

**Please ask for Democratic Services**

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Our Ref

Your Ref

Date: 25 August 2020

Dear Councillor,

**Overview and Scrutiny Committee**

A Meeting of the **Overview and Scrutiny Committee** will be held via Microsoft Teams, on **Wednesday, 02 September 2020 at 18:00**. You are requested to attend.

Yours faithfully,



Chief Executive

To: **Conservative Group**

Councillor Hewlett (Chairman), Councillor Brady (Vice-Chairman) and Councillors Atkin, Corbin and Dawson

**Labour Group**

Councillors Bambrick, Gee and Mrs Stuart

## **AGENDA**

### **Open to Public and Press**

- |          |   |                |
|----------|---|----------------|
| <b>1</b> | Apologies   |                |
| <b>2</b> | To receive the Open Minutes of the following Meetings:  |                |
|          | 15th January 2020   | <b>4 - 7</b>   |
|          | 12th February 2020  | <b>8 - 11</b>  |
| <b>3</b> | To note any declarations of interest arising from any items on the Agenda                     |                |
| <b>4</b> | To receive any questions by members of the public pursuant to Council Procedure Rule No.10.   |                |
| <b>5</b> | To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11. |                |
| <b>6</b> | PROCUREMENT   | <b>12 - 24</b> |
| <b>7</b> | REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) –<br>REPORT ON USAGE                       | <b>25 - 26</b> |
| <b>8</b> | ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE<br>2019-20                               | <b>27 - 36</b> |
| <b>9</b> | COMMITTEE WORK PROGRAMME  | <b>37 - 38</b> |

### **Exclusion of the Public and Press:**

- 10** The Chairman may therefore move:-
- That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.

- 11** To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.

OVERVIEW AND SCRUTINY COMMITTEE

15<sup>th</sup> January 2020

**PRESENT:-**

**Conservative Group**

Councillors Hewlett (Chairman) Brady (Vice-Chairman), Atkin, Corbin and Dawson

**Labour Group**

Councillors Bambrick, Gee and Mrs Stuart

OS/38 **APOLOGIES**

The Committee was advised that no apologies had been received.

OS/39 **DECLARATIONS OF INTEREST ARISING FROM ITEMS ON AGENDA**

The Committee was informed that no declarations of interest had been received.

OS/40 **QUESTIONS RECEIVED BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

The Committee was informed that no questions from members of the Public had been received.

OS/41 **QUESTIONS RECEIVED BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

The Committee was informed that no questions -from Members of the Council had been received.

OS/42 **BUDGET SCRUTINY 2020**

The Strategic Director (Corporate Resources) delivered a presentation to the Committee outlining the key areas in the proposed budget for 2020/21 and the Medium-Term Financial Plan to 2024. This focused on the projected 5 year spending plan, the New Homes Bonus and Business Rates.

Members raised queries regarding when will the New Homes Bonus run out, procurement of services in relation to value for money and when and how is the procurement service monitored. The Strategic Director informed Committee that the New Homes Bonus is due to be replaced in 2021 and the current Local Plan provides for new housing to around 2030. The Strategic Director (Corporate Resources) explained to Members that the Procurement Service is part of a Shared Service Arrangement which is managed by Chesterfield NHS Trust and

the contract is due to end 2021. The Procurement Service is currently monitored on a monthly basis and is reported to Finance and Management Committee on a quarterly basis. Following further discussion with Members it was agreed that the Strategic Director (Corporate Resources) bring back an update to the next Committee regarding the Procurement Service.

**RESOLVED:**

***That the Committee noted the proposed budgets of the Council for 2020/21.***

***The Committee noted the medium-term financial plans of the General Fund and Housing Revenue Accounts.***

OS/43 **IMPLEMENTATION OF UNIVERSAL CREDIT - UPDATE**

The Strategic Director (Corporate Resources) presented the report to the Committee updating Members that there had been an increase in Council Tenants moving onto Universal Credit. There are still a lot of tenants that remain on Housing Benefit and will not be transferred until the Government decides to migrate existing claimants onto Universal Credit. The Strategic Director (Corporate Resources) outlined the impact the roll out of Universal Credit for tenants, the HRA, and on resources in the service area.

Members raised queries regarding the length of time it takes for Universal Credit to be paid and was there anything we could do to shorten the gap. The Strategic Director (Corporate Resources) informed the Committee that there was very little the Council could do but there is a welfare group looking at the time it takes to process claims etc. and there has been a lot of lobbying of Government regarding this issue.

**RESOLVED:**

***That the Committee noted the current position and progress in implementing actions for supporting tenants and potential claimants of Universal Credit.***

***That the Committee noted the impact on resources in Customer Services, Revenues and Benefits, together with planned actions to mitigate the risks associated with changes in working practices.***

OS/44 **RECYCLING RATE – HOW CAN IT BE IMPROVED?**

The Head of Operational Services delivered the Report to the Committee and explained that South Derbyshire District Council's recycling and composting performance placed the Council in the top 50% of English Local Authorities. The Head of Operational Services informed the Committee that an appraisal will

need to consider how the Council can meet future recycling targets and compliance with any future legislation. It was clarified that supermarkets are not included in the Council's waste and recycling as they are covered separately by packaging waste regulations. The Head of Operational Services added that the current recycling contract is due to end in 2021 but an option was being considered to obtain an extension until 2023 when the new Environment Bill is expected.

Members raised a number of questions and queries including what does the Council do to reinforce the recycling message, can black bags be recycled, can small business have access to recycling bin collections and how can we reduce the amount of non-recyclable waste?

The Head of Operational Services and the Strategic Director (Service Delivery) informed the Committee that there is a Recycling A to Z on the Council's website with a lot of information and when bins are rejected for incorrect recycling and cross contamination then bins are labelled with the reasons why they have been rejected. The Committee were also informed that black bags cannot be recycled due to the black dye currently used. The Council is considering a number of options to reduce the amount of non-recyclable waste including collecting such waste less often.

