

SCRUTINY MANAGEMENT BOARD – 23RD JANUARY 2019

Report of the Head of Strategic Support

ITEM 6 SCRUTINY WORK PROGRAMME AND ISSUES ARISING FROM SCRUTINY GROUPS AND PANELS

Purpose of the Report

To enable the Board to review and agree the Scrutiny Work Programme. This includes considering requests from other scrutiny bodies and updates on the scrutiny of items previously agreed, as well as details of upcoming Executive Key Decisions and of procurement activity, to enable appropriate scrutiny to be identified.

To set out the Cabinet's responses to the recommendations made by the Board at its last meeting on 24th October 2018, in respect of both the Five Year Housing Supply Scrutiny Panel and the Management of Public Open Space.

Action Requested

1. To note the deletions made from its work programme by the Policy Scrutiny Group at its meeting on 13th November 2018 (Minute 28.2) and the reason for that, as detailed on the third page of this report.
2. To note the Cabinet's response to the recommendations of the Five Year Housing Supply Scrutiny Panel as agreed by the Scrutiny Management Board at its meeting on 24th October 2018, as detailed on the fifth and sixth page of this report, and to consider when the Board wishes to receive an update on implementation of those Cabinet decisions (taken on 15th November 2018).
3. To note the Cabinet's response to recommendations made by the Board at its meeting on 24th October 2018 in respect of the Management of Public Open Space, as detailed on the sixth and seventh page of this report, and to consider how scrutiny might monitor the issue in the future as suggested by the Cabinet.
4. To consider whether any forthcoming Executive Key Decisions or decisions to be taken in private by the Executive which are not currently programmed for scrutiny should be added to the Scrutiny Work Programme (see Appendix 1).
5. To consider whether any procurement activity from the Annual Procurement Plan (and Quarterly Updates) should be added to the Scrutiny Work Programme or recommendations made to the Cabinet (see Appendix 2).
6. To agree that the Scrutiny Work Programme be updated in accordance with the decisions taken during consideration of this item and any further decisions taken during the course of this meeting (see Appendix 3).

Reasons

1. To ensure that the Board is aware of the deletions made by the Group.

2. To ensure that the Board is informed of the outcome of scrutiny panel recommendations and that implementation of resulting decisions is monitored, as part of the process of ensuring the effectiveness of the scrutiny function. Usual practice is for an update report to be submitted to the Board six months after the Cabinet decisions.
3. To ensure that the Board is informed of the outcome of its recommendations and so that the issue is appropriately monitored by scrutiny in the future.
4. To ensure timely and effective scrutiny.
5. To ensure timely and effective scrutiny or to ensure that the Cabinet are informed of any views of the Board on procurement matters.
6. To ensure that the information contained within the Work Programme is up to date.

Policy Context

The Corporate Plan commits the Council to review and improve its approach to the delivery of services to ensure it is constantly working to achieve a better service providing better value for money and enhancing the performance and commitment to service delivery.

Updates on Scrutiny Bodies

Budget Scrutiny Panel

The process for scrutiny of the Council's 2019/20 draft budget was agreed by the Board at its meeting on 28th March 2018. Membership and the Chair of the Panel were subsequently agreed by the Board at its meeting on 13th June 2018.

The Panel has now held all of its meetings in respect of scrutiny of the Council's 2019/20 draft budget and the Panel's report is submitted to this meeting of the Board as a separate item on the agenda.

Overview Scrutiny Group

The Overview Scrutiny Group is responsible for scrutiny of proposed Cabinet decisions (pre-decision scrutiny) and scrutiny of external public service providers and partners, outside bodies and services shared with other local authorities.

The Group's scheduled meeting on 12th November 2018 was cancelled as there were no Cabinet reports which it was considered required pre-decision scrutiny. Therefore, the Group has met twice since the last ordinary meeting of the Board.

At its meeting on 10th December 2018, the Group undertook pre-decision scrutiny of Cabinet reports on (i) Charnwood Grants Round 3 2018/19 and (ii) Write Off Report for Business Rate Properties. The Group supported the officer recommendations in the reports and reported that to the Cabinet on 13th December 2018.

At its meeting on 14th January 2019, the Group undertook pre-decision scrutiny of Cabinet reports on (i) Open Spaces, Playing Pitch and Indoor Built Facilities Strategies; (ii) Discretionary Houses in Multiple Occupation Licensing Scheme; and (iii) Tenancy Strategy 2019-2024. Reports detailing the Group's recommendations and reasons in respect of the matters, for consideration by Cabinet on 17th January 2019, will be published following publication of the agenda for this meeting, so will be reported verbally to the meeting.

The next meeting of the Group is scheduled to be held on 11th February 2019.

Performance Scrutiny Panel

The Performance Scrutiny Panel has the remit of reviewing or seeking improvement in Council performance. It receives regular performance reports and suggests items for the scrutiny work programme.

