity to consider a proposal that has been received from Councillor Mark Shurmer to review the Council's contract for parking enforcement. The Committee is invited to consider whether this subject is appropriate for scrutiny and, if so, the method of review that should be adopted.

**2. RECOMMENDATIONS**

The Committee is asked to **RESOLVE** to approve one of the following options:

- 1) a Task Group be established to investigate the Council's parking enforcement contract.
- 2) a Short, Sharp Review be established to investigate the Council's parking enforcement contract.
- 3) The Overview and Scrutiny Committee should review the subject of the Council's parking enforcement contract at consecutive Committee meetings.
- 4) An alternative approach to scrutiny, to be identified and clearly specified during the meeting, be taken in relation to this matter.

**3. KEY ISSUES****Background**

- 3.1 All Members are entitled to suggest items for scrutiny. The Overview and Scrutiny Committee determines whether particular topics should be the subject of a scrutiny investigation and the method of review that should be adopted.

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- 3.2 Overview and Scrutiny investigations can focus on any issues that have implications for local communities.

**Financial Implications**

- 3.3 There are no direct financial implications for the Council.

**Legal Implications**

- 3.4 There are no specific legal implications.

**Service / Operational Implications**

- 3.5 Wychavon District council provides a parking enforcement service on behalf of Redditch Borough Council. Worcestershire County Council and West Mercia Police also have roles and responsibilities in respect of the public highways and parking enforcement. Therefore it is likely that any review of this subject would require consultation with partner organisations.
- 3.6 The Overview and Scrutiny Committee is asked to note that as agreed in 2016/17 whilst meetings of the working groups continue to take place there are only sufficient officer resources to facilitate one Task Group or Short Sharp Review at any one time. The Suicide Prevention Short Sharp Review is due to be launched in June 2019. The Committee should therefore note that a separate review of the Council's parking enforcement contract by a scrutiny Task Group or short Sharp Review Group could not be launched until the review of suicide prevention has been completed..

**Customer / Equalities and Diversity Implications**

- 3.8 No specific implications have been identified.

**4. RISK MANAGEMENT**

No specific risks have been identified.

**AUTHOR OF REPORT**

Name: Jess Bayley, Senior Democratic Services Officer (Redditch)  
Email: [jess.bayley@bromsgroveandredditch.gov.uk](mailto:jess.bayley@bromsgroveandredditch.gov.uk)  
Tel: (01527) 64252 Ext: 3268

## Scrutiny Proposal Form

(This form should be completed by sponsoring Member(s), Officers and / or members of the public when proposing an item for Scrutiny).

**Note: The matters detailed below have not yet received any detailed consideration. The Overview and Scrutiny Committee reserves the right to reject suggestions for scrutiny that fall outside the Borough Council's remit.**

Proposer's name and designation	Councillor Mark Shurmer	Date of referral	13 May 2019
Proposed topic title	Review of Parking Enforcement Contract		
Link to local priorities including the strategic purposes	Keep my place safe and looking good. Child protection issues around parking.		
Background to the issue	<p>Numerous complaints have been received by Members from residents from across the Borough over several years regarding dangerous and irresponsible parking. There is a need to ensure that support is provided to the Police in enforcement of parking problems, particularly at school sites in the morning and afternoons.</p> <p>This problem was raised during a meeting of the Audit, Governance and Standards Committee in April 2019. During the meeting members agreed that this subject would be suitable for further scrutiny and the intention of this scoping document is to raise the issue for the consideration of the Overview and Scrutiny committee.</p> <p>A range of partners have roles in respect of parking enforcement including Wychavon District Council, which delivers a parking enforcement service on behalf of Redditch Borough Council, West Mercia Police and Worcestershire County Council, as the local highways authority. A proper review of this subject would require consultation with partner organisations.</p>		
Key Objectives Please keep to SMART objectives (Specific, Measurable, Achievable, Relevant and Timely)	<ol style="list-style-type: none"> <li>1) To review the content of Redditch Borough Council's civil parking enforcement contract with Wychavon District Council.</li> <li>2) To consult with relevant Council Officers and partner organisations about parking enforcement issues in the Borough.</li> <li>3) To scrutinise the financial implications of the parking enforcement contract and of enforcement action to Redditch Borough Council.</li> </ol>		

	<ul style="list-style-type: none"><li>4) To investigate action that could be taken to improve parking enforcement in the Borough.</li><li>5) To review the action taken by the Council to communicate the Council's approach to parking enforcement and the powers available to the local authority in respect of dangerous and irresponsible parking.</li></ul>
How long do you think is needed to complete this exercise? (Where possible please estimate the number of weeks, months and meetings required)	This review should take 4 – 5 months.

**Please return this form to: Jess Bayley, Farzana Mughal or Amanda Scarce, Democratic Services Officers, Redditch Borough Council, Town Hall, Walter Stranz Square, Redditch, B98 8AH**

**Email: [jess.bayley@bromsgroveandredditch.gov.uk](mailto:jess.bayley@bromsgroveandredditch.gov.uk)**

**[a.scarce@bromsgroveandredditch.gov.uk](mailto:a.scarce@bromsgroveandredditch.gov.uk)**

**[farzana.mughal@bromsgroveandredditch.gov.uk](mailto:farzana.mughal@bromsgroveandredditch.gov.uk)**

**REDDITCH BOROUGH COUNCIL****Overview & Scrutiny Committee****6<sup>th</sup> June 2019****Government Review – Overview and Scrutiny Guidance Report**

Relevant Portfolio Holder	Cllr D Thain
Portfolio Holder Consulted	No
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services
Ward(s) Affected	All
Ward Councillor(s) Consulted	N/A
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

- 1.1 This report sets out the key points arising from the new Overview and Scrutiny Guidance published by the Ministry of Housing, Communities and Local Government in May 2019.
- 1.2 Members are invited to consider the guidance and to determine whether any changes to the current scrutiny procedures are necessary.

**2. RECOMMENDATIONS**

**Members are asked to note the attached summary of the guidance and if appropriate make any necessary recommendations.**

**3. KEY ISSUES****Financial Implications**

- 3.1 There are no direct financial implications in respect of this report

**Legal Implications**

- 3.2 This statutory guidance has been issued under Section 9Q of the Local Government Act 2000 and under paragraph 2 (9) of schedule 5A to the Local Democracy, Economic Development and Construction Act 2009, which requires authorities to have regard to this Guidance.
- 3.3 The requirement to give due regard to the proposals means that the Council must demonstrate it has considered the guidance and where appropriate implemented changes at a local level.
- 3.4 The Guidance does recognise the need for flexibility to ensure that Overview and Scrutiny arrangements in place at a Council meet the needs of that local authority.

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- 3.5 The Overview and Scrutiny Committee is invited to consider a report in respect of the guidance as it has clear implications for the ways in which Scrutiny operates at the Council.
- 3.6 It should be noted that many of the key principles of Overview and Scrutiny set out in the Guidance are already complied with in Redditch. However, there are a small number of proposals that do require further consideration as these are not currently in place.

**Customer / Equalities and Diversity Implications**

- 3.7 There are no customer/equalities and diversity implications in relation to this report.

**4. RISK MANAGEMENT**

There is a risk that if the Overview and Scrutiny Committee does not consider this Guidance and whether to amend its practices in response, the Authority will not be demonstrating that it has given due regard to it.

**5. APPENDICES**

Appendix 1 - Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities.

Appendix 2 – Local Analysis of the Guidance.

**6. BACKGROUND PAPERS**

N/A

**AUTHOR OF REPORT**

Name: Jess Bayley, Senior Democratic Services Officer (Redditch)

email: [jess.bayley@bromsgroveandredditch.gov.uk](mailto:jess.bayley@bromsgroveandredditch.gov.uk)

Tel.: (01527) 64252 Ext: 3268



Ministry of Housing,  
Communities &  
Local Government

## Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities



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Ministry of Housing, Communities and Local Government  
Fry Building  
2 Marsham Street  
London  
SW1P 4DF  
Telephone: 030 3444 0000

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## Ministerial Foreword

The role that overview and scrutiny can play in holding an authority's decision-makers to account makes it fundamentally important to the successful functioning of local democracy. Effective scrutiny helps secure the efficient delivery of public services and drives improvements within the authority itself. Conversely, poor scrutiny can be indicative of wider governance, leadership and service failure.

It is vital that councils and combined authorities know the purpose of scrutiny, what effective scrutiny looks like, how to conduct it and the benefits it can bring. This guidance aims to increase understanding in all four areas.

In writing this guidance, my department has taken close note of the House of Commons Select Committee report of December 2017, as well as the written and oral evidence supplied to that Committee. We have also consulted individuals and organisations with practical involvement in conducting, researching and supporting scrutiny.

It is clear from speaking to these practitioners that local and combined authorities with effective overview and scrutiny arrangements in place share certain key traits, the most important being a strong organisational culture. Authorities who welcome challenge and recognise the value scrutiny can bring reap the benefits. But this depends on strong commitment from the top - from senior members as well as senior officials.

Crucially, this guidance recognises that authorities have democratic mandates and are ultimately accountable to their electorates, and that authorities themselves are best-placed to know which scrutiny arrangements are most appropriate for their own individual circumstances.

I would, however, strongly urge all councils to cast a critical eye over their existing arrangements and, above all, ensure they embed a culture that allows overview and scrutiny to flourish.



A handwritten signature in blue ink, which appears to read 'Rishi Sunak'.

**Rishi Sunak MP**  
**Minister for Local Government**

## About this Guidance

### Who the guidance is for

This document is aimed at local authorities and combined authorities in England to help them carry out their overview and scrutiny functions effectively. In particular, it provides advice for senior leaders, members of overview and scrutiny committees, and support officers.

### Aim of the guidance

This guidance seeks to ensure local authorities and combined authorities are aware of the purpose of overview and scrutiny, what effective scrutiny looks like, how to conduct it effectively and the benefits it can bring.

As such, it includes a number of policies and practices authorities should adopt or should consider adopting when deciding how to carry out their overview and scrutiny functions.

The guidance recognises that authorities approach scrutiny in different ways and have different processes and procedures in place, and that what might work well for one authority might not work well in another.

The hypothetical scenarios contained in the annexes to this guidance have been included for illustrative purposes, and are intended to provoke thought and discussion rather than serve as a 'best' way to approach the relevant issues.

While the guidance sets out some of the key legal requirements, it does not seek to replicate legislation.

### Status of the guidance

This is statutory guidance from the Ministry of Housing, Communities and Local Government. Local authorities and combined authorities must have regard to it when exercising their functions. The phrase 'must have regard', when used in this context, does not mean that the sections of statutory guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case.

Not every authority is required to appoint a scrutiny committee. This guidance applies to those authorities who have such a committee in place, whether they are required to or not.

This guidance has been issued under section 9Q of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009, which requires authorities to have regard to this guidance. In addition, authorities may have regard to other material they might choose to consider, including that issued by the Centre for Public Scrutiny, when exercising their overview and scrutiny functions.

### Terminology

Unless 'overview' is specifically mentioned, the term 'scrutiny' refers to both overview and scrutiny.<sup>1</sup>

Where the term 'authority' is used, it refers to both local authorities and combined authorities.

Where the term 'scrutiny committee' is used, it refers to an overview and scrutiny committee and any of its sub-committees. As the legislation refers throughout to powers conferred on scrutiny committees, that is the wording used in this guidance. However, the guidance should be seen as applying equally to work undertaken in informal task and finish groups, commissioned by formal committees.