**RESOLVED:**

***That the Committee noted and discussed the information contained in this report.***

***That the Committee endorsed the use of the information contained in the report to inform the future scope of the Council's recycling service beyond the end of the Council's current recycling contract in October 2021.***

OS/45 **COMMITTEE WORK PROGRAMME**

**RESOLVED:**

***That the Committee considered and approved the updated work programme including Annexe 'A'.***

OS/46 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RESOLVED:-**

***That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the***

***remainder of the Meeting as it would be likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.***

**EXEMPT QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER  
COUNCIL PROCEDURE RULE NO 11**

***The Committee was informed that no exempt questions from Members of the Council had been received.***

The Meeting terminated at 8.00pm.

COUNCILLOR HEWLETT

CHAIRMAN

OVERVIEW AND SCRUTINY COMMITTEE

12<sup>th</sup> February 2020

**PRESENT:-**

**Conservative Group**

Councillor Hewlett (Chairman), Councillor Brady (Vice-Chairman) and Councillors Atkin and Corbin

**Labour Group**

Councillors Bambrick, and Mrs Stuart

**In Attendance**

Councillors Mrs Brown and Shepherd

OS/47 **APOLOGIES**

Apologies were received from Councillor Dawson (Conservative Group) and Councillors Gee (Labour Group).

OS/48 **MINUTES**

The Open Minutes of the Meeting held on 16<sup>th</sup> October 2019 were taken as read, approved as a true record and signed by the Chairman.

OS/49 **DECLARATIONS OF INTEREST ARISING FROM ITEMS ON AGENDA**

Councillor Atkin declared a personal interest in Item 6, Digital Derbyshire – Verbal Update, by virtue of being a County Councillor, advising he would not participate in the debate.

OS/50 **QUESTIONS RECEIVED BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

The Committee was informed that no questions from members of the Public had been received.

OS/51 **QUESTIONS RECEIVED BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

The Committee was informed that no questions -from Members of the Council had been received.

**OS/52 DIGITAL DERBYSHIRE – VERBAL UPDATE**

Digital Derbyshire delivered a presentation to the Committee which gave an overview of the Programme to date and what is coming in the future, as well as what different funding streams are available to enable as many customers as possible to gain access to fibre broadband. Digital Derbyshire closed the presentation with a response to questions received from Members prior to the Committee.

Members raised queries regarding the take up of BT Openreach from Developers of new builds for broadband infrastructure and could Planning assist with this. Digital Broadband explained that it is entirely the choice of the Developer, they register the site for communications and then choose whichever Communication Company for telephony and broadband services.

Councillor Corbin went onto to ask when 5G will be available in South Derbyshire. Digital Derbyshire informed the Committee that it is expected that Swadlincote will be one of the first 5G areas but they did not know the timeframe for this.

The Chairman thanked Digital Derbyshire for updating the Committee and looked forward to a further update in the future.

**OS/53 CYCLE PROVISION**

The Active Community and Health Partnership Manager and the Planning Policy Officer delivered a presentation outlining the report to the Committee. The officers highlighted the Key Cycle Network objectives in medium and long term and reported an increased participation in a number of cycling activities across the District. Members were also informed that the Council's Active Travel Plan encourages staff who live within a 10-mile radius to cycle to work, where practicable.

Following a discussion with Members it was agreed that the Planning Policy Officer would attend the next Committee to give an update on securing elements of the County Council's proposed cycle network through approved planning applications.

**RESOLVED:**

***1.1 The Committee noted the current cycling provision across South Derbyshire.***

***1.2 The Committee noted the development of a Key Cycle Network for Derbyshire and the implication for proposed routes in South Derbyshire.***

OS/54 **REPORT BACK TO FINANCE AND MANAGEMENT COMMITTEE ON THE COUNCIL'S BUDGET PROPOSALS – VERBAL UPDATE**

The Strategic Director (Corporate Resources) addressed the Committee regarding the report back to the Finance and Management Committee as at the last Committee meeting Members raised concern over the procurement arrangements and how it is currently delivered by a Health Service provider.

Members thought that value for money should be considered and queries were raised about processes.

The Chairman agreed that in his absence Councillor Corbin should take a report to the next Finance and Management Committee requesting a Report back from the Strategic Director (Corporate Resources) to enable this Committee to take a closer look at procurement.

OS/55 **PERFORMANCE MEASURES AND BENCHMARKING?**

The Strategic Director (Corporate Resources) delivered the report to the Committee giving an overview of the Council's arrangement for measuring performance and benchmarking.

Members raised queries as to why other areas could not meet a 100% of their KPIs as Licensing has done. The Strategic Director (Corporate Resources) explained that in many instances a 100% target is not realistic due to external factors. He explained the use of benchmarking and the need to look behind the figures for detailed comparisons.

**RESOLVED:**

***That the Committee noted the report and agreed to include further analysis of specific performance indicators in the Committee's work programme for 2020/21.***

OS/56 **COMMITTEE WORK PROGRAMME**

**RESOLVED:**

***That the Committee considered and approved the updated work programme including Annexe 'A'.***

OS/57 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RESOLVED:-**

*That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it would be likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.*

**EXEMPT QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11**

*The Committee was informed that no exempt questions from Members of the Council had been received.*

The Meeting terminated at 8.00pm.

COUNCILLOR HEWLETT  
CHAIRMAN

<b>REPORT TO:</b>	<b>OVERVIEW and SCRUTINY COMMITTEE</b>	<b>AGENDA ITEM: 6</b>
<b>DATE OF MEETING:</b>	<b>2<sup>nd</sup> SEPTEMBER 2020</b>	<b>CATEGORY: RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>STRATEGIC DIRECTOR (CORPORATE RESOURCES)</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>KEVIN STACKHOUSE (01283 595811)</b> <a href="mailto:kevin.stackhouse@south-derbys.gov.uk">kevin.stackhouse@south-derbys.gov.uk</a>	<b>DOC:</b> u/ks/live files/procurement/shared service/O&S report september 2020
<b>SUBJECT:</b>	<b>PROCUREMENT</b>	<b>TERMS OF REFERENCE:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	

## **1.0 Recommendations**

- 1.1 That the Committee notes the report and proposes any additional work within the scope of the review.

