



Meeting	The Overview and Scrutiny Committee
Date and Time	Monday, 21st May, 2018 at 6.30 pm.
Venue	Walton Suite, Guildhall, Winchester

AGENDA

PROCEDURAL ITEMS

- 1. Apologies and Deputy Members**
To note the names of apologies given and Deputy Members who are attending the meeting in place of appointed Members.
- 2. Appointment of Vice-Chairman for the 2018/19 Municipal Year**
- 3. Disclosures of Interests**
To receive any disclosure of interests from Members and Officers in matters to be discussed.

Note: Councillors are reminded of their obligations to declare disclosable pecuniary interests, personal and/or prejudicial interests in accordance with legislation and the Council's Code of Conduct.

If you require advice, please contact the appropriate Democratic Services Officer, prior to the meeting.

- 4. Chairman's Announcements**
- 5. Membership of Sub-Committees and Informal Groups etc**



6. **To note the date and times of future meetings of this Committee**

21 May 2018	4 June 2018	9 July 2018	3 September 2018
15 October 2018	26 November 2018	28 January 2019	25 February 2019
20 May 2019			

Members are reminded that the Programme of Meetings for 2018/19 was approved by Portfolio Holder Decision Notice (PH763 refers).

7. **Minutes** (Pages 1 - 6)

Minutes of the meeting held on 26 February 2018 – attached for Members of the Committee only

BUSINESS ITEMS

8. Public Participation

To receive and note questions asked and statements made from members of the public on matters which fall within the remit of the Committee.

9. Appointments to External Bodies related to Scrutiny (Pages 7 - 10)

(OS202)

10. To note the Scrutiny Work Programme for 2018/19 and June 2018 Forward Plan and comment on any items for future consideration (Pages 11 - 16)

(OS199)

11. Draft Annual Scrutiny Report (Pages 17 - 22)

(OS201)

12. Monitoring Report - Key Decision not included within the Forward Plan during 2017/18 Municipal Year (Pages 23 - 28)

(OS200)

L Hall
Legal Services Manager

City Offices
Colebrook Street
Winchester SO23 9LJ

11 May 2018

Agenda Contact: Claire Buchanan, Senior Democratic Services Officer
Tel: 01962 848 438 Email: cbuchanan@winchester.gov.uk

**With the exception of exempt items, Agenda, reports and previous minutes are available on the Council's Website www.winchester.gov.uk*

MEMBERSHIP

Membership 2018/19 – to be confirmed at the Annual Council, to be held 16 May 2018.

Quorum = 4 members

Relevant Portfolio Holders:

Having regard to the content of the agenda, the Chairman requests that The Leader and all relevant Portfolio Holders attend meetings of the committee

PUBLIC PARTICIPATION

A public question and comment session is available at 6.30pm for a 15 minute period. There are few limitations on the questions you can ask. These relate to current applications, personal cases and confidential matters. Please contact Democratic Services on 01962 848 264 in advance of the meeting for further details. If there are no members of the public present at 6.30pm who wish to ask questions or make statements, then the meeting will commence.

Voting:

- apart from the Chairman, every Member has one vote when a matter before the meeting requires a decision.
- in the event of an equality of votes, the Chairman may exercise a casting vote and that vote may be exercised in any way seen fit.
- a Member may abstain from voting, or vote differently from how they may have indicated during the debate, without further explanation.
- the way each Member voted will not be recorded in the minutes, unless a motion to have a Recorded Vote has been passed.

DISABLED ACCESS:

Disabled access is normally available, but please phone Democratic Services on 01962 848 264 or email democracy@winchester.gov.uk to ensure that the necessary arrangements are in place.

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THE OVERVIEW AND SCRUTINY COMMITTEE

26 February 2018

Attendance:

Councillors:

Learney (Chairman) (P)

Evans (P)
Gemmell (P)
Jeffs (P)
Pearson (P)

Stallard (P)
Thompson (P)
Tod (P)
Weston (P)

Others in attendance who addressed the meeting:

Councillors Horrill (Leader with Portfolio for Housing Services), Ashton (Portfolio Holder for Finance), Godfrey (Portfolio Holder for Professional Services), Miller (Portfolio Holder for Estates) and Warwick (Portfolio Holder for Environment).

1. **DISCLOSURE OF INTERESTS**

Councillor Learney declared a personal (but not prejudicial interest) in item 11 (Annual Emergency Planning Report) as she was a member of Littleton and Harestock Parish Council.

