

THE OVERVIEW AND SCRUTINY COMMITTEE

7 July 2015

Attendance:

Councillors:

Simon Cook (Chairman) (P)

J Berry (P)
Gemmell (P)
Hiscock
Humby
Sanders (P)

Stallard
Tod (P)
Thacker (P)
Wright (P)

Deputy Members

Councillor McLean (Standing Deputy for Councillor Humby)
Councillor Thompson (Standing Deputy for Councillor Hiscock)

Others in attendance who addressed the meeting:

Councillors Godfrey (Leader), Byrnes (Portfolio Holder for Local Economy), Horrill (Portfolio Holder for Housing Services), Pearson (Portfolio Holder for Environment, Health and Wellbeing) and Read (Portfolio Holder for Built Environment)

1. **APPOINTMENT OF VICE-CHAIRMAN FOR THE MEETING**

RESOLVED:

That Councillor Wright be appointed Vice-Chairman for the meeting.

2. **DISCLOSURE OF INTERESTS**

Councillors Tod declared a disclosable pecuniary interest in respect of agenda items due to his role as a County Councillor. However, as there was no material conflict of interest, he remained in the room, spoke and voted under the dispensation granted on behalf of the Standards Committee to participate and vote on all matters which might have a County Council involvement.

3. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman announced that he had completed the first comparison with a representative from another Local Authority with regard to their scrutiny arrangements. Two further Local Authority comparisons were to be carried out in due course. Upon completion, a report of the findings would come back to the Committee, to establish whether there may be any particular aspects that may offer improvements to those currently operated at Winchester.

4. **MEMBERSHIP OF SUB-COMMITTEES**

RESOLVED:

That the following appointments be approved:

- i) Environmental Services Joint Scrutiny Committee (with East Hampshire District Council) – Councillors Lipscomb, Warwick and Weir (deputies: Councillors: Jeffs, Power and Thacker).
- ii) Hampshire Home Choice ISG – Councillors Hiscock (Chairman), Bodtger, Gosling and Humby.

5. **MINUTES**

RESOLVED:

That the minutes of the special meeting held on 21 May 2015, less exempt item, and the minutes of the previous meeting of the Committee held on 1 June 2015, be approved and adopted.

6. **PUBLIC PARTICIPATION**

No comments or questions were raised during public participation.

7. **ANTI SOCIAL BEHAVIOUR – CRIME AND POLICING ACT 2014** (Report CAB2691 refers)

Councillor Pearson introduced the report and provided an overview of the Anti-Social Behaviour, Crime and Policing Act 2014, which had received Royal Assent on 13 March 2014. He outlined the changes introduced by the Act, which were likely to have a direct impact on the way the Council dealt with anti-social behaviour within the Winchester District and the formal interventions in place to control Anti-Social Behaviour.

He outlined the key aspects of the Act and drew Members' attention to the changes to the system in order to comply with the new Act of Parliament, which included key changes such as the introduction of Community Protection Notices

(CPNs) and Public Space Protection Orders (PSPOs) which came into force at the end of October 2014 and carried the potential to resolve cases of anti-social behaviour.

The Committee were advised that the Act also allowed members of the public to request a case review of anti social behaviour cases.

The Neighbourhood Services Officer (Anti-Social Behaviour) answered Members questions thereon, and a summary of the following points were noted:

- A period of consultation was required before a Public Space Protection Order (PSPO) could be introduced, including with appropriate public bodies and local councillors;
- A PSPO was an adaptable tool which could be used to address a variety of anti-social behaviours, including for example the control of consumption of alcohol in an area, or to tackle dog fouling;
- A PSPO can be in place for up to three years, once in place it will be reviewed periodically. At any point prior to the expiry date a PSPO can be extended;
- The new powers of closure provisions replaced powers already in existence and could be utilised to tackle high levels of anti-social behaviour in a private dwelling or licensed premises;
- A Partnership approach will always be taken to address anti social behaviour with enforcement action only being taken when appropriate. This will ensure that the most effective tools are used to address the anti social behaviour; and
- A Hampshire wide approach had been adopted to the Community Trigger mechanisms and notifications would be submitted via the Police.