## **2.0 Purpose of Report**

- 2.1 Following the annual scrutiny of the Council's Budget proposals for 2020/21 and its medium-term spending plans to 2025 in January, the Committee agreed to review the current arrangements for Procurement across the Council.
- 2.2 In particular, to review the business case for current service provision, together with an overview of regulations and procedures governing procurement activity across the Council.

## **3.0 Detail**

### **Current Service Provision**

- 3.1 In November 2017, the Council approved that delivery of its procurement function be transferred into a shared service arrangement hosted by Chesterfield Royal Hospital NHS Foundation Trust (now known as Derbyshire Support and Facilities Services Limited).
- 3.2 The Agreement that governs the services originally came into effect on 1 January 2018. This was subsequently reviewed with a new Agreement being effective from 1 October 2019, following structural changes at the Trust.
- 3.3 The updated Agreement runs initially until October 2020 and then the Council has the option of extending for a further 3 years until October 2023. Either party can terminate the Agreement at any time by giving 6 months' notice.

- 3.4 The current cost to the Council is £30,000 per year and this has not increased since entering the Shared Service Arrangement in January 2018. The proposal and business case considered in November 2017 is attached at **Appendix 1**.
- 3.5 The reasons for entering the Shared Service Arrangement at that time are summarised in the following table.

<b>Resilience and capacity</b>	The Council would not be reliant on 1 professional post but instead would be able to access a specialist pool of resources with a wider knowledge base.
<b>Governance</b>	The Council would have a fully automated Contracts Register which would be regularly monitored, together with greater consistency in the application of procurement policy. A full audit trail would be maintained centrally of each major tendering exercise and contain fully compliant reporting mechanisms.
<b>Budget Savings</b>	The Council would potentially benefit from the buying power of the Shared Service, together with greater commercial opportunities.
<b>Lower Costs and Efficient Processing</b>	It is considered that the costs of joining the Shared Service will be lower than the current internal cost; this is detailed in Section 5 of the report. In addition, the Council would gain access to a wider technology solution for managing the procurement process. This would be cloud-based in accordance with the Council's IT and Digital Strategy. This would help to increase the efficiency of the procurement process.
<b>Added Value</b>	Including the sharing of best practice, benchmarking and comparative data. In addition, there would be greater challenge of existing practices and the offer of a different perspective.
<b>Residents/business of South Derbyshire</b>	Benefits from the Shared Delivery Model will be passed on to residents and business in South Derbyshire through more efficient and consistent procurement activities and a focus on maximising opportunities to reduce the costs of existing services where appropriate.
<b>Mitigate risks</b>	As noted in the report, a key benefit is to manage the current risks of the existing arrangements ( <b>see below</b> ).
<b>Service Delivery</b>	Whilst the service will be based at the NHS Trust in Chesterfield, resources will be initially based on site to support the transition to the new shared delivery model and to embed working practices. From then, all services in the Council will have access to a central resource, dedicated to their needs and experts in the procurement service.

## Risks

- 3.6 Immediately prior to January 2018, Procurement had been delivered in-house following its transfer from an outsourcing arrangement a year earlier in January 2017.
- 3.7 The main weaknesses with the Service were resilience and capacity, due to the small and discrete nature of the Team. At any one time, the Council can have a substantial number of high value, contracted supplies and services to manage and retender.
- 3.8 This had in the past, created some capacity issues for the Service in supporting all procurement activity, whilst at the same time ensuring compliance with regulations.

### **Internal Audit Review**

- 3.9 As part of its Audit Plan for 2020/21, Internal Audit will be reviewing the Procurement Service. They are due to report the outcomes to the Audit Sub-Committee in December 2020. As part of this review, Audit will consider governance arrangements, together with an assessment of whether the Service is delivering against the business case, i.e. a value for money test.

### **Contract Procedures and Process**

- 3.10 The Council's processes are driven by the Public Contract Regulations (2015). These Regulations set out parameters that determine limits on whether the Council is required to tender work or adhere to wider European Regulations by advertising services through the Office Journal of the European Union (commonly known as OJEU\*\*).

*(\*\* **Note:** These Regulations will still apply following the Council's withdrawal from the European Union until such a time as UK legislation is changed).*

- 3.11 Locally, Procurement is governed by the [Contract Procedure Rules](#)
- 3.12 These are set out in Part 28 of the Council's Constitution. Besides embedding the Public Contract Regulations, they also specify how procurement should be undertaken for supplies and services below tendering thresholds.
- 3.13 These Rules and Regulations can be seen to make the process overly bureaucratic. However, as a public body, the Council has to demonstrate value for money in its purchasing, together with ensuring fair and open play in market places.
- 3.14 Thresholds in the Public Contact and OJEU Regulations generally apply to large value of supplies and services for which competition will be greatest.

### **Frameworks**

- 3.15 Many authorities purchase through frameworks. These are effectively consortia arrangements where the Government or groups of authorities combine and undertake a tendering exercise on behalf of other authorities in a region or for a class of authority.
- 3.16 Authorities who then join the Consortium, "call off" the framework to meet their requirements. The main benefits for authorities are that frameworks do not incur the cost of an individual procurement exercise and allow authorities access to competitive prices.

- 3.17 However, frameworks are specialised and do not suit all supplies and authorities who may have more bespoke requirements.
- 3.18 The Council currently uses Framework Agreements to purchase its vehicles, replacement parts and fuel, together with a substantial amount of ICT hardware and equipment. In addition, frameworks are used from time to time to purchase systems or to appoint specialist services such architectural and engineering services, etc.