Councillor Stallard, as a Hampshire County Councillor with responsibility for Emergency Planning, declared a personal (but not prejudicial interest) in item 11 (Annual Emergency Planning Report).

Councillor Tod declared a personal (but not prejudicial interest) in item 4 (Q3 2017/18 Financial and Performance Monitoring) as he was a member of the Health and Wellbeing Alliance.

2. **MINUTES**

RESOLVED:

That the minutes of meeting held 29 January 2018 be approved and adopted.

3. **SCRUTINY WORK PROGRAMME AND MARCH 2018 FORWARD PLAN**

The Chairman advised that that the next scheduled meeting of the Committee on 9 April 2018 may not be required. In addition, the meeting to be held in

conjunction with the Audit Committee to consider the review of the Constitution would now be held in the new Municipal Year.

RESOLVED:

1. That the March 2018 Forward Plan be noted; and;
2. That the Scrutiny Work Programme for 2017/18 be noted.

4. **Q3 2017/18 FINANCIAL AND PERFORMANCE MONITORING**
(Report OS193 refers)

Councillor Horrill introduced the Report and together with the other members of Cabinet present, they responded to detailed questions. Councillor Horrill emphasised that following considerable work and new initiatives the Council was in a good position with its individual performance measures. In summary, the following matters were raised.

- (i) The revised date for establishing a Housing Company and clarification of the scope of the company;
- (ii) The anticipated numbers of houses that the Council could provide as private rented under the “City lets” scheme;
- (iii) The progress being made to increase the number of Council houses being built through inclusion in the “Wayfarer” partnership and whether the programme could be accelerated;
- (iv) The progress in reviewing internal governance and was internal governance included within the Risk Register;
- (v) The financial rates of return on the Strategic Asset Purchase Fund;
- (vi) The plans to utilise the General Fund under spend;
- (vii) That importance of a District wide approach to health including the role of the Health and Wellbeing Board and role of the third sector;
- (viii) The accuracy of monitoring air quality and clarification on the emissions monitored;
- (ix) Clarification of the methods for the recording of fly tipping hot spots;
- (x) Points were raised regarding the Heritage Assets in the District and Conservation Areas;

- (xi) The role of the Council to support people into work along with the Council's approach to supporting small and medium sized enterprises;
- (xii) The importance of fibre broadband was raised;
- (xiii) The next steps on the Central Winchester Regeneration project and progress on the Sport and Leisure and Station Approach projects and assurance was sought that the status shown correctly represented the position of the project;
- (xiv) The number of overdue/outstanding internal audit actions and responses to Freedom of Information requests;
- (xv) Ensuring consistency of reporting for the 'RAG' status across the report

Following debate, the Committee welcomed the improvements to the Report's format as information was more readily reviewable.

RESOLVED:

That the Leader and other relevant Portfolio Holders notes the comments of the Committee but that no items of significance to be drawn to the attention of Cabinet.

5. **ANNUAL REVIEW OF INFORMAL SCRUTINY GROUP (ISG)**
RECOMMENDATIONS
 (Report OS195 refers)

This item was withdrawn from consideration at this meeting and would be considered at a future meeting of the Committee

6. **ASSET MANAGEMENT PLAN UPDATE**
 (Oral presentation/presentation available as Appendix to Minutes)

Following an introduction from Councillor Miller, The Corporate Head of Asset Management gave a presentation on the latest position with regard to the Asset Management Plan.

Topics covered included the work to Friarsgate Car Park, Middle Brook Street and Kings Walk, the remodelled Bus Station, proposals for the development of a replacement GP Practice (including a new pharmacy), a small industrial complex at Bishops Waltham Depot, improvements to the Tourist Information Centre and a review of the low cost works undertaken to the City Offices. The operation of the Strategic Asset Purchase Scheme was also explained. It was stated that the income from property holdings had increased by £277,140 per annum.

Following questions from the Committee, the Corporate Head of Asset Management stated that he would investigate improved signposting to public toilets for users of the Bus Station; seating in Kings Walk and that improvements to Abbey House (including the installation of a toilet for the disabled) would be progressed by means of a Portfolio Holder Decision Notice.

It was further explained that Strategic Asset Purchases were considered for investment grade opportunities that complemented the Council's Strategy and Members were encouraged to bring potential investment opportunities to the attention of the Corporate Head of Asset Management. Link to [Asset Management Plan 2016](#).

RESOLVED:

That verbal update be noted.

7. **ANNUAL EMERGENCY PLANNING REPORT**
(Report OS194 refers)

The Chairman welcomed to the meeting Ian Hoult, Head of Emergency Planning and Resilience at Hampshire County Council.