Members made particular reference to the Scheme of Delegation to Officers and the protocol which would be followed for a PSPO to be issued and enforced. It was noted that this process involved levels of consultation with relevant bodies and parties, including an online survey to gauge responses, following clearance to progress by the Assistant Director for Community Safety, in consultation with the relevant Portfolio Holder. However, it was noted that a different approach could be taken to deal with any major issue affecting a large part of the District, whereby a decision could be taken not to exercise this delegation and bring the case to the relevant decision making body (i.e. Cabinet). The Committee also received an annual report on community safety matters.

Officers reported the process for the activation of a Community Trigger, which was intended to allow individual to request a review where they think that no action has been taken or is not satisfied with the action taken regarding their anti social behaviour case.

Members noted that the Community Trigger could be activated by the victim of anti-social behaviour, another person acting on behalf of the victim or an

individual acting on behalf of a group of residents or community group but that in the first instance, Hampshire Police should be contacted using the non emergency number 101 service. Members were advised that Police data on anti social behaviour reports reported are included in data at Police and Communities Together (PACT) meetings. Members raised concern regarding the infrequency of PACT meetings and the need to keep the community involved and requested that further details regarding the Community Trigger be circulated to Members in due course.

RESOLVED:

1. That the report be received and noted with no specific matters to be drawn to the attention of the Portfolio Holder or Cabinet; and

2. That the Chief Operating Officer be asked to use his delegated powers to update the Members Charter so as to make specific reference to consultation with ward members when the Assistant Director (Environment) is considering making, varying or discharging Public Space Protection Orders under Sections 59-61 of the Anti-Social Behaviour, Crime and Policing Act 2014 (Appendix 1).

8. **RISK MANAGEMENT POLICY 2015**

(Report AUD118 refers)

EXTRACT FROM MINUTES OF THE AUDIT COMMITTEE HELD 22 JUNE 2015

(Report CAB2704 refers)

Councillor Godfrey outlined the Report which provided the updated Risk Management Policy 2015 which was a key feature of the Council's Governance and Performance Management arrangements. This also included the Council's Risk Appetite Statement and the updated Corporate Risk Register, reflecting significant risks which may impact on the achievements of strategic objectives.

The Committee noted that the Report had previously been considered at Audit Committee on 22 June 2015, with the relevant minute contained within CAB2704 and at Cabinet at its meeting on 6 July 2015.

During discussion, Members emphasised the importance of a good understanding of risk for all Councillors and officers. The Head of Policy and Projects advised that further training was planned for officers and some training had been undertaken for Councillors, with further sessions proposed. Members training would be provided on various levels, dependant on their role within the Council.

Members made reference to the vague nature of the samples given of how risk was measured, contained within the Report. The Committee requested that specific information including date and frequency data be provided when future consideration was given to the assessment process of the Council's Risk Registers and Risk Management Policy.

It was reported that Cabinet had requested that the Policy be amended to reflect the requirement for future training and/or awareness on Risk Management issues to be undertaken on a regular basis for Councillors. It had also requested that the suggestion of an end of year report on risk to include information on items of significance over the year, as raised at Audit Committee, be endorsed and included within the Policy.

RESOLVED:

1. That the Risk Management Policy 2015 and Corporate Register be received and noted, subject to the amendments requested by Cabinet, as set out above.

2. That the contents of the minute extract from the Audit Committee held 22 June 2015 be noted.

9. **PERFORMANCE MONITORING UPDATE – PORTFOLIO PLANS OUTTURN 2014/15**

(Report OS128 refers)

Councillors Godfrey, Byrnes, Horrill, Pearson and Read addressed the Committee to introduce their respective Portfolio Plan out turn reports for 2014/15 and each answered Members questions thereon. The Committee considered the report as part of its role in holding Portfolio Holders to account and also in monitoring the progress that the Council was making towards the outcomes of the Winchester District Community Strategy and the projects included in individual Portfolio Plans.