#### **4.0 Financial Implications**

- 4.1 None

#### **5.0 Corporate Implications**

##### **Employment Implications**

- 5.1 None

##### **Legal Implications**

- 5.2 None

##### **Corporate Plan Implications**

- 5.3 None directly, although Procurement aims to achieve value for money in purchasing and service provision to help the Council deliver its priorities.

##### **Risk Impact**

- 5.4 None directly

#### **6.0 Community Impact**

##### **Consultation**

- 6.1 None required

##### **Equality and Diversity Impact**

- 6.2 None

##### **Social Value Impact**

- 6.3 None

##### **Environmental Sustainability**

- 6.4 None

#### **7.0 Background Papers**

- 7.1 None

## APPENDIX 1

### NOT FOR PUBLICATION

REPORT TO:	FINANCE & MANAGEMENT COMMITTEE	AGENDA ITEM:
DATE OF MEETING:	30th NOVEMBER 2017	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF FINANCE and CORPORATE SERVICES	EXEMPT (BY VIRTUE OF PARAGRAPHS 2 and 3)
MEMBERS' CONTACT POINT:	KEVIN STACKHOUSE (01283 595811) <a href="mailto:Kevin.stackhouse@south-derbys.gov.uk">Kevin.stackhouse@south-derbys.gov.uk</a>	DOC: u/ks/live files/procurement/shared service proposal/business case
SUBJECT:	DELIVERY OF THE PROCUREMENT SERVICE	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: FM 13

#### 1.0 Reason for Exemption

- 1.1 The report contains information which is likely to reveal the identity of an individual (Paragraph 2) together with information relating to the business affairs of the Council (Paragraph 3).

#### 2.0 Recommendations

- 2.1 That the Council joins a Shared Service Arrangement hosted by the Chesterfield Royal Hospital NHS Foundation Trust for the delivery of its Procurement Service.
- 2.2 That subject to the completion of a Service Level Agreement with the Chesterfield Royal Hospital NHS Foundation Trust, the Council's joining date is 2nd January 2018.
- 2.3 That, subject to 2.2, the current post of Head of Procurement (CRP46) is deleted from the Council's establishment with effect from January 1, 2018.
- 2.4 That the post of Procurement Support Officer (CRP55) is deemed as being out of scope of the proposed Shared Service Arrangement as the work is not wholly assigned to services being delivered in the new delivery model and therefore the current post holder is not subject to the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE).
- 2.5 That the post of Procurement Support Officer is relocated into the Finance Unit and reports to the Financial Services Manager with effect from January 1, 2018.

- 2.6 That the post of Procurement Support Officer is subject to job evaluation in line with locally agreed procedure.
- 2.7 That the grade for the post of Financial Services Manager remains unchanged as the additional responsibility is not considered material.
- 2.8 That consultation is completed with the Procurement Support Officer and the Trade Unions on the proposals and the new service delivery model.

### **3.0 Purpose of Report**

- 3.1 To review the continued delivery of the Council's Procurement Service and to propose transferring the core activities into a Shared Service Arrangement that will build capacity, expertise and resilience in the service that will directly benefit all services in the Council.

### **4.0 Detail**

#### **Background**

- 4.1 The Council's Procurement Service was provided by Northgate Public Services from 1<sup>st</sup> August 2010 until 30<sup>th</sup> January 2017, when it was transferred back to the Council following the ending of the Corporate Services Contract as approved by the Committee.
- 4.2 As a result of this decision, two staff transferred over to the Council, namely a Head of Procurement and a Procurement Support Officer. The Head of Procurement has since left the Council and the Support Officer is currently on maternity leave which is due to end in April 2018. The core activities of the procurement service are currently being covered by interim staff.
- 4.3 Since February 2017, Internal Audit has conducted two reviews of the Procurement Service following investigations into contract and procurement activities in Housing and Environmental Services. These reviews recommended several areas where processes and governance associated with the Procurement Services needed to be strengthened.
- 4.4 The Audit recommendations have or are in the process of being implemented and are being monitored by the Audit Sub-Committee.

#### **Current Service Provision**

- 4.5 The current establishment of two posts provides a centralised function for the Council. The role of the Head of Procurement is to ensure that the Council adheres to the Public Contracts Regulations and the Council's own Contract Procedural Rules.
- 4.6 The Head of Procurement provides professional support and expertise in the procurement process, from soft market testing to tender evaluation. The role also advises on routes to market to achieve value for money in procuring goods and services.

- 4.7 Consequently, this role requires a relevant professional qualification in procurement, together with considerable experience in purchasing and procuring contracts across a wide range of services and suppliers.
- 4.8 The role of the Support Officer is to provide administrative support. This involves processing purchase orders, monitoring central contracts for consumables and setting up new suppliers on the financial system.
- 4.9 Primarily, the interim staff have been focusing on the core procurement activities, supporting tender exercises and generally re-establishing the service back into the Council. They have also been assessing service provision and validating the Council's position given the matters raised by the Auditors.

### **Risks and Opportunities**

- 4.10 The main weakness with the current service is considered to be resilience due to the small and discrete nature of the team. The Council has a substantial number of high value, contracted supplies and services to manage and retender, etc. especially in Housing and Leisure Services.
- 4.11 This has in the past, created some capacity issues for the Team in supporting all procurement activity, whilst at the same time ensuring compliance with regulations and providing a strategically focused service.
- 4.12 For example, it is considered that opportunities to review procurement activity in a joined-up approach across the Council, together with maximising buying power, are potentially being missed.

### **Objectives of the Procurement Service**

- 4.13 The primary requirement of Procurement is to ensure a cost effective discharge of public services. It supports objectives and service quality through ensuring the right goods and services are provided at the best possible cost. Good procurement activity will also play an important role in supporting local economies.
- 4.14 As important, a procurement service must also ensure proper governance and that the procurement process itself is efficient and compliant whilst being open and transparent, not only across the Council but to the Community, business and stakeholders.