Councillor Warwick introduced the Report and highlighted the progress that had been made in implementing the recommendations of the Flooding Informal Scrutiny Group since 2014. There were now 19 Community Emergency Plans for the Winchester area, largely focussed on the Parished areas and the important work of the Head of Drainage and Special Maintenance was also referred to as was the role of Councillors in an emergency.

The Corporate Director: Services and Ian Hoult spoke of the Service Level Agreement for the delivery of Emergency Planning and the close working between the City and the County Councils.

In reply to Members' questions, the situation in respect of National Trust's City Mill was explained in terms of the Sluice Management Plan, which was designed to assist in the free flow of water through central Winchester. There was a range of works planned to strengthen City Mill and a multi partner approach was taken to water management.

Ian Hoult replied to questions on the Police's response to the risk of cyber attacks following the Wannacry incident in 2017 and Councillor Warwick confirmed that longer term solutions to the central Winchester security measures would be fitting and in keeping with the City and its history.

At the conclusion of debate, the Committee agreed that the Portfolio Holder should have regard to the possibility of access to Resilience Direct being extended to include Parish Councils in order that documentation could be shared

and that consideration also be given to involving the unparished area of Winchester in emergency planning work, for example by inviting the Chair of the Winchester Town Forum to emergency planning community events.

RESOLVED:

That the information provided in the update of the Flooding Informal Scrutiny Group recommendations, the Annual Emergency Planning Report summary and update of flood alleviation schemes be noted and issues be raised with the relevant Portfolio Holder as set out above.

8. **ENVIRONMENTAL SERVICES CONTRACT UPDATE (LESS EXEMPT BUSINESS)**

(Report OS196 refers)

Councillor Warwick introduced the report and highlighted that the grounds maintenance and street care and environmental services contracts expired in 2019 and decisions would need to be taken on future provision including future management arrangements.

The Strategic Director: Services answered Members' questions relating to the potential financial risk to the Council that resulted from not having clarity on the future contractual arrangements and whether this had been addressed in medium and longer term budget planning. Councillor Ashton additionally confirmed that this was the case.

The situation with regard to the current contracts was explained and it was noted that subject to certain conditions a 12 months contract extension could be used if required should the Council wish to undertake full re-procurement.

Consideration was also given to the NORSE joint venture structure option.

At the conclusion of debate, the Committee agreed that the Portfolio Holder should have regard that the Committee was not supportive of the joint venture structure option and was broadly satisfied with the current contracts (although they could be improved) and, although there may be an increase in cost in any new contract, the Committee was content with the course of action being taken by Cabinet and the information before it.

RESOLVED:

That the above comments of the Committee on the content of the report be drawn to the attention of Cabinet.

9. **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>
##	Environmental Services Contract Update (Exempt Appendices)) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (Para 5 Schedule 12A refers)

10. **ENVIRONMENTAL SERVICES CONTRACT UPDATE (LESS EXEMPT BUSINESS)**

(Report OS196 refers)

The Committee considered the content of the exempt appendix, together with further legal advice regarding the services contracts.

RESOLVED:

That the exempt appendix be noted.

The meeting commenced at 6:30pm and concluded at 9:30pm

Chairman

REPORT TITLE: APPOINTMENT TO EXTERNAL BODIES RELATED TO SCRUTINY FOR THE 2018/19 MUNICIPAL YEAR

21 MAY 2018

REPORT OF PORTFOLIO HOLDER: Councillor Stephen Godfrey, Portfolio Holder for Professional Services

Contact Officer: Claire Buchanan Tel No: 01962 848438 Email cbuchanan@winchester.gov.uk

WARD(S): ALL

PURPOSE

The Report asks the Committee to nominate Councillors for appointments to the four external bodies that it would be appropriate for The Overview and Scrutiny Committee to appoint representatives to. These are detailed at paragraph 3 of the Report.