Where the term 'executive' is used, it refers to executive members.

For combined authorities, references to the 'executive' or 'cabinet' should be interpreted as relating to the mayor (where applicable) and all the authority members.

For authorities operating committee rather than executive arrangements, references to the executive or Cabinet should be interpreted as relating to councillors in leadership positions.

### Expiry or review date

This guidance will be kept under review and updated as necessary.

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<sup>1</sup> A distinction is often drawn between 'overview' which focuses on the development of policy, and 'scrutiny' which looks at decisions that have been made or are about to be made to ensure they are fit for purpose.

# 1. Introduction and Context

1. Overview and scrutiny committees were introduced in 2000 as part of new executive governance arrangements to ensure that members of an authority who were not part of the executive could hold the executive to account for the decisions and actions that affect their communities.
2. Overview and scrutiny committees have statutory powers<sup>2</sup> to scrutinise decisions the executive is planning to take, those it plans to implement, and those that have already been taken/implemented. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented. Overview and scrutiny committees can also play a valuable role in developing policy.

Effective overview and scrutiny should:

- Provide constructive 'critical friend' challenge;
- Amplify the voices and concerns of the public;
- Be led by independent people who take responsibility for their role; and
- Drive improvement in public services.

3. The requirement for local authorities in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011.
4. The Localism Act 2011 amended the Local Government Act 2000 to allow councils to revert to a non-executive form of governance - the 'committee system'. Councils who adopt the committee system are not required to have overview and scrutiny but may do so if they wish. The legislation has been strengthened and updated since 2000, most recently to reflect new governance arrangements with combined authorities. Requirements for combined authorities are set out in Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.
5. Current overview and scrutiny legislation recognises that authorities are democratically-elected bodies who are best-placed to determine which overview and scrutiny arrangements best suit their own individual needs, and so gives them a great degree of flexibility to decide which arrangements to adopt.
6. In producing this guidance, the Government fully recognises both authorities' democratic mandate and that the nature of local government has changed in recent years, with, for example, the creation of combined authorities, and councils increasingly delivering key services in partnership with other organisations or outsourcing them entirely.

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<sup>2</sup> Section 9F of the Local Government Act 2000; paragraph 1 of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

## 2. Culture

7. The prevailing organisational culture, behaviours and attitudes of an authority will largely determine whether its scrutiny function succeeds or fails.
8. While everyone in an authority can play a role in creating an environment conducive to effective scrutiny, it is important that this is led and owned by members, given their role in setting and maintaining the culture of an authority.
9. Creating a strong organisational culture supports scrutiny work that can add real value by, for example, improving policy-making and the efficient delivery of public services. In contrast, low levels of support for and engagement with the scrutiny function often lead to poor quality and ill-focused work that serves to reinforce the perception that it is of little worth or relevance.
10. Members and senior officers should note that the performance of the scrutiny function is not just of interest to the authority itself. Its effectiveness, or lack thereof, is often considered by external bodies such as regulators and inspectors, and highlighted in public reports, including best value inspection reports. Failures in scrutiny can therefore help to create a negative public image of the work of an authority as a whole.

### How to establish a strong organisational culture

11. Authorities can establish a strong organisational culture by:

- a) **Recognising scrutiny's legal and democratic legitimacy** – all members and officers should recognise and appreciate the importance and legitimacy the scrutiny function is afforded by the law. It was created to act as a check and balance on the executive and is a statutory requirement for all authorities operating executive arrangements and for combined authorities.

Councillors have a unique legitimacy derived from their being democratically elected. The insights that they can bring by having this close connection to local people are part of what gives scrutiny its value.

- b) **Identifying a clear role and focus** – authorities should take steps to ensure scrutiny has a clear role and focus within the organisation, i.e. a niche within which it can clearly demonstrate it adds value. Therefore, prioritisation is necessary to ensure the scrutiny function concentrates on delivering work that is of genuine value and relevance to the work of the wider authority – this is one of the most challenging parts of scrutiny, and a critical element to get right if it is to be recognised as a strategic function of the authority (see chapter 6).

Authorities should ensure a clear division of responsibilities between the scrutiny function and the audit function. While it is appropriate for scrutiny to pay due regard to the authority's financial position, this will need to happen in the context of the formal audit role. The authority's section 151 officer should advise scrutiny on how to manage this dynamic.

While scrutiny has no role in the investigation or oversight of the authority's whistleblowing arrangements, the findings of independent whistleblowing investigations might be of interest to scrutiny committees as they consider their wider implications. Members should always follow the authority's constitution and associated Monitoring Officer directions on the matter. Further guidance on whistleblowing can be found at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf).

- c) **Ensuring early and regular engagement between the executive and scrutiny** – authorities should ensure early and regular discussion takes place between scrutiny and the executive, especially regarding the latter's future work programme. Authorities should, though, be mindful of their distinct roles:

In particular:

- The executive should not try to exercise control over the work of the scrutiny committee. This could be direct, e.g. by purporting to 'order' scrutiny to look at, or not look at, certain issues, or indirect, e.g. through the use of the whip or as a tool of political patronage, and the committee itself should remember its statutory purpose when carrying out its work. All members and officers should consider the role the scrutiny committee plays to be that of a 'critical friend' not a de facto 'opposition'. Scrutiny chairs have a particular role to play in establishing the profile and nature of their committee (see chapter 4); and
- The chair of the scrutiny committee should determine the nature and extent of an executive member's participation in a scrutiny committee meeting, and in any informal scrutiny task group meeting.

- d) **Managing disagreement** – effective scrutiny involves looking at issues that can be politically contentious. It is therefore inevitable that, at times, an executive will disagree with the findings or recommendations of a scrutiny committee.

It is the job of both the executive and scrutiny to work together to reduce the risk of this happening, and authorities should take steps to predict, identify and act on disagreement.

One way in which this can be done is via an 'executive-scrutiny protocol' (see annex 1) which can help define the relationship between the two and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways. The benefit of this approach is that it provides a framework for disagreement and debate, and a way to manage it when it happens. Often,

the value of such a protocol lies in the dialogue that underpins its preparation. It is important that these protocols are reviewed on a regular basis.

Scrutiny committees do have the power to 'call in' decisions, i.e. ask the executive to reconsider them before they are implemented, but should not view it as a substitute for early involvement in the decision-making process or as a party-political tool.

- e) **Providing the necessary support** – while the level of resource allocated to scrutiny is for each authority to decide for itself, when determining resources an authority should consider the purpose of scrutiny as set out in legislation and the specific role and remit of the authority's own scrutiny committee(s), and the scrutiny function as a whole.

Support should also be given by members and senior officers to scrutiny committees and their support staff to access information held by the authority and facilitate discussions with representatives of external bodies (see chapter 5).

- f) **Ensuring impartial advice from officers** – authorities, particularly senior officers, should ensure all officers are free to provide impartial advice to scrutiny committees. This is fundamental to effective scrutiny. Of particular importance is the role played by 'statutory officers' – the monitoring officer, the section 151 officer and the head of paid service, and where relevant the statutory scrutiny officer. These individuals have a particular role in ensuring that timely, relevant and high-quality advice is provided to scrutiny.
- g) **Communicating scrutiny's role and purpose to the wider authority** – the scrutiny function can often lack support and recognition within an authority because there is a lack of awareness among both members and officers about the specific role it plays, which individuals are involved and its relevance to the authority's wider work. Authorities should, therefore, take steps to ensure all members and officers are made aware of the role the scrutiny committee plays in the organisation, its value and the outcomes it can deliver, the powers it has, its membership and, if appropriate, the identity of those providing officer support.
- h) **Maintaining the interest of full Council in the work of the scrutiny committee** – part of communicating scrutiny's role and purpose to the wider authority should happen through the formal, public role of full Council – particularly given that scrutiny will undertake valuable work to highlight challenging issues that an authority will be facing and subjects that will be a focus of full Council's work. Authorities should therefore take steps to ensure full Council is informed of the work the scrutiny committee is doing.

One way in which this can be done is by reports and recommendations being submitted to full Council rather than solely to the executive. Scrutiny should decide when it would be appropriate to submit reports for wider debate in this way, taking into account the relevance of reports to full Council business, as well as full Council's capacity to consider and respond in a timely manner. Such



reports would supplement the annual report to full Council on scrutiny's activities and raise awareness of ongoing work.

In order to maintain awareness of scrutiny at the Combined Authority and provoke dialogue and discussion of its impact, the business of scrutiny should be reported to the Combined Authority board or to the chairs of the relevant scrutiny committees of constituent and non-constituent authorities, or both. At those chairs' discretion, particular Combined Authority scrutiny outcomes, and what they might mean for each individual area, could be either discussed by scrutiny in committee or referred to full Council of the constituent authorities.

- i) **Communicating scrutiny's role to the public** – authorities should ensure scrutiny has a profile in the wider community. Consideration should be given to how and when to engage the authority's communications officers, and any other relevant channels, to understand how to get that message across. This will usually require engagement early on in the work programming process (see chapter 6).
- j) **Ensuring scrutiny members are supported in having an independent mindset** – formal committee meetings provide a vital opportunity for scrutiny members to question the executive and officers.

Inevitably, some committee members will come from the same political party as a member they are scrutinising and might well have a long-standing personal, or familial, relationship with them (see paragraph 25).

Scrutiny members should bear in mind, however, that adopting an independent mind-set is fundamental to carrying out their work effectively. In practice, this is likely to require scrutiny chairs working proactively to identify any potentially contentious issues and plan how to manage them.

### Directly-elected mayoral systems

12. A strong organisational culture that supports scrutiny work is particularly important in authorities with a directly-elected mayor to ensure there are the checks and balances to maintain a robust democratic system. Mayoral systems offer the opportunity for greater public accountability and stronger governance, but there have also been incidents that highlight the importance of creating and maintaining a culture that puts scrutiny at the heart of its operations.
13. Authorities with a directly-elected mayor should ensure that scrutiny committees are well-resourced, are able to recruit high-calibre members and that their scrutiny functions pay particular attention to issues surrounding:
  - rights of access to documents by the press, public and councillors;
  - transparent and fully recorded decision-making processes, especially avoiding decisions by 'unofficial' committees or working groups;
  - delegated decisions by the Mayor;
  - whistleblowing protections for both staff and councillors; and
  - powers of Full Council, where applicable, to question and review.

14. Authorities with a directly-elected mayor should note that mayors are required by law to attend overview and scrutiny committee sessions when asked to do so (see paragraph 44).

### 3. Resourcing

15. The resource an authority allocates to the scrutiny function plays a pivotal role in determining how successful that function is and therefore the value it can add to the work of the authority.
16. Ultimately it is up to each authority to decide on the resource it provides, but every authority should recognise that creating and sustaining an effective scrutiny function requires them to allocate resources to it.
17. Authorities should also recognise that support for scrutiny committees, task groups and other activities is not solely about budgets and provision of officer time, although these are clearly extremely important elements. Effective support is also about the ways in which the wider authority engages with those who carry out the scrutiny function (both members and officers).

When deciding on the level of resource to allocate to the scrutiny function, the factors an authority should consider include:

- Scrutiny's legal powers and responsibilities;
- The particular role and remit scrutiny will play in the authority;
- The training requirements of scrutiny members and support officers, particularly the support needed to ask effective questions of the executive and other key partners, and make effective recommendations;
- The need for ad hoc external support where expertise does not exist in the council;
- Effectively-resourced scrutiny has been shown to add value to the work of authorities, improving their ability to meet the needs of local people; and
- Effectively-resourced scrutiny can help policy formulation and so minimise the need for call-in of executive decisions.