Members considered the prosperous economy and the objective to support the local economy in relation to the preparation of the development strategy for Station Approach at length and sought clarification on the progression of the development following the completion of the first stage of consultation, together with the proposed timeline for the project. Councillor Godfrey indicated the various stages that were scheduled to occur in the coming months, with the brief for the Design Contest for the site due to be complete within the next two months and the expected planning application for approval by October/November 2016. Members pointed out the need to ensure adequate public consultation as the proposals progressed.

Several Members expressed concerns regarding the need for spacious, modern offices to fulfil business needs and to attract and enhance new business growth

in the Town Centre. It was noted that there was a necessity to be also responsive to the wider needs of local businesses to enable them to thrive in Winchester and to generate job opportunities in suitable locations. Councillor Godfrey reported that he would consider this matter with the relevant Portfolio Holder to look at the opportunity to meet the needs of local business and look at the provision and location of land for this purpose.

The Committee referred to the Key Performance Indicators for each of the outcomes of the Community Strategy in Appendix 2 of the Report and asked several questions, the responses to which are summarised below:-

- i. As contained within the Asset Management Plan, it was noted that the Council needed to maximise income generation. It had recently increased its income with the rental of its properties, such as Avalon House, currently occupied by the NHS and the sale of Athelstan House, following a decision taken by Cabinet. Councillor Sanders requested that a copy of the Report to Cabinet regarding the sale of Athelstan House be sent to him in due course; and
- ii. Review of the Air Quality Action Plan – Councillor Pearson reported that this was still on-going with the study in progress and the national implications of the Supreme Court decision on air quality under consideration. Steve Brine MP and George Hollingbery MP had been contacted on this issue. A holding response had been received from George Hollingbery MP, requesting a response from Government regarding this matter. Following on from this discussion, Members also referred to the use of buses operated by Stagecoach, particularly the Euro 5 or 6 buses and the maintenance programme carried to the older park and ride buses that affects air quality in the Town Centre when needed to be addressed by consultants within the study.

RESOLVED:

That the performance information, contained within the Report, be noted.

10. **DEVOLUTION: DEVELOPING PROPOSALS FOR DEVELOPED POWERS AND RESPONSIBILITIES**

(Report CAB2703 refers)

Councillor Godfrey introduced the report and outlined the discussions that had taken place across Hampshire, Southampton, Portsmouth and the Isle of Wight. He detailed the delegated authority required for the Leader and Chief Executive to work with other local authorities to develop a model for devolution to meet the Council's needs, as well as the aims of Government.

He drew Members' attention to Cabinet's revised recommendation to Council (extract of the draft minute from the Cabinet meeting held on 6 July 2015 circulated at the meeting refers) which strengthened Recommendation 2 to highlight the involvement of the Leader.

The Head of Policy and Projects advised that Hampshire County Council had also committed to further consider 'double devolution' (devolving some of its responsibilities to district council level), which offered further opportunities for authorities to work collaboratively.

Councillor Godfrey advised the Committee of the creation of a Combined Authority in Greater Manchester which had been the flagship example of how this might work, where responsibility had been taken on for economic development and other infrastructure issues. Following discussion, there was support that a 'looser' approach be sought in Hampshire and a general consensus for the retention of two tier Local Authorities.

He stated that a letter had been sent from Hampshire and Isle of Wight Local Government Association (HIOWA) Leaders to the Secretary of State for Communities and Local Government, as contained in Appendix 2 to the Report, which sets out the areas of interest, but did not result in any firm commitment. He reminded the Committee that Report would be further considered at Full Council on 15 July 2015.

The Committee expressed concern that all Members should be kept regularly updated on this matter and believed that Cabinet's Recommendation 2 be further strengthened to ensure progress updates were provided to Members.

RECOMMENDED:-

THAT THE DECISION OF CABINET IN ITS DISCUSSIONS ON THE DEVOLUTION OF POWERS AND RESPONSIBILITIES FROM WHITEHALL BE SUPPORTED, SUBJECT TO THE LEADER PROVIDING REGULAR UPDATES TO MEMBERS ON PROGRESS WITH DISCUSSIONS.