RECOMMENDATIONS:

1. That the Committee consider appointments to the following external bodies:
 - a) Portsmouth City Council – Health Overview and Scrutiny Panel (1 vacancy and deputy)
 - b) Centre for Public Scrutiny (CfPS) – Scrutiny Champions Network (1 vacancy)
 - c) Partnership for Urban South Hampshire Overview and Scrutiny Committee (1 vacancy and deputy)
 - d) Environmental Services Joint Scrutiny Committee (with East Hants District Council) (3 vacancies and 3 deputies)

1 RISK MANAGEMENT

Risk - None	Mitigation	Opportunities
<i>Property (N/A)</i>		
<i>Community Support</i>	Appropriate Councillor representation on outside bodies is undertaken as part of their wider community roles	
<i>Timescales N/A</i>		
<i>Project capacity N/A</i>		
<i>Financial / VfM N/A</i>		
<i>Legal</i>	Risk of potential conflicts of interest mitigated by regard to guidance provided in the Constitution and/or seeking advice.	
<i>Innovation</i>		To share good practice from other organisations across the City Council
<i>Reputation</i>		To promote and enhance the City Council with partners
<i>Other N/A</i>		

2 SUPPORTING INFORMATION:

2.1 Background

2.2 This Report asks the Committee to consider appointments of non-executive Members to four external bodies related to scrutiny.

3. Appointments to External Bodies related to Scrutiny

3.1 There are currently four external bodies that it would be appropriate for The Overview and Scrutiny Committee to appoint non-executive Member representatives to. These are detailed below.

3.2 **Portsmouth City Council - Health Overview and Scrutiny Panel**

This Panel was established by Portsmouth City Council. Its membership is drawn from appropriate interest groups, stakeholders and Councillors from adjoining local authorities 'when discussing issues that have significant effect upon their area'.

Winchester City Council are asked to appoint one member and one deputy representatives for 2018/19.

3.3 **The Centre for Public Scrutiny (CfPS) – Scrutiny Champions' Network**

The CfPS has previously requested a Member representative as a 'scrutiny champion' for the Council. The Member receives a monthly bulletin and is also invited to attend an Annual Conference. The current representative is the Chairman of The Overview and Scrutiny Committee and it is suggested that the Chairman of The Overview and Scrutiny Committee remains as the appointed representative for 2018/19.

3.4 **Partnership for Urban South Hampshire Overview & Scrutiny Committee**

The Partnership for Urban South Hampshire (PUSH) established a PUSH Overview and Scrutiny Committee in 2007 and it has previously been agreed that the Committee appoint a non-executive representative from those Wards within the PUSH area.

Winchester City Council are asked to appoint one member and one deputy representative for 2018/19.

3.5 **Environmental Services Joint Scrutiny Committee (ESJSC) (with East Hants District Council)**

At its meeting held on 17 September 2012, The Overview and Scrutiny Committee established this Joint Scrutiny Committee with terms of reference. The terms of reference were amended to reflect the name change above.

The Committee did not meet during 2017/18. However, the membership for the 2017/18 Municipal Year was made as follows:

Winchester City Councillors: three member and three deputy representatives. East Hampshire District Councillors were also asked to appoint three member and three deputy representatives for this Joint Committee.

In order for the meeting to be quorate, three Members from either Winchester City Council or East Hants District Council would need to be present.

At its meeting held on 16 February 2015, the Chairman of The Overview and announced that minutes of the Joint Environmental Services Scrutiny

Committee (JESSC) would be taken to future meetings of the Committee for Members' consideration.

The Committee are asked to appoint three member and three deputy representatives for 2018/19.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

Files held in the Democratic Services Team

Other Background Documents:-

OS199 - Scrutiny Work Programme 2018/19 – 21 May 2018

APPENDICES:

None.

REPORT TITLE: SCRUTINY WORK PROGRAMME 2018/19

21 MAY 2018

REPORT OF THE CHAIRMAN

Contact Officer: Claire Buchanan Tel No: 01962 848348 Email
cbuchanan@winchester.gov.uk

WARD(S): ALL

PURPOSE

The Scrutiny Work Programme is published by The Overview and Scrutiny Committee of Winchester City Council and is usually updated at the beginning of each Committee Cycle.

This report sets out the work of The Overview and Scrutiny Committee, which deals with major policy/cross-departmental issues, the monitoring of the Council's performance and matters referred to it for consideration by the Council, the Cabinet and by other bodies. In addition to the matters listed here there will be regular items on the agenda and financial matters the Committee may wish to call in for detailed review (these affect unplanned expenditure in excess of **£100,000**).

RECOMMENDATIONS:

That the Committee considers the Scrutiny Work Programme for 2018/19 and suggests any additional items of business for consideration.