#### Statutory scrutiny officers

18. Combined authorities, upper and single tier authorities are required to designate a statutory scrutiny officer,<sup>3</sup> someone whose role is to:
  - promote the role of the authority's scrutiny committee;
  - provide support to the scrutiny committee and its members; and
  - provide support and guidance to members and officers relating to the functions of the scrutiny committee.

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<sup>3</sup> Section 9FB of the Local Government Act 2000; article 9 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

19. Authorities not required by law to appoint such an officer should consider whether doing so would be appropriate for their specific local needs.

Officer resource models

20. Authorities are free to decide for themselves which wider officer support model best suits their individual circumstances, though generally they adopt one or a mix of the following:
- Committee – officers are drawn from specific policy or service areas;
  - Integrated – officers are drawn from the corporate centre and also service the executive; and
  - Specialist – officers are dedicated to scrutiny.
21. Each model has its merits – the committee model provides service-specific expertise; the integrated model facilitates closer and earlier scrutiny involvement in policy formation and alignment of corporate work programmes; and the specialist model is structurally independent from those areas it scrutinises.
22. Authorities should ensure that, whatever model they employ, officers tasked with providing scrutiny support are able to provide impartial advice. This might require consideration of the need to build safeguards into the way that support is provided. The nature of these safeguards will differ according to the specific role scrutiny plays in the organisation.

## 4. Selecting Committee Members

23. Selecting the right members to serve on scrutiny committees is essential if those committees are to function effectively. Where a committee is made up of members who have the necessary skills and commitment, it is far more likely to be taken seriously by the wider authority.
24. While there are proportionality requirements that must be met,<sup>4</sup> the selection of the chair and other committee members is for each authority to decide for itself. Guidance for combined authorities on this issue has been produced by the Centre for Public Scrutiny<sup>5</sup>.

Members invariably have different skill-sets. What an authority must consider when forming a committee is that, as a group, it possesses the requisite expertise, commitment and ability to act impartially to fulfil its functions.

25. Authorities are reminded that members of the executive cannot be members of a scrutiny committee.<sup>6</sup> Authorities should take care to ensure that, as a minimum, members holding less formal executive positions, e.g. as Cabinet assistants, do not sit on scrutinising committees looking at portfolios to which those roles relate. Authorities should articulate in their constitutions how conflicts of interest, including familial links (see also paragraph 31), between executive and scrutiny responsibilities should be managed, including where members stand down from the executive and move to a scrutiny role, and vice-versa.
26. Members or substitute members of a combined authority must not be members of its overview and scrutiny committee.<sup>7</sup> This includes the Mayor in Mayoral Combined Authorities. It is advised that Deputy Mayors for Policing and Crime are also not members of the combined authority's overview and scrutiny committee.

### Selecting individual committee members

27. When selecting individual members to serve on scrutiny committees, an authority should consider a member's experience, expertise, interests, ability to act impartially, ability to work as part of a group, and capacity to serve.

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<sup>4</sup> See, for example, regulation 11 of the Local Authorities (Committee System) (England) Regulations 2012 (S.I. 2012/1020) and article 4 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

<sup>5</sup> See pages 15-18 of 'Overview and scrutiny in combined authorities: a plain English guide': <https://www.cfps.org.uk/wp-content/uploads/Overview-and-scrutiny-in-combined-authorities-a-plain-english-guide.pdf>

<sup>6</sup> Section 9FA(3) of the Local Government Act 2000.

<sup>7</sup> 2(3) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009

28. Authorities should not take into account a member's perceived level of support for or opposition to a particular political party (notwithstanding the wider legal requirement for proportionality referred to in paragraph 24).

#### Selecting a chair

29. The Chair plays a leadership role on a scrutiny committee as they are largely responsible for establishing its profile, influence and ways of working.
30. The attributes authorities should and should not take into account when selecting individual committee members (see paragraphs 27 and 28) also apply to the selection of the Chair, but the Chair should also possess the ability to lead and build a sense of teamwork and consensus among committee members.

Chairs should pay special attention to the need to guard the committee's independence. Importantly, however, they should take care to avoid the committee being, and being viewed as, a de facto opposition to the executive.

31. Given their pre-eminent role on the scrutiny committee, it is strongly recommended that the Chair not preside over scrutiny of their relatives<sup>8</sup>. Combined authorities should note the legal requirements that apply to them where the Chair is an independent person<sup>9</sup>.
32. The method for selecting a Chair is for each authority to decide for itself, however every authority should consider taking a vote by secret ballot. Combined Authorities should be aware of the legal requirements regarding the party affiliation of their scrutiny committee Chair<sup>10</sup>.

#### Training for committee members

33. Authorities should ensure committee members are offered induction when they take up their role and ongoing training so they can carry out their responsibilities effectively. Authorities should pay attention to the need to ensure committee members are aware of their legal powers, and how to prepare for and ask relevant questions at scrutiny sessions.
34. When deciding on training requirements for committee members, authorities should consider taking advantage of opportunities offered by external providers in the sector.

#### Co-option and technical advice

35. While members and their support officers will often have significant local insight and an understanding of local people and their needs, the provision of outside expertise can be invaluable.

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<sup>8</sup> A definition of 'relative' can be found at section 28(10) of the Localism Act 2011.

<sup>9</sup> See article 5(2) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

<sup>10</sup> Article 5(6) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

36. There are two principal ways to procure this:

- Co-option – formal co-option is provided for in legislation<sup>11</sup>. Authorities must establish a co-option scheme to determine how individuals will be co-opted onto committees; and
- Technical advisers – depending on the subject matter, independent local experts might exist who can provide advice and assistance in evaluating evidence (see annex 2).

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<sup>11</sup> Section 9FA(4) Local Government Act 2000

## 5. Power to Access Information

37. A scrutiny committee needs access to relevant information the authority holds, and to receive it in good time, if it is to do its job effectively.
38. This need is recognised in law, with members of scrutiny committees enjoying powers to access information<sup>12</sup>. In particular, regulations give enhanced powers to a scrutiny member to access exempt or confidential information. This is in addition to existing rights for councillors to have access to information to perform their duties, including common law rights to request information and rights to request information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
39. When considering what information scrutiny needs in order to carry out its work, scrutiny members and the executive should consider scrutiny's role and the legal rights that committees and their individual members have, as well as their need to receive timely and accurate information to carry out their duties effectively.
40. Scrutiny members should have access to a regularly available source of key information about the management of the authority – particularly on performance, management and risk. Where this information exists, and scrutiny members are given support to understand it, the potential for what officers might consider unfocused and unproductive requests is reduced as members will be able to frame their requests from a more informed position.
41. Officers should speak to scrutiny members to ensure they understand the reasons why information is needed, thereby making the authority better able to provide information that is relevant and timely, as well as ensuring that the authority complies with legal requirements.

While each request for information should be judged on its individual merits, authorities should adopt a default position of sharing the information they hold, on request, with scrutiny committee members.

42. The law recognises that there might be instances where it is legitimate for an authority to withhold information and places a requirement on the executive to provide the scrutiny committee with a written statement setting out its reasons for that decision<sup>13</sup>. However, members of the executive and senior officers should take particular care to avoid refusing requests, or limiting the information they provide, for reasons of party political or reputational expediency.

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<sup>12</sup> Regulation 17 - Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10 Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

<sup>13</sup> Regulation 17(4) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(4) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.



Before an authority takes a decision not to share information it holds, it should give serious consideration to whether that information could be shared in closed session.

43. Regulations already stipulate a timeframe for executives to comply with requests from a scrutiny member<sup>14</sup>. When agreeing to such requests, authorities should:

- consider whether seeking clarification from the information requester could help better target the request; and
- Ensure the information is supplied in a format appropriate to the recipient's needs.

44. Committees should be aware of their legal power to require members of the executive and officers to attend before them to answer questions<sup>15</sup>. It is the duty of members and officers to comply with such requests.<sup>16</sup>

#### Seeking information from external organisations

45. Scrutiny members should also consider the need to supplement any authority-held information they receive with information and intelligence that might be available from other sources, and should note in particular their statutory powers to access information from certain external organisations.

46. When asking an external organisation to provide documentation or appear before it, and where that organisation is not legally obliged to do either (see annex 3), scrutiny committees should consider the following:

- a) **The need to explain the purpose of scrutiny** – the organisation being approached might have little or no awareness of the committee's work, or of an authority's scrutiny function more generally, and so might be reluctant to comply with any request;
- b) **The benefits of an informal approach** – individuals from external organisations can have fixed perceptions of what an evidence session entails and may be unwilling to subject themselves to detailed public scrutiny if they believe it could reflect badly on them or their employer. Making an informal approach can help reassure an organisation of the aims of the committee, the type of information being sought and the manner in which the evidence session would be conducted;

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<sup>14</sup> Regulation 17(2) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(2) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

<sup>15</sup> Section 9FA(8) of the Local Government Act 2000; paragraph 2(6) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

<sup>16</sup> Section 9FA(9) of the Local Government Act 2000; paragraph 2(7) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

- c) **How to encourage compliance with the request** – scrutiny committees will want to frame their approach on a case by case basis. For contentious issues, committees might want to emphasise the opportunity their request gives the organisation to ‘set the record straight’ in a public setting; and
- d) **Who to approach** – a committee might instinctively want to ask the Chief Executive or Managing Director of an organisation to appear at an evidence session, however it could be more beneficial to engage front-line staff when seeking operational-level detail rather than senior executives who might only be able to talk in more general terms. When making a request to a specific individual, the committee should consider the type of information it is seeking, the nature of the organisation in question and the authority’s pre-existing relationship with it.

**Following ‘the Council Pound’**

Scrutiny committees will often have a keen interest in ‘following the council pound’, i.e. scrutinising organisations that receive public funding to deliver goods and services.

Authorities should recognise the legitimacy of this interest and, where relevant, consider the need to provide assistance to scrutiny members and their support staff to obtain information from organisations the council has contracted to deliver services. In particular, when agreeing contracts with these bodies, authorities should consider whether it would be appropriate to include a *requirement* for them to supply information to or appear before scrutiny committees.

## 6. Planning Work

47. Effective scrutiny should have a defined impact on the ground, with the committee making recommendations that will make a tangible difference to the work of the authority. To have this kind of impact, scrutiny committees need to plan their work programme, i.e. draw up a long-term agenda and consider making it flexible enough to accommodate any urgent, short-term issues that might arise during the year.
48. Authorities with multiple scrutiny committees sometimes have a separate work programme for each committee. Where this happens, consideration should be given to how to co-ordinate the various committees' work to make best use of the total resources available.

### Being clear about scrutiny's role

49. Scrutiny works best when it has a clear role and function. This provides focus and direction. While scrutiny has the power to look at anything which affects 'the area, or the area's inhabitants', authorities will often find it difficult to support a scrutiny function that carries out generalised oversight across the wide range of issues experienced by local people, particularly in the context of partnership working. Prioritisation is necessary, which means that there might be things that, despite being important, scrutiny will not be able to look at.
50. Different overall roles could include having a focus on risk, the authority's finances, or on the way the authority works with its partners.
51. Applying this focus does not mean that certain subjects are 'off limits'. It is more about looking at topics and deciding whether their relative importance justifies the positive impact scrutiny's further involvement could bring.
52. When thinking about scrutiny's focus, members should be supported by key senior officers. The statutory scrutiny officer, if an authority has one, will need to take a leading role in supporting members to clarify the role and function of scrutiny, and championing that role once agreed.