### **Options for Service Delivery**

- 4.15 The vacant post of Head of Procurement (CRP46) and the appointment of an external agency worker to deliver the Procurement Service on an interim basis have provided an opportunity to consider alternative ways of delivering a sustainable service in the longer-term.
- 4.16 Clearly, the Council could appoint its own officer into the vacant post. However, as previously highlighted, resilience and capacity are considered to be limiting factors.
- 4.17 An out-sourcing arrangement is a further option. Public procurement is a niche market and is strongly governed through the Public Contract Regulations.

- 4.18 Traditional out-sourcing organisations tend to prefer larger authorities where through economies of scale and strong collective purchasing power, they can negotiate a share of savings to cover their costs.
- 4.19 In these service models, authorities are still responsible for proper governance in accordance with the Regulations. Previously with Northgate Public Services, procurement was delivered as part of a package of services to the Council.

### **Shared Services**

- 4.20 There are number of arrangements in local government which involve authorities sharing a procurement function. There is an established arrangement in Derbyshire that currently consists of the following authorities:
- Chesterfield Borough Council
  - North East Derbyshire District Council
  - Bolsover District Council
  - Derbyshire Dales District Council
  - Chesterfield College
  - Chesterfield Royal Hospital NHS Trust Foundation
- 4.21 This shared service commenced in April 2014. The Chesterfield NHS Trust acts as the Accountable Body and provides a fully inclusive Procurement Service to the other authorities. Following research, preliminary discussions with the Trust regarding the Council becoming part of this arrangement have been undertaken and this has proved positive to both parties.
- 4.22 Shared procurement activity between Local Government and the NHS is currently limited. Most public sector shared procurement services have been developed on the basis of sharing between the same public sector body types.
- 4.23 However, an analysis of procurement activity ahead of the implementation of this shared service being established identified strong synergies that support a shared procurement service between the NHS, local authorities and in this case, an educational establishment.
- 4.24 To-date, savings of approximately £800,000 have reportedly been made across the authorities, together with efficiencies in process. The College and the local authorities have benefitted from the buying power of the NHS Trust, whilst reducing risks regarding governance and compliance.

### **Service Structure**

- 4.25 The Procurement Unit at the NHS Trust consists of approximately 20 staff. Several of these staff have a local authority background and have previously transferred or have been recruited from other local authorities. Senior staff are qualified and members of the Chartered Institute of Procurement and Supply.
- 4.26 Although predominantly they are involved in “buying” on behalf of the NHS Trust, there is a dedicated team that services the local authorities. Their service includes:

- Management of the procurement function from start to finish including the preparation of documents, advertising, assisting in writing and sourcing draft specifications, evaluation and contract award, etc.
- Training and briefing sessions for staff involved in procurement at all levels.
- Access to the NHS Trust's framework agreements for contracts.
- Collaboration on contracts that is mutually beneficial.
- Maintenance of a Contracts Register and associated reporting to meet the Local Government Transparency Code.
- Provision of an advice line.
- Development of a Procurement Strategy and supporting policies.
- Access to legal advice through EM Lawshare.
- A credit checking service.
- Provision of an E-Tendering portal and reporting tool.

### **Business Case**

4.27 It is considered that this arrangement would prove extremely beneficial to the Council. The potential benefits are summarised in the following table.

<b>Resilience and capacity</b>	The Council would not be reliant on 1 professional post but instead would be able to access a specialist pool of resources with a wider knowledge base.
<b>Governance</b>	The Council would have a fully automated Contracts Register which would be regularly monitored, together with greater consistency in the application of procurement policy. A full audit trail would be maintained centrally of each major tendering exercise and contain fully compliant reporting mechanisms.
<b>Budget Savings</b>	The Council would potentially benefit from the buying power of the Shared Service, together with greater commercial opportunities.
<b>Lower Costs and Efficient Processing</b>	It is considered that the costs of joining the Shared Service will be lower than the current internal cost; this is detailed in Section 5 of the report. In addition, the Council would gain access to a wider technology solution for managing the procurement process. This would be cloud-based in accordance with the Council's IT and Digital Strategy. This would help to increase the efficiency of the procurement process.
<b>Added Value</b>	Including the sharing of best practice, benchmarking and comparative data. In addition, there would be greater challenge of existing practices and the offer of a different perspective.

<b>Residents/business of South Derbyshire</b>	Benefits from the Shared Delivery Model will be passed on to residents and business in South Derbyshire through more efficient and consistent procurement activities and a focus on maximising opportunities to reduce the costs of existing services where appropriate.
<b>Mitigate risks</b>	As noted in the report, a key benefit is to manage the current risks of the existing arrangements.
<b>Service Delivery</b>	Whilst the service will be based at the NHS Trust in Chesterfield, resources will be initially based on site to support the transition to the new shared delivery model and to embed working practices. From then, all services in the Council will have access to a central resource, dedicated to their needs and experts in the procurement service.

- 4.28 It is considered that these benefits would substantially mitigate the risks associated with current service provision as highlighted earlier in the report, together with providing opportunities to strengthen the Procurement Function at the Council.

### **Proposed Way Forward**

- 4.29 Following discussions with the Head of Procurement at the NHS Trust, the Council could be easily assimilated into the current Shared Service as there are unlikely to be any TUPE implications as detailed in Section 6. It is considered that a high level work programme could quickly be established and that current resources in the Shared Service are sufficient to absorb and meet the Council's requirements.
- 4.30 At no cost to the Council, the NHS Trust have already reviewed the Council's current function, its policies and undertaken spend and category analysis, together with a review of the Contracts Register.
- 4.31 The Shared Service currently has contracts secured for several areas of the Council's spending programme. In addition, they have contractors on framework agreements that the Council currently uses separately, in particular for larger housing capital contracts. The local authority team at the NHS Trust have extensive experience in the procurement of contracts for housing repairs and planned maintenance, etc.
- 4.32 If the Council agreed to join this shared service arrangement, the services provided as detailed earlier in the report, would be governed by a Service Level Agreement. The NHS Trust would ideally look for an initial 3-year agreement to enable them to deliver a plan over the medium-term. The proposed Procurement Plan would be agreed with the Council.
- 4.33 Overall, it is considered that the reasons for joining the Shared Service are compelling. The procurement resources and skills are established at the NHS Trust and are already delivering a high quality and cost effective procurement service to other local authorities in Derbyshire.