THE OVERVIEW AND SCRUTINY COMMITTEE

(1) REFERRED BUSINESS				
BUSINESS	REFERRED BY	STATUS	COMMITTEE DATE	
			Original	Revised

(2) MATTERS INCLUDED WITHIN FORWARD PLAN AND REQUESTED FOR SCRUTINY BY THE COMMITTEE OR CABINET				
BUSINESS	DATE REQUESTED BY THE OVERVIEW AND SCRUTINY COMMITTEE	DATE OF CABINET DECISION	REVISED DATE OF CABINET DECISION	STATUS
None				

(3) THE OVERVIEW AND SCRUTINY COMMITTEE – SCHEDULED ITEMS OF BUSINESS ETC

21 MAY 2018					
	BUSINESS	LEAD OFFICER	COMMITTEE DATE		STATUS/COMMENT
			Original	Revised	
	Scrutiny Work Programme for 2018/19	Claire Buchanan	21 May 2018		OS199
	Performance Monitoring Report – Exceptions to Forward Plan	Claire Buchanan	21 May 2018		OS200
	Draft Annual Scrutiny Report	Claire Buchanan	21 May 2018		OS201
	Appointments of external bodies related to scrutiny	Claire Buchanan	21 May 2018		OS202
4 JUNE 2018					
	BUSINESS	LEAD OFFICER	COMMITTEE DATE		STATUS/COMMENT
			Original	Revised	
	Environmental Services Contracts Options Appraisal Report	Robert Heathcock	4 June 2018		
	Central Winchester Regeneration – Adoption of Supplementary Planning Document	Veryan Lyons	21 May 2018	4 June 2018	OS197/CAB3034

9 JULY 2018					
	BUSINESS	LEAD OFFICER	COMMITTEE DATE		STATUS/COMMENT
			Original	Revised	
	Financial and performance outturn report – 2017/18	Joseph Holmes	9 July 2018		
	Housing Revenue Account and Capital Programme Outturn 2017/18	Bob Gath/Richard Botham	9 July 2018		CAB3036(HSG)
	Treasury Management Outturn 2017/18	Neil Aitken	9 July 2018		
	Air Quality Action Plan – Update on progress in achieving the core measures set out in the Air Quality Action Plan	David Ingram	4 June 2018	9 July 2018	
	Risk Management Policy 2018	Simon Howson	4 June 2018	9 July 2018	
3 SEPTEMBER 2018					
	BUSINESS	LEAD OFFICER	COMMITTEE DATE		STATUS/COMMENT
			Original	Revised	
	Annual review of complaints received by the Council	Simon Howson	3 September 2018		
	Annual Report: Local Government and Social Care Ombudsman 2017/18	Simon Howson	3 September 2018		
	Q1 Financial and Performance Monitoring Report	Joseph Holmes	3 September 2018		

	Medium Term Financial Plan	Darren Kennedy	3 September 2018		
15 OCTOBER 2018					
	BUSINESS	LEAD OFFICER	COMMITTEE DATE		STATUS/COMMENT
			Original	Revised	
	Performance Monitoring Update - Portfolio Holder Plans Mid Year 2018/19	Simon Howson	15 October 2018		
	Council Strategy Update	Joseph Holmes	15 October 2018		
	Community and Voluntary Sector Grants Review	Susan Robbins	15 October 2018		
26 NOVEMBER 2018					
	BUSINESS	LEAD OFFICER	COMMITTEE DATE		STATUS/ COMMENT
			Original	Revised	
	Outcome Based Budgeting	Darren Kennedy	26 November 2018		
	Q2 Financial and Performance Monitoring	Joseph Holmes	26 November 2018		
28 JANUARY 2019					
	BUSINESS	LEAD OFFICER	COMMITTEE DATE		STATUS/COMMENT
			Original	Revised	

	Medium Term Financial Strategy	Joseph Holmes	28 January 2019		
	General Fund Budget 2019/20	Joseph Holmes	28 January 2019		
	Treasury Management Strategy	Joseph Holmes	28 January 2019		
	Housing Revenue Account Budget 2019/20 and Business Plan 2019/2049	Richard Botham	28 January 2019		
	Capital Strategy	Joseph Holmes	28 January 2019		
	Q3 Financial and Performance Monitoring	Joseph Holmes	28 January 2019		
25 FEBRUARY 2019					
	BUSINESS	LEAD OFFICER	COMMITTEE DATE		STATUS/COMMENT
			Original	Revised	
	Annual Emergency Planning Report	David Shaw	25 February 2019		
	Community Safety Partnership Performance Review	Sandra Tuddenham	25 February 2019		

REPORT TITLE: DRAFT ANNUAL SCRUTINY REPORT 2017/18

21 MAY 2018

REPORT OF THE CHAIRMAN – COUNCILLOR LEARNEY

Contact Officer: Claire Buchanan Tel No: 01962 848348 Email
cbuchanan@winchester.gov.uk

WARD(S): ALL

PURPOSE

At the end of each Municipal Year, the Chair of The Overview and Scrutiny Committee for that year reviews the work of all overview and scrutiny bodies and provides a report back to Council.