### Who to speak to

53. Evidence will need to be gathered to inform the work programming process. This will ensure that it looks at the right topics, in the right way and at the right time. Gathering evidence requires conversations with:
  - *The public* – it is likely that formal 'consultation' with the public on the scrutiny work programme will be ineffective. Asking individual scrutiny members to have conversations with individuals and groups in their own local areas can work better. Insights gained from the public through individual pieces of scrutiny work can be fed back into the work programming process. Listening to and participating in conversations in places where local people come together, including in online forums, can help authorities engage people on their own terms and yield more positive results.

Authorities should consider how their communications officers can help scrutiny engage with the public, and how wider internal expertise and local knowledge from both members and officers might make a contribution.

- *The authority's partners* – relationships with other partners should not be limited to evidence-gathering to support individual reviews or agenda items. A range of partners are likely to have insights that will prove useful:
  - Public sector partners (like the NHS and community safety partners, over which scrutiny has specific legal powers);
  - Voluntary sector partners;
  - Contractors and commissioning partners (including partners in joint ventures and authority-owned companies);
  - In parished areas, town, community and parish councils;
  - Neighbouring principal councils (both in two-tier and unitary areas);
  - Cross-authority bodies and organisations, such as Local Enterprise Partnerships<sup>17</sup>; and
  - Others with a stake and interest in the local area – large local employers, for example.
- *The executive* – a principal partner in discussions on the work programme should be the executive (and senior officers). The executive should not direct scrutiny's work (see chapter 2), but conversations will help scrutiny members better understand how their work can be designed to align with the best opportunities to influence the authority's wider work.

#### Information sources

54. Scrutiny will need access to relevant information to inform its work programme. The type of information will depend on the specific role and function scrutiny plays within the authority, but might include:

- Performance information from across the authority and its partners;
- Finance and risk information from across the authority and its partners;
- Corporate complaints information, and aggregated information from political groups about the subject matter of members' surgeries;
- Business cases and options appraisals (and other planning information) for forthcoming major decisions. This information will be of particular use for pre-decision scrutiny; and
- Reports and recommendations issued by relevant ombudsmen, especially the Local Government and Social Care Ombudsman.

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<sup>17</sup> Authorities should ensure they have appropriate arrangements in place to ensure the effective democratic scrutiny of Local Enterprise Partnerships' investment decisions.

As committees can meet in closed session, commercial confidentiality should not preclude the sharing of information. Authorities should note, however, that the default for meetings should be that they are held in public (see 2014 guidance on '*Open and accountable local government*':

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/343182/140812\\_Openness\\_Guide.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/343182/140812_Openness_Guide.pdf)).

55. Scrutiny members should consider keeping this information under regular review. It is likely to be easier to do this outside committee, rather than bringing such information to committee 'to note', or to provide an update, as a matter of course.

### Shortlisting topics

Approaches to shortlisting topics should reflect scrutiny's overall role in the authority. This will require the development of bespoke, local solutions, however when considering whether an item should be included in the work programme, the kind of questions a scrutiny committee should consider might include:

- Do we understand the benefits scrutiny would bring to this issue?
- How could we best carry out work on this subject?
- What would be the best outcome of this work?
- How would this work engage with the activity of the executive and other decision-makers, including partners?

56. Some authorities use scoring systems to evaluate and rank work programme proposals. If these are used to provoke discussion and debate, based on evidence, about what priorities should be, they can be a useful tool. Others take a looser approach. Whichever method is adopted, a committee should be able to justify how and why a decision has been taken to include certain issues and not others.

57. Scrutiny members should accept that shortlisting can be difficult; scrutiny committees have finite resources and deciding how these are best allocated is tough. They should understand that, if work programming is robust and effective, there might well be issues that they want to look at that nonetheless are not selected.

### Carrying out work

58. Selected topics can be scrutinised in several ways, including:

- a) **As a single item on a committee agenda** – this often presents a limited opportunity for effective scrutiny, but may be appropriate for some issues or where the committee wants to maintain a formal watching brief over a given issue;
- b) **At a single meeting** – which could be a committee meeting or something less formal. This can provide an opportunity to have a single public meeting about a

given subject, or to have a meeting at which evidence is taken from a number of witnesses;

- c) **At a task and finish review of two or three meetings** – short, sharp scrutiny reviews are likely to be most effective even for complex topics. Properly focused, they ensure members can swiftly reach conclusions and make recommendations, perhaps over the course of a couple of months or less;
- d) **Via a longer-term task and finish review** – the ‘traditional’ task and finish model – with perhaps six or seven meetings spread over a number of months – is still appropriate when scrutiny needs to dig into a complex topic in significant detail. However, the resource implications of such work, and its length, can make it unattractive for all but the most complex matters; and
- e) **By establishing a ‘standing panel’** – this falls short of establishing a whole new committee but may reflect a necessity to keep a watching brief over a critical local issue, especially where members feel they need to convene regularly to carry out that oversight. Again, the resource implications of this approach means that it will be rarely used.

## 7. Evidence Sessions

59. Evidence sessions are a key way in which scrutiny committees inform their work. They might happen at formal committee, in less formal ‘task and finish’ groups or at standalone sessions.

Good preparation is a vital part of conducting effective evidence sessions. Members should have a clear idea of what the committee hopes to get out of each session and appreciate that success will depend on their ability to work together on the day.

### How to plan

60. Effective planning does not necessarily involve a large number of pre-meetings, the development of complex scopes or the drafting of questioning plans. It is more often about setting overall objectives and then considering what type of questions (and the way in which they are asked) can best elicit the information the committee is seeking. This applies as much to individual agenda items as it does for longer evidence sessions – there should always be consideration in advance of what scrutiny is trying to get out of a particular evidence session.

Chairs play a vital role in leading discussions on objective-setting and ensuring all members are aware of the specific role each will play during the evidence session.

61. As far as possible there should be consensus among scrutiny members about the objective of an evidence session before it starts. It is important to recognise that members have different perspectives on certain issues, and so might not share the objectives for a session that are ultimately adopted. Where this happens, the Chair will need to be aware of this divergence of views and bear it in mind when planning the evidence session.
62. Effective planning should mean that at the end of a session it is relatively straightforward for the chair to draw together themes and highlight the key findings. It is unlikely that the committee will be able to develop and agree recommendations immediately, but, unless the session is part of a wider inquiry, enough evidence should have been gathered to allow the chair to set a clear direction.
63. After an evidence session, the committee might wish to hold a short ‘wash-up’ meeting to review whether their objectives were met and lessons could be learned for future sessions.

### Developing recommendations

64. The development and agreement of recommendations is often an iterative process. It will usually be appropriate for this to be done only by members, assisted by co-optees where relevant. When deciding on recommendations, however, members should have due regard to advice received from officers, particularly the Monitoring Officer.

65. The drafting of reports is usually, but not always, carried out by officers, directed by members.
66. Authorities draft reports and recommendations in a number of ways, but there are normally three stages:
- i. the development of a 'heads of report' – a document setting out general findings that members can then discuss as they consider the overall structure and focus of the report and its recommendations;
  - ii. the development of those findings, which will set out some areas on which recommendations might be made; and
  - iii. the drafting of the full report.
67. Recommendations should be evidence-based and SMART, i.e. specific, measurable, achievable, relevant and timed. Where appropriate, committees may wish to consider sharing them in draft with interested parties.
68. Committees should bear in mind that often six to eight recommendations are sufficient to enable the authority to focus its response, although there may be specific circumstances in which more might be appropriate.

Sharing draft recommendations with executive members should not provide an opportunity for them to revise or block recommendations before they are made. It should, however, provide an opportunity for errors to be identified and corrected, and for a more general sense-check.



## Annex 1: Illustrative Scenario – Creating an Executive-Scrutiny Protocol

An executive-scrutiny protocol can deal with the practical expectations of scrutiny committee members and the executive, as well as the cultural dynamics.

Workshops with scrutiny members, senior officers and Cabinet can be helpful to inform the drafting of a protocol. An external facilitator can help bring an independent perspective.

Councils should consider how to adopt a protocol, e.g. formal agreement at scrutiny committee and Cabinet, then formal integration into the Council's constitution at the next Annual General Meeting.

The protocol, as agreed, may contain sections on:

- The way scrutiny will go about developing its work programme (including the ways in which senior officers and Cabinet members will be kept informed);
- The way in which senior officers and Cabinet will keep scrutiny informed of the outlines of major decisions as they are developed, to allow for discussion of scrutiny's potential involvement in policy development. This involves the building in of safeguards to mitigate risks around the sharing of sensitive information with scrutiny members;
- A strengthening and expansion of existing parts of the code of conduct that relate to behaviour in formal meetings, and in informal meetings;
- Specification of the nature and form of responses that scrutiny can expect when it makes recommendations to the executive, when it makes requests to the executive for information, and when it makes requests that Cabinet members or senior officers attend meetings; and
- Confirmation of the role of the statutory scrutiny officer, and Monitoring Officer, in overseeing compliance with the protocol, and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny, with matters relating to the protocol's success being reported to full Council through the scrutiny Annual Report.

## Annex 2: Illustrative Scenario – Engaging Independent Technical Advisers

This example demonstrates how one Council's executive and scrutiny committee worked together to scope a role and then appoint an independent adviser on transforming social care commissioning. Their considerations and process may be helpful and applicable in other similar scenarios.

Major care contracts were coming to an end and the Council took the opportunity to review whether to continue with its existing strategic commissioning framework, or take a different approach – potentially insourcing certain elements.

The relevant Director was concerned about the Council's reliance on a very small number of large providers. The Director therefore approached the Scrutiny and Governance Manager to talk through the potential role scrutiny could play as the Council considered these changes.

The Scrutiny Chair wanted to look at this issue in some depth, but recognised its complexity could make it difficult for her committee to engage – she was concerned it would not be able to do the issue justice. The Director offered support from his own officer team, but the Chair considered this approach to be beset by risks around the independence of the process.

She talked to the Director about securing independent advice. He was worried that an independent adviser could come with preconceived ideas and would not understand the Council's context and objectives. The Scrutiny Chair was concerned that independent advice could end up leading to scrutiny members being passive, relying on an adviser to do their thinking for them. They agreed that some form of independent assistance would be valuable, but that how it was provided and managed should be carefully thought out.

With the assistance of the Governance and Scrutiny Manager, the Scrutiny Chair approached local universities and Further Education institutions to identify an appropriate individual. The approach was clear – it set out the precise role expected of the adviser, and explained the scrutiny process itself. Because members wanted to focus on the risks of market failure, and felt more confident on substantive social care matters, the approach was directed at those with a specialism in economics and business administration. The Council's search was proactive – the assistance of the service department was drawn on to make direct approaches to particular individuals who could carry out this role.

It was agreed to make a small budget available to act as a 'per diem' to support an adviser; academics were approached in the first instance as the Council felt able to make a case that an educational institution would provide this support for free as part of its commitment to Corporate Social Responsibility.

Three individuals were identified from the Council's proactive search. The Chair and Vice-Chair of the committee had an informal discussion with each – not so much to establish their skills and expertise (which had already been assessed) but to give a sense about

their 'fit' with scrutiny's objectives and their political nous in understanding the environment in which they would operate, and to satisfy themselves that they will apply themselves even-handedly to the task. The Director sat in on this process but played no part in who was ultimately selected.

The independent advice provided by the selected individual gave the Scrutiny Committee a more comprehensive understanding of the issue and meant it was able to offer informed advice on the merits of putting in place a new strategic commissioning framework.