At the time of publication of the agenda for this meeting, the Panel had met once since the last ordinary meeting of the Board, on 20th November 2018. The Panel did not have any recommendations that it wished to make to the Board.

At the time of publication of the agenda for this meeting, the next meeting of the Panel was scheduled to be held on 22nd January 2019.

Policy Scrutiny Group

Policy Scrutiny Group is responsible for reviewing policies and the processes used to develop them and for monitoring the progress and methods of scrutiny panels against the work programme and the timetable agreed by the Board, and may suggest changes to the scrutiny work programme.

The Group has met once since the last ordinary meeting of the Board, on 13th November 2018. The Group did not have any recommendations that it wished to make to the Board. However, the Board is asked to note the following decision of the Group at that meeting (Minute 28.2):

“that the following items be deleted from the Group’s work programme:

- *Tenancy Strategy and Policy;*
- *Houses in Multiple Occupation Accreditation Scheme;*
- *Houses in Multiple Occupation Licensing Policy.*

Reason

The items, or items that had superseded them, could not be scrutinised within the timetable provided by the schedule of the Group’s meetings and meetings of the Cabinet, but could be considered by the Overview Scrutiny Group instead.”

The next meeting of the Group is scheduled to be held on 5th February 2019.

Scrutiny Panels

There are currently no scrutiny panels in progress.

Forthcoming Key Decisions And Decisions To Be Taken In Private By Charnwood Borough Council's Executive

An updated Notice of Forthcoming Executive Key Decisions and Decisions to be taken in Private by the Executive will be published on 16th January 2019, the day after the publication of the agenda for this meeting. Therefore, this will be circulated to members of the Board to follow this report, as Appendix 1.

The purpose of considering forthcoming decisions is to allow the Board to ensure that they are programmed for consideration by scrutiny where necessary.

Annual Procurement Plan (or Quarterly Update)

The report considered by the Cabinet on 15th March 2018 setting out the Annual Procurement Plan 2018/19, together with the reports considered by the Cabinet on 5th July, 13th September and 13th December 2018 setting out additions to the Plan, is attached as Appendix 2.

At its meeting on 25th January 2017, the Board decided to consider the Annual Procurement Plan (and Quarterly Updates) submitted to the Cabinet as part of this report, to enable the Board to consider whether scrutiny of any procurement activity should be programmed or recommendations made to the Cabinet.

Scrutiny Work Programme

The current Scrutiny Work Programme, as it stood at the time of the publication of this agenda, is attached as Appendix 3 to enable the Board to decide which scrutiny body should consider new items and currently unscheduled items, and when those should be considered.

Any decisions taken by the Board during the meeting will be reflected in an updated Work Programme.

Cabinet Responses to Recommendations of the Board

A. Five Year Housing Supply Scrutiny Panel

At its meeting on 15th November 2018, the Cabinet considered the findings and recommendations of the Five Year Housing Supply Scrutiny Panel as agreed by the Scrutiny Management Board at its meeting on 24th October 2018, along with officer advice and recommendations in response. The Chair of the Panel, Councillor Seaton, attended the Cabinet's meeting to present the Panel's recommendations. The report considered by the Cabinet is attached at Appendix 4 (for the purposes of this report, the appendices to the Panel's report are not included, but these were submitted to the

Cabinet and are available [here](#)). The following minute extract sets out the Cabinet's decisions in respect of this matter:

“53. FIVE YEAR HOUSING SUPPLY SCRUTINY PANEL

Considered a report of the Head of Strategic Support presenting the findings and recommendations of the Five Year Housing Supply Scrutiny Panel along with officer advice in response (item 6 on the agenda filed with these minutes).

Councillor Seaton, as Chair of the Panel, presented the findings and recommendations of the Panel. The Head of Planning and Regeneration presented the officer advice and recommendations in response.

The Head of Strategic Support assisted with consideration of the report.

Following consideration of the report, the Leader thanked Councillor Seaton and the Panel for the work undertaken in respect of the matter.

RESOLVED

1. *that, in respect of Panel Recommendation 1, the Council's Business Plan be amended to include the five year housing supply figure as one of the Council's Key Performance Indicators (KPIs), with effect from the 2019/20 Business Plan, and that quarterly direction of travel indicators be made available to councillors as required;*
2. *that, in respect of Panel Recommendation 2, the Council's Business Plan be amended to include the various deadlines by which planning applications of different types should be determined as KPIs, with effect from the 2019/20 Business Plan;*
3. *that Panel Recommendation 3 be noted and that, once the Council had had the opportunity to consider the draft report by Sir Oliver Letwin setting out his review of land supply and housing delivery, the Cabinet Lead Member for Planning, Inward Investment and Tourism Strategy, in consultation with the Chair of the Five Year Housing Supply Scrutiny Panel, writes to the Government with any further recommendations of this Council to that report;*
4. *that, in respect of Panel Recommendation 4, the Cabinet Lead Member for Planning, Inward Investment and Tourism Strategy, in conjunction with relevant officers, continuously reviews the processes for dealing with section 106 agreements, reserved matters applications and pre-commencement conditions, to identify any areas for improvement and to bring any issues to the attention of the Cabinet as appropriate;*
5. *that, in respect of Panel Recommendation 5, the current review of the Core Strategy be completed in accordance with the timetable set out in the Local Development Scheme agreed by the Cabinet most recently on 15th March 2018.*