The draft report for the 2017/18 Municipal Year is attached so that The Overview and Scrutiny Committee can add its comments before it is finalised for presentation to Council on 27 June 2018.

RECOMMENDATIONS:

That the Committee considers the draft Annual Scrutiny Report 2017/18 and suggests any additions or amendments for consideration by Council.

1 RISK MANAGEMENT

Risk	Mitigation	Opportunities
<i>Property N/A</i>		
<i>Community Support N/A</i>		
<i>Timescales N/A</i>		
<i>Project capacity N/A</i>		
<i>Financial / VfM N/A</i>		
<i>Legal N/A</i>		
<i>Innovation N/A</i>		
<i>Reputation N/A</i>		
<i>Other N/A</i>		

2 SUPPORTING INFORMATION:

2.1 None

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

OS164 – Draft Annual Scrutiny Report – 22 May 2017

Other Background Documents:-

None

APPENDICES:

Appendix 1 – Draft Winchester City Council Annual Scrutiny Report 2017/18



Annual Scrutiny Report

2017/18



Introduction

The Overview and Scrutiny Committee keeps an overview of how Cabinet has delivered the priorities and aims of the City Council. It can scrutinise any decision made by the Cabinet or by Council Officers to ensure that it was delivered within the City Council's budget and policy framework. The Committee is also able to 'call-in' a decision that Cabinet had made, or had yet to make, that was outside the agreed budget for that year and that was likely to cost over £100,000. The Committee takes a lead role in developing the Capital Programme, General Fund Budget and Council Strategy.

In 2017/18, the Committee has moved from a post scrutiny way of working – looking at issues after Cabinet has made decisions, to a pre scrutiny one – with feedback to Cabinet before decision, giving the chance for revisions to be made. This change has led to increased opportunities for both back bench members and members of the public to influence significant decisions and policies. Major Council projects looked at in this way have included Central Winchester Regeneration and the Winchester Sport and Leisure Park Project and strategies have included the Housing Strategy and the overarching Council Strategy..

The Committee welcomes and encourages engagement with residents and other community representatives during its public participation session. During 2017/18, local residents commented on numerous matters including the Winchester Sport and Leisure Park Project and the Central Winchester Draft Supplementary Planning Document

Although the Informal Scrutiny Groups that previously reviewed the scrutiny process have been overtaken by the wider review of the Council, lessons learned are being used to improve the effectiveness of the Scrutiny processes within the Council. Looking forward, the revised constitution is expected to enhance the scrutiny function and member involvement in the process; it is also to be hoped that ways of scrutinising other than the traditional committee meeting will be further explored.

With the continuing pressure on the Council to do more with less, it is vital that Scrutiny continues to play its' part in ensuring that major projects are delivered efficiently and with maximum benefit to residents while at the same time collecting bins, controlling parking, looking after open spaces and the myriad of other Council roles which help make our district a great place to live don't get forgotten.

Cllr Kelsie Learney - The Overview and Scrutiny Committee Chairman 2017/18

THE ROLE OF SCRUTINY IN THE COUNCIL

Winchester City Council operates a 'strengthened' Leader and Cabinet Executive model. Members of the Cabinet manage the majority of the Council's business, while scrutiny bodies oversee the discharge of the Council's work.

The role of scrutiny is to review, challenge and develop what the City Council does, making sure the right decisions are being taken to Cabinet, in line with the general policies set by full Council, for the benefit of the Winchester District and its residents and businesses.

The Police and Justice Act 2006 and the Crime and Disorder (Overview and Scrutiny) Regulations 2009 required the Council to designate a scrutiny body as its 'Crime and Disorder Overview and Scrutiny Committee'. It could also consider individual matters related to crime and disorder issues referred from the local level. This role is undertaken by The Overview and Scrutiny Committee.

Petition organisers also have the right to request that The Overview and Scrutiny Committee review the steps that the Council has taken in response to a petition.