- 4.34 It should be noted that the Shared Service and staff are based in Chesterfield. There would be no full-time presence in the Council's offices following the service being bedded in. Clearly, staff would be available on site for training and tender meetings, etc. but this may only be for 1 day per week. However, a dedicated contact would be available at all times during normal office hours by email, telephone and conference calling, etc.
- 4.35 This is the standard model for all other authorities in the shared service and has proven to work effectively.
- 4.36 Some administrative support locally would still be delivered by the existing Procurement Support Officer as detailed in Section 6.

## **5.0 Financial Implications**

- 5.1 The total cost of the vacant post of Head of Procurement on the Council's establishment is £64,100 per year, including on-costs. This was the cost inherited from the previous employer under TUPE. The post holder had not requested a transfer to the Council's terms and conditions of employment.
- 5.2 It is considered unlikely that the equivalent post would have been at this pay level under the Council's current Pay and Grading structure. Although this post has not been formally assessed under job evaluation, it is likely that the grade would have been lower, with an estimated cost nearer to £50,000 in total.
- 5.3 The Council has been quoted a maximum cost of £30,000 per year for entering the Shared Service. This is still subject to finalisation depending on confirmation of the Council's expenditure and average number of hours support per week; this is currently estimated at 26 hours which would be subject to a quarterly review.
- 5.4 The NHS Trust has indicated that it would be their intention to use the Council's contribution (£30,000) towards the appointment of a further trainee or modern apprentice.

## **6.0 Legal and Employment Implications**

### **Legal Implications**

- 6.1 The legal basis for a shared service is contained within provisions of the Local Government Act 1972 and Section 20 of the Local Government Act 2000. This legislation effectively allows another public body to discharge the functions of another local authority.

### **Employment Implications**

- 6.2 It is proposed to transfer the main strategic and professional functions of the existing procurement service into the Shared Service. These were undertaken by the former Head of Procurement and as this post is vacant, there is no one that could transfer under the Transfer of Undertakings (Protection of Employment) (TUPE) Regulations 2006.

- 6.3 Evidently, the Council would have recognised its responsibilities had the post been occupied. If the Shared Service proposal is approved, this post would be deleted from the Council's establishment.
- 6.4 The Procurement Support Officer, who also transferred from Northgate, is currently on maternity leave. The current post holder has voluntarily transferred on to the Council's terms and conditions of employment. They have been fully consulted on the proposal to move the strategic and professional functions of the procurement service into a Shared Service.
- 6.5 The main duties associated with their current role are to:
- Review and monitor purchase orders
  - Set up and amend new suppliers on the Council's financial system
  - Monitor the procurement in-box
  - Update internal documents as requested
  - Assist with data compilation for reporting
- 6.6 Therefore, it is considered that as these functions are to remain with the Council and that the post holder is wholly assigned to this work that TUPE would not apply to the employee. Besides some ad hoc reporting requirements, these duties are not being transferred to the Shared Service.
- 6.7 As noted, ongoing consultation has been held with the current post holder and they are aware that their post will not be transferred under TUPE to the Shared Service. Ongoing discussions are being held to confirm the arrangements regarding the post that is to be undertaken when the post holder returns to work after maternity leave.
- 6.8 As required under employment legislation, the employee returning to work after a period of maternity leave has the right to do so to the job she occupied immediately before her maternity leave began or, in prescribed circumstances, to a suitable alternative job on terms and conditions no less favourable than those of her original job
- 6.9 Consequently, as the duties of the Procurement Support Officer have some synergy with Finance, it is proposed to relocate the post within the Financial Services Unit.

### **Financial Services Manager**

- 6.10 It is considered that whilst the transfer of the Procurement Support Officer will add to the duties and responsibilities of this post holder, they are not considered material and therefore no change to the current grade is proposed.

## **7.0 Community Implications**

- 7.1 Efficient procurement helps to bring benefits to the Community as services will be more cost effective and efficient. Resultant budget savings can be directed to those services deemed as a priority in the Corporate Plan.
- 7.2 In addition, Procurement supports the Council in achieving several of its key outcomes as set out in the Corporate Plan and in particular, financial health and good governance.

## **8.0 Corporate Implications**

- 8.1 Moving to a Shared Service centre will provide all services across the Council with access to a resourced, professional and effective procurement service that will support their work when dealing with a range of procurement issues.
- 8.2 It will also provide additional reassurance to the Council that procurement exercises are managed in full compliance with the appropriate legislation and its own Policies and Procedures.

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<b>REPORT TO:</b>	<b>OVERVIEW AND SCRUTINY COMMITTEE</b>	<b>AGENDA ITEM: 7</b>
<b>DATE OF MEETING:</b>	<b>2<sup>nd</sup> SEPTEMBER 2020</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM</b>	<b>CHIEF EXECUTIVE</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>ARDIP KAUR – 595715 ardip.kaur@south-derbys.gov.uk</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) – REPORT ON USAGE</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>All</b>	<b>TERMS OF REFERENCE:</b>

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## **1.0 Recommendations**

- 1.1 To note the internal report on the Council's use of the Regulation of Investigatory Powers Act 2000.

## **2.0 Purpose of Report**

- 2.1 To note the report on the Council's use of the Regulation of Investigatory Powers Act 2000 since 1<sup>st</sup> March 2020.