## Annex 3: Illustrative Scenario – Approaching an External Organisation to Appear before a Committee

This example shows how one council ensured a productive scrutiny meeting, involving a private company and the public. Lessons may be drawn and apply to other similar scenarios.

Concerns had been expressed by user groups, and the public at large, about the reliability of the local bus service. The Scrutiny Chair wanted to question the bus company in a public evidence session but knew that she had no power to compel it to attend. Previous attempts to engage it had been unsuccessful; the company was not hostile, but said it had its own ways of engaging the public.

The Monitoring Officer approached the company's regional PR manager, but he expressed concern that the session would end in a 'bunfight'. He also explained the company had put their improvement plan in the public domain, and felt a big council meeting would exacerbate tensions.

Other councillors had strong views about the company – one thought the committee should tell the company it would be empty-chaired if it refused to attend. The Scrutiny Chair was sympathetic to this, but thought such an approach would not lead to any improvements.

The Scrutiny Chair was keen to make progress, but it was difficult to find the right person to speak to at the company, so she asked council officers and local transport advocacy groups for advice. Speaking to those people also gave her a better sense of what scrutiny's role might be.

When she finally spoke to the company's network manager, she explained the situation and suggested they work together to consider how the meeting could be productive for the Council, the company and local people. In particular, this provided her with an opportunity to explain scrutiny and its role. The network manager remained sceptical but was reassured that they could work together to ensure that the meeting would not be an 'ambush'. He agreed in principle to attend and also provide information to support the Committee's work beforehand.

Discussions continued in the four weeks leading up to the Committee meeting. The Scrutiny Chair was conscious that while she had to work with the company to ensure that the meeting was constructive – and secure their attendance – it could not be a whitewash, and other members and the public would demand a hard edge to the discussions.

The scrutiny committee agreed that the meeting would provide a space for the company to provide context to the problems local people are experiencing, but that this would be preceded by a space on the agenda for the Chair, Vice-chair, and representatives from two local transport advocacy groups to set out their concerns. The company were sent in

advance a summary of the general areas on which members were likely to ask questions, to ensure that those questions could be addressed at the meeting.

Finally, provision was made for public questions and debate. Those attending the meeting were invited to discuss with each other the principal issues they wanted the meeting to cover. A short, facilitated discussion in the room led by the Chair highlighted the key issues, and the Chair then put those points to the company representatives.

At the end of the meeting, the public asked questions of the bus company representative in a 20-minute plenary item.

The meeting was fractious, but the planning carried out to prepare for this – by channelling issues through discussion and using the Chair to mediate the questioning – made things easier. Some attendees were initially frustrated by this structure, but the company representative was more open and less defensive than might otherwise have been the case.

The meeting also motivated the company to revise its communications plan to become more responsive to this kind of challenge, part of which involved a commitment to feed back to the scrutiny committee on the recommendations it made on the night.

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**Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities**  
**2019 Guidance**

The statutory guidance in respect of Overview and Scrutiny was published in May 2019 by the Ministry of Housing, Communities and Local Government. The Council must have regard to this guidance in respect of local Overview and Scrutiny arrangements. This does not mean that the guidance must be followed in every detail but the Council should follow the guidance unless there is a reason not to do so in a particular case. The table below sets out the key points in the guidance and the implications, if any for Overview and Scrutiny locally. The guidance does recognise that local authorities are best placed to determine which Overview and Scrutiny arrangements should be in place at a local level so there is some flexibility in interpreting the guidance.

Statutory Guidance	Redditch O&S – Implications
<p>1. Recognising Scrutiny's Legal and Democratic Legitimacy (page 8)</p>	<p>Currently Officers and Members do recognise the legitimacy of O&amp;S and provide evidence, attend scrutiny meetings and advise Members as and when required.</p> <p>Points to note / suggested action:</p> <p>No further action is required, other than continuing with current practice.</p>
<p>2. Identifying a clear role and focus (pages 8-9)</p> <p>a. Prioritisation of work in the O&amp;S work programme.</p> <p>b. Clear separation of scrutiny and audit.</p>	<p>A Work Programme Planning Event is usually held at the start of the municipal year as part of O&amp;S training. The Committee also considers the content of the O&amp;S work programme at each of its meetings throughout the year. O&amp;S Members use SMART principles when selecting items for Task Group reviews. The S151 Officer and her Deputy support both the Audit, Governance and Standards Committee and Budget Scrutiny Working Group and advise Members in respect of the different roles for audit and scrutiny respectively whilst helping to avoid overlap.</p> <p>Points to note / suggested action: The Overview and Scrutiny Committee needs to ensure that it continues to prioritise scrutiny workload.</p>

Statutory Guidance	Redditch O&S – Implications
<p>3. Ensuring Early and Regular Engagement Between the Executive and Scrutiny (page 9)</p> <p>(The guidance emphasises that the Executive should not try to control the work of scrutiny)</p>	<p>Portfolio Holders attend Overview and Scrutiny Committee meetings to help present reports within their remit as and when invited by the Committee to do so. The Chair of the Committee controls who is allowed to speak and when, including Portfolio Holders.</p> <p>At other Councils there is a constitutional requirement for the Leader to meet with the Chair of the O&amp;S Committee to discuss key scrutiny matters and the work programme. This is not currently in place in Redditch but could be introduced to ensure compliance with the guidance.</p> <p>Points to note / suggested actions: It is suggested that Members should consider adding the requirement for meetings to take place between the Chair of the O&amp;S Committee and the Leader and to add this to the Council's constitution as an ongoing requirement.</p>
<p>4. Managing Disagreement including considering whether to introduce an 'Executive-Scrutiny' Protocol. (pages 9-10)</p> <p>(The guidance emphasises that the Executive and Scrutiny should work together to minimise the risk of the Executive rejecting recommendations on politically contentious points)</p>	<p>Members are always advised that O&amp;S should be apolitical during training. Members are also always advised to base recommendations on the evidence that has been gathered and should be phrased in line with SMART principles.</p> <p>The Council does not currently have an 'Executive–Scrutiny Protocol'.</p> <p>Points to note / suggested actions:</p> <p>Members may wish to consider this. However, this could be quite formal and the O&amp;S Committee might want initially to focus on developing a good working relationship with the Executive via meetings between the O&amp;S Chair and Leader of the Council.</p>



Statutory Guidance	Redditch O&S – Implications
<p>5. Providing the Necessary Support (page 10)</p> <p>(The guidance makes it clear that local authorities can determine what support and resources to provide to scrutiny)</p>	<p>The Democratic Services team provides direct support to the Overview and Scrutiny process, including research, minute taking, report writing and agenda preparation. The Senior Democratic Services Officer facilitates meetings of the O&amp;S Committee.</p> <p>The Chief Executive attends meetings of the O&amp;S Committee as the lead senior support officer for O&amp;S in Redditch. All other senior and more junior officers attend scrutiny meetings as and when required to support the process.</p> <p>Points to note / suggested actions: No further action is required, other than continuing with current practice.</p>
<p>6. Ensuring Impartial Advice from Officers (page 10)</p>	<p>Senior Officers as well as the Democratic Services team already provide impartial advice to O&amp;S Members on an ongoing basis.</p> <p>Points to note / suggested actions: No further action is required, other than continuing with current practice.</p>
<p>7. Communicating Scrutiny's Role and Purpose to the Wider Authority (Page 10)</p>	<p>Awareness of O&amp;S is good amongst Members, who receiving training, and senior Officers.</p> <p>Points to note / suggested actions: Information about the democratic process, including O&amp;S, is in the process of being incorporated into the new induction programme for all staff.</p>

Statutory Guidance	Redditch O&S – Implications
<p>8. Maintaining the Interest of full Council in the Work of the Scrutiny Committee (Pages 10 - 11)</p> <p>(The guidance suggests considering submitting O&amp;S reports to Council rather than solely to the Executive)</p>	<p>The O&amp;S Committee produces an annual report outlining the work of the Committee that year, which is presented by the Chair at the last meeting of Council in each municipal year.</p> <p>Council has been known to suggest items for scrutiny. Scrutiny recommendations in respect of an item that has been pre-scrutinised are often raised at Council. Where O&amp;S recommendations require Council approval these have been reported in the past.</p> <p>The Council does not, however, have a standard item providing an update in respect of the work of the O&amp;S Committee nor are all O&amp;S reports necessarily considered at a Council meeting.</p> <p>Points to note / suggested actions: No further action is required from Overview and Scrutiny.</p>
<p>9. Communicating Scrutiny's Role to the Public (Page 11)</p>	<p>Redditch Members consulted with the public in relation to budget scrutiny in 2019. The press used to regularly attend O&amp;S meeting which helped to raise awareness of O&amp;S activities, though attendance has declined in recent years.</p> <p>Points to note / suggested actions: The O&amp;S Committee could consult with the Communications team about ways to better promote the scrutiny process to the public and other interested stakeholders.</p>
<p>10. Ensuring Scrutiny Members are Supported in Having an Independent Mindset (Page 11)</p> <p>(The guidance recognises that the need to manage potential for political conflict and to plan ahead requires action from the Chair / Chairman)</p>	<p>Members are always informed during training that O&amp;S is an apolitical process. The Chairman reiterates this throughout the year where appropriate.</p> <p>Points to note / suggested actions:</p> <p>Members need to remain mindful of this.</p>

Statutory Guidance	Redditch O&S – Implications
<p>11. Statutory Scrutiny Officers (Page 13)</p> <p>(District Councils are still not legally required to have a statutory Scrutiny Officer but must consider whether it would be appropriate to do so to meet their Council's needs)</p>	<p>The Senior Democratic Services Officer acts as advocate for O&amp;S as does the senior lead officer for the O&amp;S Committee, the Chief Executive. This is the only RBC Committee which both the Senior Democratic Services Officer and a Democratic Services Officer attend due to the complexity of the role.</p> <p>Points to note / suggested actions: No further action is required.</p>
<p>12. Officer Resource Models (page 14)</p> <p>(The guidance states that safeguards may need to be built in to the way support is provided to scrutiny to ensure it remains impartial)</p>	<p>RBC has what the guidance defines as a Committee support structure, provided by Democratic Services. Every member of the Democratic Services team is employed in a politically restricted post to ensure impartiality.</p> <p>Points to note / suggested actions: No further action is required.</p>
<p>13. Conflicts of interest including familial links (page 15)</p> <p>(The guidance requires Councils to set out in their constitution how to manage potential conflicts of interest arising when scrutiny members scrutinise family members on the Executive, including where Executive Members stand down on to O&amp;S and vice versa)</p>	<p>There is nothing specifically addressing familial links in relation to conflicts of interest involving scrutiny of Executive Members, though Members are required to abide by the Code of Conduct.</p> <p>Points to note / suggested actions: This could be reviewed further at a meeting of the Constitutional Review Working Party.</p>