THE OVERVIEW AND SCRUTINY COMMITTEE – 2017/18

Chairman: Cllr Kelsie Learney

(i) Holding Portfolio Holders to account

Portfolio Holders were questioned as and when necessary on individual items. These included:

- Risk Management Policy 2017 (CAB2922 refers)
- General Fund Outturn 2016/17 (OS166 refers)
- Portfolio Plans Outturn 2016/17 (OS165 refers)
- Housing Revenue Account Outturn 2016/17 and Key Performance Indicators (OS167 refers)
- Treasury Management Outturn 2016/17 (OS168 refers)
- Draft Housing Strategy (OS169 refers)
- Q1 Financial and Performance Monitoring Report (OS171 refers)
- Community Infrastructure Levy – Rolling 3 year programme of Schemes (OS172 refers)
- Medium Term Financial Plan (OS174 refers)
- Annual Report: Local Government and Social Care Ombudsman (OS175 refers)
- Winchester Sport and Leisure Park Project – Consideration of Stage 2 Proposals (OS177 refers) (Less exempt appendices)
- Winchester Sport and Leisure Park Project – Procurement (OS179 refers)
- Winchester Sport and Leisure Park Project – Outline Business Case and Partnership (OS186 refers) (Less exempt appendices)
- Q2 Financial and Performance Monitoring (OS183 refers)
- Outcome Based Budgeting (OS184 refers)
- Performance Management ISG Recommendations (OS176 refers)
- Members' Allowances – Report of Independent Remuneration Panel (OS185 refers)

DRAFT Winchester City Council Annual Scrutiny Report 2017/18

- Approval of Central Winchester Draft Supplementary Planning Document (OS173 refers)
- Council Strategy Update (OS180 refers)
- Community Safety Partnership Performance Review (OS178 refers)
- Medium Term Financial Strategy (OS189 refers)
- General Fund Budget 2018/19 (OS188 refers)
- Treasury Management Strategy (OS190 refers)
- Housing Revenue Account Budget 2018/19 and Business Plan 2018/2048 (OS192 refers)
- Capital Strategy (OS191 refers)
- Q3 Financial and Performance Monitoring (OS193 refers)
- Asset Management Plan Update (presentation)
- Annual Emergency Planning Report (OS194 refers)
- Environmental Services Contract Update (OS196 refers) (less exempt appendices)

(ii) Informal Scrutiny Groups – 2017/18

During 2017/18 the Committee also made appointments to the following ISGs:

- Performance Management ISG
- Review of Scrutiny ISG
- Housing Delivery/Impact of the Housing Bill ISG
- Councillor Workloads ISG

A report setting out the recommendations of the Performance Monitoring ISG was considered by the Committee at its meeting on 27 November 2017.

(iii) Overview and Scrutiny Sub-Committees – 2017/18

During 2016/17 the Committee established the following Sub-Committee. This was re-appointed during 2017/18:

- Overview and Scrutiny (Major Projects) Sub-Committee

The purpose of this Sub-Committee was to review the large number of projects the Council were pursuing at present, including the development of Station Approach and Silver Hill and to scrutinise in depth the process of the major projects at their key stages to ensure the projects were adhering to the correct process with adequate monitoring mechanisms in place. This Sub-Committee was not formally convened as opportunities for the pre scrutiny of several aspects of the Council's major projects have taken place to the satisfaction of the Chairman

An archive of all the previous in-depth scrutiny reviews undertaken by ISGs is accessible via the Council's website .

REPORT TITLE: MONITORING REPORT – KEY DECISIONS NOT INCLUDED
WITHIN THE FORWARD PLAN DURING 2017/18 MUNICIPAL YEAR

21 MAY 2018

REPORT OF PORTFOLIO HOLDER: Councillor Stephen Godfrey, Portfolio Holder
for Professional Services

Contact Officer: Claire Buchanan Tel No: 01962 848438 Email:
cbuchanan@winchester.gov.uk

WARD(S): ALL

PURPOSE

The Overview and Scrutiny Committee has previously received an annual monitoring report in relation to the number of Key Decisions which came forward for decision, which had not been included in the Forward Plan.

Key Decisions are:

- (a) decisions having a significant impact on two or more wards; or,
- (b) incurring expenditure or savings over £200,000 for the service or function to which the decision relates (NB this can be the cumulative impact e.g. for the period of a contract, rather than annual expenditure)

Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) England Regulations 2012, the Council must give a minimum of 28 days notice of a Key Decision being made. There is an additional requirement to give at least 28 days notice of when Cabinet or a Cabinet Committee is proposing to meet in exempt session. The purpose is to provide opportunity for representations that the item should be dealt with in public session – and any representations have to be considered before the agenda for the meeting is published. This requirement exists whether or not the matter is a Key Decision.