## **3.0 Detail**

- 3.1 The Committee, on 5<sup>th</sup> September 2018 approved the Council's amended RIPA Policy and Guidance document. The Overview and Scrutiny Committee is authorised to review the Council's use of RIPA, set the Council's general surveillance policy, and consider quarterly reports on the use of RIPA to ensure that it is being used as per the Council's policy.
- 3.2 RIPA is intended to regulate the use of investigatory powers and ensure they are used in accordance with human rights. This is achieved by requiring certain investigations involving covert surveillance to be authorised by an appropriate Authorising Officer and then a JP before they are carried out.
- 3.3 Directed surveillance is often conducted by local authorities to investigate benefit fraud or to collect evidence of anti-social behaviour. It may involve covertly following people, covertly taking photographs of them or using hidden cameras to record their movements.
- 3.4 RIPA stipulates that the person (Authorising Officer) granting an authorisation for directed surveillance must believe that the activities to be authorised are necessary on one or more statutory grounds. The members of the Leadership Team, identified in the Council's Policy and Procedure, consider all applications for authorisation. The Authorising Officer must ensure that there is satisfactory reason for carrying out the

surveillance, the covert nature of the investigation is necessary, proper consideration has been given to collateral intrusion, and the proposed length and extent of the surveillance is proportionate to the information being sought. This involves balancing the seriousness of the intrusion into the privacy of the subject of the operation against the need for the activity in investigative and operational terms. Following legislative changes, in addition to the aforementioned, the Council is required to obtain judicial approval prior to using covert techniques and the Councils use of directed surveillance under RIPA will be limited to the investigation of crimes which attract a six month or more custodial sentence.

- 3.5 The usage of RIPA during the period March 2020 to August 2020 has been nil. No authorisations have been requested or granted.

#### **4.0 Financial Implications**

- 4.1 None arising directly from this report.

#### **5.0 Corporate Implications**

- 5.1 The Council must act in accordance with recent legislative changes regarding the authorisation process and the surveillance crime threshold.

#### **6.0 Community Implications**

- 6.1 Covert surveillance is carried out in a manner calculated to ensure that the person subject to the surveillance is unaware of it taking place. The Council carries out directed surveillance which is covert, not intrusive, is not carried out in an immediate response to events, and is undertaken for the purpose of a specific investigation or operation in a manner likely to obtain private information about an individual.
- 6.2 Section 8 of the application form asks the applicant to supply details of any potential collateral intrusion and to detail why the intrusion is unavoidable. The idea behind collateral intrusion is to identify who else, apart from the subject of the surveillance, can be affected by the nature of the surveillance. Any application for authorisation should include an assessment of the risk of the collateral intrusion and this should be taken into account by the Authorising Officer when considering proportionality. The Authorising Officer needs to know by those carrying out the surveillance if the investigation or operation would unexpectedly interfere with the privacy of individuals not covered by the authorisation. An Authorising Officer must be made aware of any particular sensitivities in the local community.

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<b>REPORT TO:</b>	<b>OVERVIEW AND SCRUTINY COMMITTEE</b>	<b>AGENDA ITEM:8</b>
<b>DATE OF MEETING:</b>	<b>2<sup>nd</sup> SEPTEMBER 2020</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>CHIEF EXECUTIVE</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>DEMOCRATIC SERVICES</b> <b>01283 59 5848/5722</b> <a href="mailto:democraticservices@south-derbys.gov.uk">democraticservices@south-derbys.gov.uk</a>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2019/20</b>	<b>REF: N/A</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	

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## **1.0 Recommendation**

- 1.1 That Members give further consideration to the Committee's Annual Report for 2019/20 and agree to delegate amendments to the Legal and Democratic Services Manager for the completion of the Annual Report.

## **2.0 Purpose of Report**

- 2.1 To submit the Annual Report of the Overview and Scrutiny Committee for 2019/20.

## **3.0 Detail**

- 3.1 The draft Annual Report will be considered at the Committee's meeting on 25<sup>th</sup> March 2020. Members' feedback from that meeting will be incorporated in the updated report attached at Annexe A.
- 3.2 Some minor alterations may still be required to incorporate decisions taken at today's Committee meeting. Accordingly, delegated authority is sought for the Legal and Democratic Services Manager to finalise the Annual Report, in consultation with the Chairman, Vice-Chairman and Opposition Group lead Member for the Committee. The Annual Report will then be submitted to the Annual Council Meeting.

## **4.0 Financial / Corporate / Community Implications**

- 4.1 None.

## **5.0 Background Papers**

- 5.1 Annual Report 2019/20 attached as Annexe A.

# **Overview and Scrutiny Committee Annual Report 2019-2020**



## **CONTENTS**

### Acknowledgement

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- 1.1 Purpose of the report
- 1.2 Composition of the Overview and Scrutiny Committee
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- 1.4 Functions of Overview and Scrutiny Committee
- 1.5 Meetings
- 1.6 Call-In of Policy Committee Decisions
- 1.7 Member Requests

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- 2.2 Setting the Committee Work Programme

#### 3. Challenges for 2019-2020

## **Acknowledgements**

I am pleased to present this year's Overview and Scrutiny Annual Report, which contains information about the Committee's activity over the past year.

It has been a demanding year for the Council which continues to face challenges in delivering services to the residents of South Derbyshire. The Overview and Scrutiny Committee has been tasked with analysing and monitoring services in order to provide constructive feedback to increase efficiency as well as, where possible, reduce costs.

This Annual Report demonstrates the wide range of issues that have been considered within the scrutiny process and providing committee members the opportunity to select areas to review. It has also been noted that the Overview and Scrutiny Committee's interest in a number of work programme areas has inspired action aimed at improving key services elsewhere in the Council's democratic structure, e.g. waste collection and street scene, which can only be a positive move for the benefit of local residents.

The Overview and Scrutiny Committee recognises and appreciates the valuable contributions that Elected Members, Officers and representatives of organisations have made towards its work, and acknowledges that without this support and co-operation, it could not fulfil its aim to improve services for the benefit of South Derbyshire residents.