Reasons

1. *To ensure the figures are reported and monitored corporately and by the Performance Scrutiny Panel on a regular basis and to ensure that councillors are informed of the general direction of travel with the Five Year Housing Supply on a quarterly basis. Discussion at this meeting suggested that the latter information might usefully be made available to the Performance Scrutiny Panel, the Plans Committee and at quarterly planning training for councillors.*
2. *To ensure the figures are reported and monitored corporately and by the Performance Scrutiny Panel on a regular basis*
3. *The Cabinet acknowledged the Panel's wish to reinforce the need for enforcement sanctions for non-completion of developments through writing to the Government, but considered it appropriate and useful to consider the content of the Letwin report before doing so.*
4. *The Cabinet acknowledged the Panel's wish for a best practice review of these processes and the reasons for that, but considered continuous review by the Cabinet Lead Member to be more appropriate and useful, particularly as a comprehensive best practice review had been undertaken in 2015.*
5. *To ensure that it remains the most relevant for the residents of Charnwood and that the review is completed in a timely manner."*

B. Management of Public Open Space

At its meeting on 15th November 2018, the Cabinet considered recommendations made by the Board at its meeting on 24th October 2018 in respect of the Management of Public Open Space, along with officer advice and recommendations in response. The Chair of Policy Scrutiny Group, Councillor Seaton, attended the Cabinet's meeting to present the Board's recommendations. The report considered by the Cabinet is attached as Appendix 5. The following minute extract sets out the Cabinet's decisions in respect of the matter:

"54. MANAGEMENT OF PUBLIC OPEN SPACE – RECOMMENDATIONS OF THE SCRUTINY MANAGEMENT BOARD

Considered a report of the Head of Strategic Support presenting the recommendations of the Board following its consideration of the recommendations of the Policy Scrutiny Group relating to the management of open spaces (which arose during the Group's consideration of the Open Spaces Strategy) along with officer advice in response (item 7 on the agenda filed with these minutes).

Councillor Seaton, as Chair of the Policy Scrutiny Group, presented the recommendations of the Board. The Head of Cleansing and Open Spaces presented the officer advice and recommendations in response.

The Head of Strategic Support assisted with consideration of the report.

Following consideration of the report, the Leader thanked Councillor Seaton and the Policy Scrutiny Group for its recommendations in respect of the matter. The Cabinet also considered whether the issue should be monitored in the future and the best way of doing so, concluding, following advice from the Chief Executive, that scrutiny could do so via the usual mechanisms.

RESOLVED

- 1. that, in respect of Board Recommendation 1, it be noted that the fact that developers could choose not to offer open spaces for adoption by the Council, and the increasing use of management companies to manage open space on developments as an alternative to adoption by the Council, were of concern to the Policy Scrutiny Group;*
- 2. that, in respect of Board Recommendation 2, it be noted that the Policy Scrutiny Group had identified the following particular issues with the operation of the management company model in addition to its general concerns:*
 - the service charges that were levied by management companies could be significant for local residents affected by them;*
 - there could be a lack of transparency in the way in which service charges were increased;*
 - there was no consideration of ability to pay when service charges were levied;*
 - there was evidence that maintenance work was of low quality in some cases;*
- 3. that, in respect of Board Recommendation 3, at the next quarterly meeting of the Leader/Chief Executive/local Members of Parliament, the Leader raises again, on behalf of the Cabinet and the Policy Scrutiny Group, the issues identified above, to include sharing the report considered by the Cabinet at this meeting.*

Reasons

- 1.&2. To note areas of concern which the Board wished to draw to the Cabinet's attention.*
- 3. To support the Policy Scrutiny Group's wish that Cabinet seek to influence Government policy so that a change in the law could be considered to require developers to offer areas of open space to local authorities for adoption, while noting that issues around the management company model had been raised at a previous quarterly meeting between the Leader, Chief Executive and local Members of Parliament."*

Appendices: Appendix 1 – Latest Notice of Forthcoming Executive Key Decisions and Decisions to be taken in Private by the Executive, published 16th January 2019 (to follow)

Appendix 2 – Annual Procurement Plan 2018/19 (Cabinet Report 15th March 2018) and Additions to Annual Procurement Plan 2018/19 (Cabinet Reports 5th July, 13th September and 13th December 2018)

Appendix 3 – Scrutiny Work Programme

Appendix 4 – Report to Cabinet 15th November 2018 “Five Year Housing Supply Scrutiny Panel” (omits appendices to Panel’s report).

Appendix 5 – Report to Cabinet 15th November 2018 “Management of Public Open Space – Recommendations of Scrutiny Management Board”.

Background Papers: None

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