Under the Council's Constitution, Access to Information Procedure Rules (Rule 15.1 – General Exception), the Legal Services Manager is required to inform the Chairman of The Overview and Scrutiny Committee when a Key Decision was to be taken by Cabinet which had not been included in the Forward Plan.

In addition, where an agenda item requiring a Key Decision was not in the Forward

Plan and was sent to Cabinet after the statutory deadline, the Chairman of The Overview and Scrutiny Committee must firstly give approval for its inclusion (Access to Information Procedure Rule 16 – Special Urgency).

The 2012 Regulations require, as a minimum, that an annual report be made, to show instances of where the special urgency provisions have been used.

During the 2017/18 Municipal Year, the Chairman of The Overview and Scrutiny Committee was informed of a total of **five** Key Decisions which were not included in the Forward Plan.

RECOMMENDATIONS:

That the Committee consider and make any necessary comment on the content of the Report.

1 RISK MANAGEMENT

Risk	Mitigation	Opportunities
<i>Property N/A</i>		
<i>Community Support a high number of exceptions to the Forward Plan risks affecting the Council's objective to be open and transparent.</i>	A more detailed and longer term planning programme has been introduced. This will record projects and other matters which are likely to need key decisions, at an early stage, and therefore minimise the need to exceptions to be made.	The mitigation means increased transparency and confidence in the Council.
<i>Timescales N/A</i>		
<i>Project capacity N/A</i>		
<i>Financial / VfM N/A</i>		
<i>Legal Failure to comply with the legislation could lead to a challenge to the decision.</i>	Decisions are reviewed by Legal and Democratic Services staff to check whether the decision is a key decision, and whether an exception is required.	
<i>Innovation N/A</i>		
<i>Reputation N/A</i>		
<i>Other N/A</i>		

2. SUPPORTING INFORMATION:

<u>Detail of Key Decision not included within Forward Plan</u>	<u>Date of Cabinet Meeting</u>	<u>Reason given for not being included in Forward Pan</u>
CAB3016 (HSG) – Housing Revenue Account Budget and Business Plan	14 February 2018	“urgent consideration to enable a decision to be taken without delay. The Chairman of The Overview and Scrutiny Committee has agreed this approach”.
CAB2991 – Sports Facility Needs Assessment 2017/2037	13 November 2017	“urgent consideration to enable a decision to be taken without delay. The Chairman of The Overview and Scrutiny Committee has agreed this approach”.

<u>Detail of Key Decision not included within Forward Plan</u>	<u>Date of Cabinet Meeting</u>	<u>Reason given for not being included in Forward Pan</u>
CAB2961 – Bishops Waltham Depot Site Proposals for development	13 November 2017	“urgent consideration to enable a decision to be taken without delay. The Chairman of The Overview and Scrutiny Committee has agreed this approach”.

<u>Detail of Exempt Decision where 28 days notice had not been given</u>	<u>Date of Cabinet Meeting</u>	<u>Reason given for 28 days notice not being given</u>
CAB2970 – Winchester Sport & Leisure Park Project – Update on Facility Mix	13 November 2017	“need to enable assessment to be reviewed before making a decision. This item previously listed in the October 2017 Forward Plan but that meeting was postponed. 28 days notice of a decision to be taken in exempt session was not provided, as required under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.” The Chairman of The Overview and Scrutiny Committee has agreed to this approach.
CAB2972 – Winchester Sport & Leisure Park Project – Procurement	13 November 2017	“need to enable assessment to be reviewed before making a decision. This item previously listed in the October 2017 Forward Plan but that meeting was postponed. 28 days notice of a decision to be taken in exempt session was not provided, as required under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.” The Chairman of The Overview and Scrutiny Committee has agreed to this approach.

- 2.1 Although occasionally Key Decisions are required to be made urgently for operational reasons, officers should, wherever possible, continue to ensure that the Forward Plan of Key Decisions is updated monthly. Best practice would also be to include the specific reason for a decision to be taken at that meeting if an item had not been included within the Forward Plan.
- 2.2 For information, Members may wish to note the number of Key Decisions not included in the Forward Plans from previous Municipal Years:

Municipal Year	Number of Key Decisions not included in the Forward Plan
2016/17	8
2015/16	12
2014/15	6
2013/14	8
2012/13	4
2011/12	3
2010/11	11
2009/10	6
2008/09	15
2007/08	15

3. OTHER OPTIONS CONSIDERED AND REJECTED

3.1 None

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

None

APPENDICES:

None

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