11. **HOUSING REVENUE ACCOUNT 2014/15 OUTTURN**
(Report CAB2696 (HSG) refers)

Councillor Horrill introduced the Report which outlined the outturn for the Housing Revenue Account (HRA) for 2014/15 and the final outturn results in a net surplus on the account of (£0.544m), after adjusting for outturn housing debt, against a budgeted surplus of (£2.837m). It also detailed significant variances and budget carry forwards totalling £1,062m, as set out in the Report.

The Committee were advised that the Report had previously been considered and supported by the Cabinet (Housing) Committee, at its meeting on 30 June 2015 and provided excellent news on activity that had taken place during the 2014/15 financial year.

Members raised questions in relation to the number of carry forward figures, contained within the Report, and queried the spending of these funds within 2015/16. In response, Officers advised that reviews are carried out to test on-going need and demand for all intended spending purposes prior to the commencement of works. Following further questions, regarding the Government's Right to Buy proposals and the impacts on the business plan, the Assistant Director (Chief Housing Officer) agreed to provide a report to Members on this matter when this became available.

Councillor Horrill reported that she was keen to ensure that the programme of works was progressed to meet timescales, with particular reference to modernisations works etc (e.g. kitchen and bathroom modernisations).

RECOMMENDED:

THAT THE REPORT BE NOTED AND NO ITEMS BE DRAWN TO THE ATTENTION OF COUNCIL

RESOLVED:

That The Overview and Scrutiny Committee agree not to call in) for review the proposed virement (of £150,000 from the Winnall flats EWI scheme to the loft conversions and extensions programme, as detailed in paragraph 5.3 of the report.

12. **CAPITAL EXPENDITURE OUTTURN 2014/15**
(Report CAB2697 refers)

Councillor Godfrey introduced the Report which provided an overview of the actual (outturn) capital expenditure for the financial year 2014/15 and the associated financing, compared with the Revised Capital Budget and Members' questions were answered thereon.

The Committee's attention was drawn to the number of projects that had been successfully completed in 2014/15, including the successful letting of Avalon House and Abbey Mill and the new North Walls skate park. In addition Councillor Godfrey reported that he supported the list of carry forwards recommended for approval by Council at its meeting on 15 July, as set out in Appendix A of the report.

RECOMMENDED:

THAT THE REPORT BE NOTED AND NO ITEMS BE DRAWN TO THE ATTENTION OF COUNCIL.

13. **GENERAL FUND REVENUE OUTTURN 2014/15**
(Report CAB2698 refers)

Councillor Godfrey introduced the report which provided an overview of the Council's General Fund Revenue outturn compared with the budget for the year 2014/15 and explained the main variances, the movements on earmarked reserves and Members' questions were answered thereon.

He commended the Chief Finance Officer and her Team for their work in closing the 2014/15 accounts and for the excellent work achieved by the Chief Executive and Senior Management in the significant savings made to the employee budget. He also acknowledged a rise in car parking income (despite no increase in car parking charges), reflecting a large increase in visitors to the City and District. The Leader justified the proposals for the carry forward proposals for £1.34m, as set out in Appendix B.

In response to questions, the Chief Finance Officer reported that the Council had set aside £1 million in a Business Rate Reserve at the end of 2014/15 and indicated that there could be a call on this reserve during 2016/17 owing to the increased possibility of successful appeals against business rate levels than previously anticipated. This was as a result of possible appeals regarding health centres being identified and an increase in the number of additional appeals due to changes in the legislation from April 2015.

RECOMMENDED:

THAT THE REPORT BE NOTED AND NO ITEMS BE DRAWN TO THE ATTENTION OF COUNCIL.

14. **SCRUTINY WORK PROGRAMME AND AUGUST 2015 FORWARD PLAN**
(Report OS125 refers)

RESOLVED:

That the Scrutiny Work Programme and Forward Plan for August 2015 be noted.

15. **EXEMPT BUSINESS**

RESOLVED:

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. That the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
##	Exempt minute of the previous meeting held on 21 May 2015 – Silver Hill Update) 3 & 5)))

16. **EXEMPT MINUTE**

RESOLVED:

That the exempt minute of the previous meeting of the Committee held on 21 May 2015, be approved and adopted.

The meeting commenced at 6.30pm and concluded at 9.50pm.

Chairman