Statutory Guidance	Redditch O&S – Implications
<p>14. Selecting Individual Committee Members (Pages 15 - 16)</p> <p>(The guidance suggests that this should take into account the Members' experience, expertise, interests, ability to act impartially, ability to be part of a group and capacity to serve).</p>	<p>The political parties nominate Councillors to sit on the O&amp;S Committee based on the number of seats available to them.</p> <p>Points to note / suggested actions:</p> <p>Key skills can be highlighted during Overview and Scrutiny training.</p>
<p>15. Selecting a Chair (Page 16)</p> <ol style="list-style-type: none"> <li>The Chair should have an ability to lead and build teamwork.</li> <li>The Chair should not preside over scrutiny involving their relatives.</li> <li>Every Council is urged to consider electing a Chair via a secret ballot.</li> </ol>	<p>Currently the Chair of the O&amp;S Committee is nominated and agreed at the annual full Council meeting. The Chair and Vice Chair cannot be members of the controlling group.</p> <p>There is not currently anything specific in the Council's constitution that stipulates that the Chair of the Committee should not preside over scrutiny of their relatives.</p> <p>Points to note / suggested actions: The Constitutional Review Working Party could be asked to review the requirements in relation to Chairs not presiding over scrutiny of their relatives.</p> <p>Members may wish to consider whether they think a secret ballot to appoint the Chair of the O&amp;S Committee would be appropriate.</p>
<p>16. Training for Committee Members (Page 16)</p> <p>(The guidance suggests that Members should be offered induction and ongoing training on becoming O&amp;S Members. It suggests including consideration of external training providers)</p>	<p>The Council already provides O&amp;S training on an annual basis and additional training on an ongoing basis as and when required.</p> <p>External training has been provided in the past though budgets for training are restricted and Officers have received positive feedback about the in-house training that is provided.</p> <p>Points to note / suggested actions: No further action is required, other than continuing with current practice.</p>

Statutory Guidance	Redditch O&S – Implications
<p>17. Co-option and Technical Advice (Pages 16 – 17)</p>	<p>Redditch Task Groups have previously co-opted external people to serve on their groups where they have the relevant expertise.</p> <p>The extent to which co-option or technical advice is appropriate is assessed on a case by case basis.</p> <p>There is no specific budget for O&amp;S to spend on technical advisors.</p> <p>Points to note / suggested actions: No further action is required, other than continuing with current practice.</p>
<p>18. Access to Information, including Exempt Information (Page 18)</p> <p>(The guidance suggests O&amp;S Members should have access to information, including exempt information. Where information cannot be provided the Executive should provide a written statement setting out the reasons for that decision).</p>	<p>Officers provide Members with information when requested, including exempt information.</p> <p>There is not the problem in Redditch, reportedly in place at other local authorities in the country, whereby information is only obtained as a result of a Freedom of Information request.</p> <p>Points to note / suggested actions:</p> <p>The Leader and Portfolio Holders may wish to consider how they report back to O&amp;S Committee when turning down a request for information.</p>
<p>19. O&amp;S Members should have access to key information on performance management and risk and provided with information to understand it. (Page 18)</p>	<p>Members can access performance data on the dashboard and are considering the content of the quarterly performance reports. The Performance Scrutiny Working Group takes a lead on this and has been provided with training as well as ongoing support.</p> <p>Points to note / suggested actions:</p> <p>No further action is required, other than continuing with current practice.</p>

Statutory Guidance	Redditch O&S – Implications
<p>20. Seeking Information from External Organisations (Pages 19 – 20)</p> <p>a. The guidance provides advice on best practice for engaging with service providers.</p> <p>b. The guidance also suggests Councils should consider whether to build requirements into contracts for external companies to provide information and appear before O&amp;S Committees.</p>	<p>Redditch O&amp;S already complies with the best practice guide to engaging with external service providers in respect of invitations to provide evidence and attend meetings. Requests to receive information from Council contractors are considered on a case by case basis.</p> <p>Points to note / suggested actions:</p> <p>No further action required.</p>
<p>21. Being Clear about Scrutiny’s Role (Page 21)</p> <p>(The guidance advises that when considering items for O&amp;S to focus on Members should be supported by key senior officers).</p>	<p>The lead senior officer for O&amp;S, the Chief Executive, attends the O&amp;S training when items for the work programme are discussed. He also attends meetings of the O&amp;S Committee during the year and can advise on items as and when suggested.</p> <p>Points to note / suggested actions: No further action is required, other than continuing with current practice?</p>
<p>22. Who to speak to (page 21 – 22)</p> <p>(The guidance suggests Members should consult the public, written information, partner organisations and the Executive, including through conversations with the Executive, when selecting items for scrutiny).</p>	<p>Members are already encouraged to consult with the public and partners when selecting items for scrutiny.</p> <p>Points to note / suggested actions:</p> <p>No further action is required.</p>

Statutory Guidance	Redditch O&S – Implications
<p>23. Information Sources (page 22 – 23)</p>	<p>Redditch O&amp;S Committee already considers much of the information suggested in the guidance and selects information for scrutiny on a case by case basis.</p> <p>Points to note / suggested actions:</p> <p>No further action is required, other than continuing with current practice.</p>
<p>24. Shortlisting Topics (page 23)</p> <p>(The guidance notes Councils will shortlist topics often using scoring criteria and should be able to justify choosing some topics over others)</p>	<p>Redditch O&amp;S Members do use shortlisting criteria and always provide reasons for rejecting or accepting items for review.</p> <p>Points to note / suggested actions:</p> <p>No further action is required, other than continuing with current practice.</p>
<p>25. Carrying Out work – Types of Scrutiny (Pages 23 – 24)</p>	<p>Redditch O&amp;S already undertakes all of these forms of scrutiny.</p> <p>Points to note / suggested actions: No further action is required, other than continuing with current practice.</p>
<p>26. How To Plan (Page 25)</p> <p>(The guidance suggests evidence gathering should be planned in advance and the Chair should sum up at the end).</p>	<p>Redditch Task Groups always plan their workload in advance. The Chair would always be advised to sum up at the end.</p> <p>Points to note / suggested actions: No further action is required, other than continuing with current practice.</p>

Statutory Guidance	Redditch O&S – Implications
<p>27. Developing Recommendations (Pages 25 – 26)</p> <ul style="list-style-type: none"> <li>a. These should be agreed by Members only, having regard to officer advice.</li> <li>b. Recommendations should be evidence-based and SMART.</li> <li>c. It is suggested 6 – 8 recommendations are often appropriate.</li> </ul>	<p>In Redditch recommendations are always set by Members only. Democratic Services simply records the recommendations agreed by Members, though may help with the wording to best reflect what members are proposing.</p> <p>Members are always required to ensure recommendations have an evidence basis and are set out in SMART terms. Members are also always encouraged to propose a reasonable number of recommendations.</p> <p>Points to note / suggested actions: No further action is required, other than continuing with current practice.</p>



## **Executive Committee**

**Tuesday, 26 March 2019**

### **MINUTES**

#### **Present:**

Councillor Matthew Dormer (Chair), and Councillors Tom Baker-Price, Greg Chance, Brandon Clayton, Bill Hartnett, Gareth Prosser, Mike Rouse and Craig Warhurst

#### **Also Present:**

Dan Johnson (Environment Agency)

#### **Officers:**

Matthew Bough, Thomas Curwell, Clare Flanagan, Sue Hanley, Jayne Pickering and Paul Spooner

#### **Committee Services Officer:**

Jess Bayley

#### **105. APOLOGIES**

There were no apologies for absence.

#### **106. DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **107. LEADER'S ANNOUNCEMENTS**

The Leader circulated a written update in respect of his announcements at the meeting.

#### **108. MINUTES**

##### **RESOLVED that**

**the minutes of the meeting of the Executive Committee held on Monday 25<sup>th</sup> February 2019 be held as a true and correct record and signed by the Chair.**

.....  
Chair

# Executive Committee

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## 109. ARROW VALLEY CATCHMENT RESTORATION PROJECT

The Waste Management Engineer, assisted by a representative of the Environment Agency, presented a report outlining proposals in respect of the Arrow Valley Catchment Restoration Project. Members were advised that the project had been launched following a fatality at the Arrow Valley weir in 2014. The Council had subsequently reviewed water safety and a review had been undertaken by the Royal Society for the Prevention of Accidents (ROSPA) which had identified a number of safety issues that needed to be addressed. Many of the recommendations detailed in the ROSPA report had already been implemented. ROSPA had raised concerns about the safety of children swimming in the River Arrow and had suggested that structural changes needed to be made at the sites which presented the greatest risk. The structural changes were very complex as the Council had to liaise with Historic England about what could and could not be done at the site. An application had been made for European funding to support the works required and Members were asked to agree match funding in the form of a capital bid, which added to funds previously agreed in the Medium Term Financial Plan 2019/20 to 2022/23.

The Council had been working closely with the Environment Agency on the project since 2015. The Environment Agency had already contributed £50,000 towards design work in respect of the structures, which would be undertaken by external consultants. This would ensure that the project both addressed safety concerns and that any works did not increase the potential for flooding or associated risks. The catchment for the River Arrow was considered a priority by the Environment Agency. Rivers were assessed on an ecological basis by the Environment Agency and under the criteria that the organisation used the River Arrow was classified as a failing waterway. The project provided a good opportunity to address the causes of this problem.

Following presentation of the report a number of matters were discussed in detail:

- The family of the child who had sadly died at the weir had been informed about the Council and Environment Agency's work on the project. Members paid their respects to the family and thanked them for their hard work to raise awareness in respect of water safety.
- The financial costs involved in checking the safety equipment at the weirs and the amount of time staff spent undertaking safety checks.

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- The ecological benefits of the proposed works, in terms of the positive impact that this might have on fish stocks in the River Arrow.
- The definition of a failing river. Members were advised that this was defined under the Water Framework Directive which assessed the health of a river based on fish stocks, water quality, and other related matters. Whilst the River Arrow had satisfactory fish levels and water quality exposure to industrial waste water resulted in a failing rating.
- The extent to which the funding from the EU had been secured. Members were advised that the EU funding was paid arrears and had already been provided to Solihull Metropolitan Borough Council which would distribute the funding.

### **RECOMMENDED that**

**the Council agrees to additional capital funding of £35,000 in 2019/2020 in addition to the £180K already included in the Medium Term Financial Plan for the proposed improvement works to the weirs in the Arrow valley Park; and**

**RESOLVED that, subject to Recommendation 1 being approved that:**

**authority be delegated to the Head of Environmental and Housing Property Services to procure the works at each of the sites.**

### **110. HOMELESSNESS GRANT, FLEXIBLE HOMELESSNESS SUPPORT AND HOMELESSNESS NEW BURDEN'S FUND REPORT 2019/20**

The Housing Strategy and Enabling Team Leader presented a report in respect of the Homelessness Grant, Flexible Homelessness Support and the Homelessness New Burdens fund and proposed expenditure in 2019/20. Members were informed that the Council had been allocated just over £193,000 for 2019/20 in the flexible support grant and over £30,000 for the New Burdens Fund. The New Burdens Fund had been introduced to help Councils manage the additional duties set out in the Homelessness Reduction Act 2017. A number of suggestions had been made regarding the use of this funding, which included investing in two new posts to assist with temporary accommodation and rents in the private sector. Financial support continued to be provided to Redditch Nightstop and Redditch Borough Council was working with Bromsgrove District Council to provide funding to the CCP Rough Sleeper Outreach Service.

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Following the presentation of the report Members discussed a number of matters in detail:

- The need for the Council to support residents living in both social housing and the private rented sector. Members noted that the proposed use of the funding would support this objective.
- The additional Council duties arising from the Homelessness Reduction Act 2017 and the emphasis that this placed on preventing homelessness which required Councils to be proactive.
- The use of grant funding to support additional posts and the extent to which the Council could expect to receive this funding in the future. Officers advised that the Council had not been advised that the funding would be ending and therefore it had been built into the Medium Term Financial Plan for inclusion in the budget in future years.
- The announcement by the Secretary of State for Housing, Communities and Local Government that an extra £46 million would be invested in the Rough Sleeper Initiative and the impact that this funding could have on rough sleepers in the Borough.
- The number of rough sleepers in Redditch and the reasons why they were in this position. Members noted that there were eight rough sleepers and all had been and would continue to be offered assistance by the Council, though they had to date refused any help.

**RESOLVED** that

- 1) the Flexible Homelessness Support Grant is allocated to the initiatives in 1(a) and that the Homelessness Reduction Act 2017 New Burdens Funding be allocated to fund the required homelessness IT system with Housing Partners at £9,000 per year, additional staffing resources and any appropriate training requirements;

**a)**

Initiatives	£
<p><b>Homelessness Reduction Act Prevention – funding for posts</b></p> <p><b>Detail – the latest Act created two new legal duties – to prevent and relieve homelessness. As a result the numbers of households living in temporary accommodation could rise and it also becomes increasingly</b></p>	<p><b>60,000</b></p>

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important to help people remain appropriately housed. The proposed funding will therefore create 2 new posts to support the timely move-on from temporary accommodation, and tenancy sustainment in the private rented sector in Redditch. (see 3.8) The Executive has already agreed to support these posts as part of the Medium Financial Plan 2019/20-2022/23 when it met in February 2019.	
<b>Rent Deposits and Spend to Save</b>  Detail – most local authorities operate a fund that helps people access the private rented sector, and which can also be used to intervene to prevent tenants losing their existing home. These interventions are far less than the cost of homelessness itself, so they represent good value for money, in addition to helping reduce homelessness in the borough. In the last two years the Council has provided over 80 rent deposits, so investing extra in this area and making spend to save interventions with local households should reduce homelessness in the borough.	17,060
<b>Temporary Accommodation Management Fee replacement.</b>  The Council is legally obliged to provide temporary accommodation to eligible homeless households. The Temporary Accommodation Management Fee previously associated with this activity has now been rolled up into the new Flexible Homelessness Support Grant.	66,380
<b>Redditch Nightstop - Outreach Worker up to 35yrs</b>  Detail – in August 2018, with financial support from the Council, Nightstop launched a new extended service to	27,000

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provide emergency housing for people aged 21 to 35. This was in response to increasing demand from this client group, who have been subject to some of the most significant changes inside the welfare benefits system. Since August, Nightstop have assisted 23 single people, often with complex and multiple needs, aged 21 to 35 with emergency housing placements, providing short term practical and emotional support whilst also reducing demand on other services. Nightstop also work closely with the Council on addressing the longer term housing needs of this client group.	
<b>CCP Rough Sleeper Outreach Service</b>  Detail – in the past year CCP have worked with 40 people, some of whom have been street homeless in Redditch, or have a street presence in the town centre since March 2018. CCP works closely with the Council to secure accommodation for these people, safeguarding their health and wellbeing, reducing costs and demand on other services such as the Police and Health, whilst ensuring the town centre remains an attractive and safe place for local residents and businesses alike. This funding also supports CCP interventions under the Severe Weather Emergency Protocol, which targets street homelessness at times of the year when temperatures are at their lowest.	34,990
<b>Total</b>	<b>£205,430*</b>

- 1) delegated authority be granted to the Head of Community Services following consultation with the Portfolio Holder for Housing to use any unallocated Grant during the year or make further adjustments to current initiatives as necessary to ensure full utilisation of the Grants for 2019/20.

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## 111. WORCESTERSHIRE STRATEGIC DIRECTION FOR TACKLING HOMELESSNESS

The Housing Strategy and Enabling Team Leader presented the Worcestershire Strategic Direction for Tackling Homelessness. Three priorities had been agreed for inclusion in the strategy and officers would undertake work in relation to each of these. Members were asked to note that there was a Redditch Homelessness Forum which hadn't been listed on the draft copy of the document provided for Members' consideration but would be included in the final version of the report. Further changes would need to be made to the strategy 12 months after the date of the meeting to ensure compliance with the new national Rough Sleeping Strategy.

Members discussed the report and in so doing noted the following:

- The introduction of the Redditch Homelessness Forum in recent months and the positive contribution that this would make to tackling homelessness in the Borough.
- The location of the six officers referred to in the strategy who provided support in respect of rough sleeping. Officers advised that there were two officers serving Redditch Borough and Bromsgrove District, though primarily their main demand for work was in Redditch.
- The arrangement by which it had been agreed that two officers would work in Redditch Borough and Bromsgrove District and how this compared to other parts of the county. Members were advised that services in respect of rough sleepers had been determined at a local level and Redditch Borough Council had chosen to work with the CCP Rough Sleeper Outreach Service.
- The support provided by the staff to rough sleepers. Members were advised that the Officers worked with the Housing Options team and also engaged directly with rough sleepers.
- The complexity of rough sleeping cases, whereby individuals often had a range of mental health needs and substance abuse issues.
- The training provided to staff and whether this covered mental health needs. Members were advised that whilst specific details were not available about the training received by staff it was understood that this was comprehensive.
- The levels of homelessness nationally and how this compared to previous years.
- The need for the Council to work in partnership with other organisations to meet the needs of people who were homeless.
- The need to provide residents with secure accommodation.

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**RESOLVED that**

- 1) **the Worcestershire Strategic Direction for Tackling Homelessness be endorsed and supported;**
- 2) **this document expands on previously agreed high level actions within the Housing Partnership Plan that relate to tackling homelessness.**
- 3) **this document will need to be updated and renamed within the next 12 months to ensure compliance with the new national Rough Sleeping Strategy with amendments being made at officer level.**

**112. MATCHBOROUGH AND WINYATES DISTRICT CENTRES - UPDATE**

The Town Centre Advisor explained that the report followed a previous decision made by Members in January 2019 to permit officers to undertake soft market testing in respect of the redevelopment of Matchborough and Winyates district centres. The Council had approach five organisations from a range of backgrounds about the potential to redevelop the district centres. Four organisations had responded and had indicated that they would be interested in working with the Council in the future in respect of this matter.

In their feedback the four organisations had commented on the potential for housing and commercial units to be provided in the redevelopment. The majority had suggested that between 250 and 300 houses could be built, subject to planning permission. A range of ideas about the centres had been suggested in the feedback, including retention of two district centres, having one smaller district centre and one larger centre and retaining just one district centre. The organisations had all wanted to work not just with the Council but also with the public in respect of the redevelopment. Members were asked, however, to note that no decisions had yet been taken by the Council about the redevelopment of the district centres. A further report would be presented for the consideration of the Executive Committee in June 2019 which would provide more information that would enable Members to make decisions that would lead to the Council going out to tender in July 2019.

Following the presentation of the report Members discussed the matter in detail and in so doing noted that there was a need to engage with the community in respect of the redevelopment of the district centres. The Council needed to ensure that an effective communications plan was in place as residents and local



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businesses would be keen to learn about the project as it progressed.

During consideration of this item Members noted that the Overview and Scrutiny Committee had pre-scrutinised the report at a meeting on 21<sup>st</sup> March. At the end of their discussions the Committee had endorsed the recommendations detailed in the report. However, a number of questions had been raised by Members about the informal groups that had been established to discuss the redevelopment of the district centres and concerns had been raised that some ward Councillors had not been involved. A briefing note had subsequently been circulated amongst Members of the Overview and Scrutiny and Executive Committees which provided clarification about the various groups. Members noted from this briefing note that:

- There had been an informal meeting at Christ Church, Matchborough, where Officers had met with business tenants to discuss the redevelopment. All ward Members had been invited to attend.
- There was an officer working group that was reviewing areas such as communications arrangements and legal requirements.
- There was a stakeholder group involving a range of stakeholders including the Leader of the Council in his capacity as the relevant Portfolio Holder.
- No minutes were taken at any of these meetings as they were only informal, and for information gathering.
- Ward Members would be welcome to attend future informal meetings and stakeholder meetings.
- The purpose of all of these meetings was to provide an opportunity for attendees to share information. Decisions would need to be taken by the Executive Committee and full Council.

During consideration of this item Councillor Bill Hartnett proposed an amendment to the recommendations. This was seconded by Councillor Greg Chance.

The amendment called for the following two additional recommendations to be added to the three recommendations proposed in the report:

“(d) All Winyates and Matchborough ward Councillors will be fully and meaningfully consulted throughout the process from this point forward including preparing the Council tender documents and the options.

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(e) Consistent consultation with affected residents, Tenants and stakeholders will be undertaken from this point forward in the process.”

In proposing the amendment Councillor Hartnett explained that he was of the opinion that the Borough should continue to have two district centres in Matchborough and Winyates respectively, rather than one. This would ensure that income for the Housing Revenue Account (HRA) and from business rates would remain the same. Councillor Hartnett expressed concerns that not every ward Member had been involved in the project to date and that rumours were circulating within the community which ward Councillors did not feel in a position to address. Information about the redevelopment of the centres had been publicised in the local press and it was suggested that the time was therefore right to start engaging with the public, to provide reassurance and information rather than to wait until 2020. Lessons needed to be learned from the redevelopment of Church Hill district centre and the proposals were designed to address this.

In seconding the amendment Councillor Chance commented that the amendment called for the Council to undertake consistent consultation with the public and other relevant stakeholders, including ward Councillors. This would provide them with an opportunity to shape the proposals. Information about the redevelopment had already been shared with the local press so it seemed appropriate to share details with the public too at this stage.

Members discussed the amendment and in so doing noted that the Council was at the start of the redevelopment process. No decisions had been made and it was considered too early to provide any information for public consultation. However, at the appropriate time consultation would form a key part of the process. There was still a lot of work to be undertaken in respect of the financial and legal implications of the redevelopment and this information would be built into a future business case which would form the basis for terms of reference and a specification. Concerns were also raised that it would be inappropriate for Members to become involved in preparing Council tender documents and considering the outcomes of the procurement process as this was an operational matter managed by Officers.

On being put to the vote the amendment was lost.

Members proceeded to consider the recommendations detailed in the report and it was noted that the desire to enable ward Councillors to shape the project was implicit within the third recommendation. To clarify this Members agreed that the wording

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of the third recommendation should be amended to acknowledge the role of ward Councillors and that all stakeholders referred to in the recommendation would be involved in both developing and shaping the redevelopment of the district centres.

**RESOLVED that**

- a) **the positive outcome of the soft market testing is noted and officers are instructed to continue to analyse the results;**
- b) **as a preparatory to procuring a preferred developer, to instruct officers to continue to work to develop the Council's parameters for a potential scheme (economic, social and environmental) and the frame of reference for joint working with a developer and delivery of a scheme; and**
- c) **Officers report back with specific proposals for the formal procurement of a suitable development partner to work with the Council, stakeholders, the local community and ward Councillors to develop, shape and agree a comprehensive regeneration scheme for Matchborough and Winyates.**

**113. FINANCE SYSTEM**

The Executive Director of Finance and Corporate Resources presented a report which updated Members on the progress that had been achieved with the procurement of the new finance system. The procurement exercise had been completed and the new system, once delivered would apply to HR, Financial Services, Payments, including cash receipting and Payroll. The systems would be fully integrated, though the full system would take up to 24 months to implement as Officers would review service delivery as part of the system's introduction in line with transformation principles. Unfortunately, the procurement exercise had revealed that the financial costs would be higher than had been anticipated and the Council would ask to provide additional financial investment in order to progress with the system. Savings arising from the introduction of the new system had not yet been built into the Medium Term Financial Plan, though it was anticipated that efficiencies may be achieved in the long-term.

A briefing had been provided to all Members in respect of the system on 19<sup>th</sup> March. The Budget Scrutiny Working Group had also scrutinised the proposals for the new system in detail and had made a helpful contribution to the work of officers on the project.

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Members subsequently discussed the report and noted the following points:

- The new system would provide an opportunity for the Council to undertake digital transformation and change the ways in which the authority worked.
- The financial costs quoted in the report represented the maximum possible spend on the new system. There was the possibility that the Council would spend less than this if fewer implementation days were used during the roll out of the new system.
- The system was being procured jointly for Redditch Borough and Bromsgrove District Councils and Members questioned what stage had been reached in the decision making process in Bromsgrove. Members were advised that the report was due to be considered at a meeting of Bromsgrove's Cabinet on 27<sup>th</sup> March and at a full Council meeting in the district that same evening.
- The reasons why the Council had underestimated the financial costs of the new system. Members were advised that the original report had estimated costs based on soft market testing. However, the end specification and the outcomes of the procurement process had led to an increase in the costs.
- The benefits of the new system for the Council. Officers explained that the new system would provide managers with easier and immediate access to budget information for their departments which would help with financial management. At present officers were working with old fashioned spreadsheets and this caused delays.
- The potential to integrate the system with the new housing ICT system. The Committee was informed that Officers from the ICT department were working to ensure that the two systems were integrated.
- The potential to remove residents from the system once they had passed away to ensure that the Council's billing service was sensitive to the needs of family members. The Committee was informed that, subject to complying with GDPR requirements, it would be possible to remove the details of deceased residents.
- The need for the Council to work in a digital manner, in line with developments within society whereby people were working in a more integrated fashion. Members welcomed the fact that the Council had signed up to the Local Digital Declaration in 2018.

**RESOLVED that**

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**the completion of the procurement exercise for the new Council enterprise system be noted and that if the project is to be progressed additional funding is required**

**RECOMMENDED that**

**additional capital receipts to the value of £208k are approved to fund the system in 2019/20 and that the Capital Programme is updated to reflect this expenditure.**

## **114. FINANCE MONITORING QUARTER 3 2018/19**

The Executive Director of Finance and Corporate Resources presented a monitoring report updating Members on the Council's financial position in the period 1st April to 31<sup>st</sup> December 2019. Unfortunately there was a projected overspend of £236,000 for the end of the financial year. However, since the period covered by the report Heads of Service and managers had been asked to ensure that essential spend only occurred and based on this Officers were anticipating that the shortfall would be closer to £70,000. This gap was primarily in respect of the unidentified savings which had been included in the Medium Term Financial Plan 2018/19 to 2021/22. Members were asked to note that no unidentified savings had been included in the Medium Term Financial Plan for the period 2019/20 to 2022/23 so this problem was unlikely to recur in 2019/20.

Details in respect of the capital budget were referred to during the presentation of the report. Members were advised that the Council had budgeted for borrowing to support capital expenditure of £4.8 million. However, the Council had only used £2.4 million in capital spending during the year. The Corporate Management Team (CMT) had therefore recently discussed the need for officers to more accurately manage the capital budget.

In relation to the Housing Revenue Account HRA the Council was aiming to use £876,000 in balances to balance the budget. There had been some overspends on voids, largely due to the fact that the number of voids turned around by the department had increased. This would ensure that those properties could be let to tenants at an earlier stage than in the past, which would have a positive impact on income for the HRA moving forward.

The Committee discussed the report and it was noted that the Council would be able to balance the budget in time for the accounts to be approved. Questions were raised about the action taken to promote the availability of disabled facilities grants to eligible residents and the reasons why an extra £96,000 had been allocated to this budget when it was generally left underspent each year. Members were advised that further information would be

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**Tuesday, 26 March 2019**

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requested from relevant Officers, though it was understood that the additional funding was in the form of a Government grant.

Reference was also made to the Feckenham Parish Recreation Ground and whether the funding referred to related to Section 106 monies. Members were advised by Councillor Brandon Clayton, in his capacity as local ward Councillor, that this funding was connected to a Section 106 agreement in respect of an application for Yates Acre in Feckenham. Members agreed that it was important that the Council ensured that Section 106 funds were spent on the projects to which the funding had been allocated.

### **RESOLVED that**

- 1) the Executive Committee note the current financial positions for the period April – December 2018 as detailed in the report.**

### **RECOMMENDED that**

- 2) the Council approve an increase in the 2018-19 Capital Programme of £4.5k s106 monies for use on undertaking a traveller/trespass function for the Council on land adjacent to Oakenshaw South roundabout.**
- 3) the Council approve an increase in the 2018-19 Capital Budget of £96k for the Disabled facilities grant budget. This is due to further grant funding being received following the budget announcement in December 2018.**
- 4) the Council approve the increase to the Capital Programme of £14.5k s106 monies for improvements to the play areas and open spaces on Feckenham Recreation Ground.**

## **115. INVESTMENT STRATEGY - UPDATE TO THE STRATEGY**

The Executive Director of Finance and Corporate Resources presented a report that proposed updates to the Acquisition and Investment Strategy that had been approved in January 2018. The Council had anticipated making investments worth £5 million in 2019/20 but none of the funding had yet been spent. Under the existing terms in the strategy any investment opportunities that were identified would have to first be reported back to the Executive Committee before any action could be taken. The update report proposed that Officers should be able to undertake initial financial modelling in line with KPMG guidance and an initial offer could be made by officers, subject to approval by the Executive Committee.

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During the debate in respect of the strategy Members questioned whether the Council had identified any potential opportunities for investment. Officers confirmed that no opportunities had been identified by the date of the meeting, though the Head of North Worcestershire Economic Development Unit was monitoring local developments. As agreed in the policy the Council could choose to invest in projects within the Borough or in locations adjacent to the Borough.

**RESOLVED that**

**the Investment Strategy Report 2019/20 be approved and adopted.**

**116. OVERVIEW AND SCRUTINY COMMITTEE**

The Chair advised that there were no outstanding Overview and Scrutiny Committee minutes for consideration at the meeting.

**117. MINUTES / REFERRALS - OVERVIEW AND SCRUTINY COMMITTEE, EXECUTIVE PANELS ETC.**

The Chair confirmed that there were no further recommendations from either the Overview and Scrutiny Committee or any other Committees for consideration at the meeting.

**118. ADVISORY PANELS - UPDATE REPORTS**

- a) Constitutional Review Working Party – Chair, Councillor Matthew Dormer

Councillor Dormer confirmed that there had been no further meetings of the Constitutional Review Working Party (CRWP) since the previous meeting of the Executive Committee. The following meeting of the CRWP was scheduled to take place on 16<sup>th</sup> July 2019.

- b) Corporate Parenting Board – Council Representative, Councillor Gareth Prosser

Councillor Prosser confirmed that there were no updates to provide in respect of the Corporate Parenting Board.

- c) Grants Panel – Chair, Councillor Greg Chance

Councillor Chance confirmed that there were no updates to provide in respect of the Grants Panel.

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- d) Member Support Steering Group – Chair, Councillor Matthew Dormer

Councillor Dormer confirmed that there had been no further meetings of the Member Support Steering Group (MSSG) since the previous meeting of the Executive Committee. The following meeting of the MSSG was scheduled to take place on 18<sup>th</sup> June 2019.

- e) Planning Advisory Panel – Chair, Councillor Matthew Dormer

Councillor Dormer noted that the latest meeting of the Planning Advisory Panel (PAP) had taken place on 13<sup>th</sup> March 2019. During the meeting Members had discussed the redevelopment of Matchborough and Winyates district centres as well as housing numbers in the Borough.

The Meeting commenced at 7.00 pm  
and closed at 8.47 pm



# Overview & Scrutiny

Committee

6<sup>th</sup> June 2019

## WORK PROGRAMME 2018/19

(Report of the Chief Executive)

Date of Meeting	Subject Matter	Officer(s) Responsible for report
<b>ALL MEETINGS</b>	<b>REGULAR ITEMS</b>	<b>(CHIEF EXECUTIVE)</b>
	Minutes of previous meeting	Chief Executive
	Consideration of the Executive Committee Work Programme	Chief Executive
	Call-ins (if any)	Chief Executive
	Pre-scrutiny (if any)	Chief Executive
	Task Groups / Short, Sharp Review Groups – feedback	Chair of Task Group / Short, Sharp Review
	Working Groups - feedback	Chair of Working Group
	Committee Work Programme	Chief Executive
	<b>REGULAR ITEMS</b>	
	Update on the work of the Crime and Disorder Scrutiny Panel	Chair of the Crime and Disorder Scrutiny Panel
	Tracker Report	Relevant Lead Head(s) of Service
	Updates on the work of the Worcestershire Health Overview and Scrutiny Committee	Redditch Borough Council representative on the Health Overview and Scrutiny Committee
	Annual Monitoring Report – Redditch Sustainable Community Strategy	Relevant Lead Head(s) of Service

# Overview & Scrutiny

Committee

6<sup>th</sup> June 2019

MEETING DATE	ITEM TO BE CONSIDERED	RELEVANT LEAD
6 <sup>th</sup> June 2019	Private Sector Home Repair Assistance Policy – Pre-Scrutiny	Relevant Lead Head(s) of Service
6 <sup>th</sup> June 2019	Scoping document - Review of Parking Enforcement Contract	Cllr Shurmer
6 <sup>th</sup> June 2019	Suicide Prevention Scoping Document (Appoint Chair)	Relevant Lead
6 <sup>th</sup> June 2019	Overview and Scrutiny Training Event – Feedback	Relevant Lead
6 <sup>th</sup> June 2019	Overview and Scrutiny – Select Committee Findings and new Government Guidance	Relevant Lead
4 <sup>th</sup> July 2019	Pre-Decision Scrutiny – Housing / housing Revenue Improvement Plan – Progress Report	Relevant Director
4 <sup>th</sup> July 2019	Pre-decision Scrutiny - Service Delivery Options – HRA Gas Maintenance	Relevant Lead Head(s) of Service
4 <sup>th</sup> July 2019	Pre-decision Scrutiny Town Centre Regenerations (Community Hub and Railway Quarter)	Relevant Lead Head(s) of Service
4 <sup>th</sup> July 2019	Pre- Scrutiny Tenancy Conditions for Council Housing Tenants and Tenants Handbook	Relevant Lead Head(s) of Service

# Overview & Scrutiny

Committee

6<sup>th</sup> June 2019

<b>5<sup>th</sup> Sept 2019</b>	Pre-Scrutiny New Cemetery Provision	Relevant Lead Head(s) of Service
<b>24<sup>th</sup> October 2019</b>	Herefordshire and Worcestershire sustainability and Transformation Partnership - update	Relevant Lead Head(s) of Service
<b>OTHER ITEMS – DATE NOT FIXED</b>		
	Redditch Community Lottery – Six Months' Update	Relevant Lead
	Emergency Planning (Civil Contingencies) Update	Relevant Lead Head(s) of Service
<b>OTHER POSSIBLE ITEMS FOR SCRUTINY – DATE NOT FIXED</b>	<ul style="list-style-type: none"> <li>• Eastern Gateway</li> <li>• Parking on roads inappropriately</li> <li>• Landscaping</li> <li>• Local Hospital Service Provision – outcome of Health Commission</li> <li>• Mental health services</li> <li>• Health services for young people</li> <li>• Cuts to school budgets and parental choice</li> <li>• Council owned shops and rateable values</li> <li>• The night time economy</li> </ul>	

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