Councillor Jim Hewlett  
Chairman of the Overview & Scrutiny Committee

## **1. Background**

### **1.1 Purpose of the Report**

This is the Annual Report to Council from Overview and Scrutiny, as required by Article 6 of the Council's Constitution.

Overview and Scrutiny plays an important part in local government decision-making and is a principal way of achieving open, democratic accountability for the provision of public services. The aim of Overview and Scrutiny is to improve public services and quality of life for local residents. Its main value is in holding the Council and other service providers to account, monitoring performance and in its capacity to inform and influence the actions of the Council and its partners. Overview and Scrutiny is a legal requirement, introduced by the Local Government Act 2000, extended in later legislation, and consolidated in the Localism Act of 2011. Overview and Scrutiny allows Councillors to examine, question and evaluate various functions of the Council and other providers of public services on behalf of the public in an open and effective way.

The report outlines how the Overview and Scrutiny Committee has discharged its functions during the municipal year 2019/20 and details the current position and outcomes of its activities.

### **1.2 Composition of Overview and Scrutiny Committee**

The Committee consists of eight Members; five Members of the Conservative Group and three Members of the Labour Group, in accordance with the political balance of the Council.

*For the period of May 2019 to May 2020, the following Members were appointed to the Committee:*

#### **Conservative Group**

Councillor Hewlett (Chairman), Councillor Brady (Vice-Chairman), Councillor Atkin, Councillor Corbin and Councillor Dawson

#### **Labour Group**

Councillor Bambrick, Councillor Gee and Councillor Mrs Stuart

### **1.3 Main Purposes of Overview and Scrutiny Committee**

The main purposes of the Committee are as follows:-

- (a) Write reports and/or make recommendations to Council, Policy Committees or Area Forums in connection with the formulation of policy and the discharge of any functions.
- (b) Consider any matter affecting the District or its residents.

- (c) Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions.
- (d) Exercise the Call-In procedure in respect of decisions made, but not yet implemented, by any Policy Committee or Area Forum.
- (e) Oversee the appropriate processes and report findings to the relevant Policy Committee.

#### **1.4 Functions of Overview and Scrutiny Committee**

- (a) Holding the Council and its statutory partners to account in the public interest, enabling transparent and effective decision-making. This includes the power to 'call-in' a decision made by any policy committee that has not yet been implemented. (See 1.6)
- (b) Supporting effective policies and initiatives, which have a beneficial impact on the community through policy review and development.
- (c) Contributing to continuous improvement in services through monitoring quarterly departmental performance reports and the implementation of improvement plans.
- (d) Having a positive impact on the work and outcomes of external agencies and providers of public services.
- (e) Aiding Councillors in engaging with their communities and playing the role of community representatives and leaders.

#### **1.5 Meetings**

The Overview and Scrutiny Committee usually meets every six weeks, on Wednesday evenings at the Council's Civic Offices. In order to engage on a more direct level with residents, meetings can also be taken out into the community. Meetings are held in Open session, unless there are Exempt items for consideration by the Committee. Additional task groups can be set-up to undertake work on the Committee's behalf, which usually happens when there is a need to review a topic in greater depth.

#### **1.6 Call-In of Policy Committee Decisions**

The Overview and Scrutiny Committee has the power to determine 'call-in' requests of any policy committee decision made but not implemented. During the year 2019/20, the Committee was not required to deal with any 'called in' decisions or requests from Policy Committees for specific investigations.

#### **1.7 Member Requests**

Any Member of the Council is able to request an item, relevant to the functions of the Committee, to be included in the Work Programme for review. During the 2019/20 municipal year, the Chairman of the Overview and Scrutiny Committee and a Member

of the Council requested Multi-Team Working and Section 106 Health Allocations be added to the Work Programme for a detailed review.

## **2. Specific Areas of Activity**

### **2.1 The Annual Report**

In March 2020, the Committee considered the draft Annual Report for the 2019/20 municipal year, which looks at each of the priorities in turn and provides an overview of some of the outcomes achieved by the Committee and how it has discharged its function throughout the year.

### **2.2 Setting the Committee Work Programme**

The Committee held a scoping meeting in June 2019 outlining suggestions on how the Committee might identify and agree possible issues to form the basis of its Work Programme during the forthcoming municipal year. Members considered a range of potential areas for the Committee to review and the specific focus of their attention.

The key areas identified were:

- (a) Regulation of Investigatory Powers Act (RIPA) 2000
- (b) The Budget 20/21
- (c) Update on Section 106 Health Allocations
- (d) Rural Play Provision
- (e) Update on Universal Credit
- (f) Affordable Housing
- (g) Balancing Ponds
- (h) Rural Broadband
- (i) Cycling Provision in South Derbyshire
- (j) Performance Measures and Benchmarking

*A short summary of the Committee's work during the year is set out below.*

#### **(a) Regulation of Investigatory Powers Act 2000 (RIPA)**

The Committee has a standing function to monitor the Council's use of Regulation of Investigatory Powers (RIPA) on a quarterly basis, following the Council's Inspection by the Office of Surveillance Commissioners. The Committee noted the Council's use of Regulation of Investigatory Powers Act 2000 Policy and Guidance during the municipal year 2019/20.

#### **(b) The Budget 2019/20**

The Committee has a responsibility to assist the Finance and Management Committee to review the budget proposals. The Committee considered the Budget, the General Fund and capital at a meeting in January 2020. Members were also invited to attend

policy-setting meetings and Area Forums where detailed presentations were given. The Committee was satisfied with the work undertaken and the outcome of the review of the Budget. The Committee Chairman also delivered a verbal update to the Finance and Management Committee, noting its review of the budgetary matters presented by the Strategic Director (Corporate Resources). He reported that the Committee had carefully considered the budget reports and acknowledged the potential financial challenges facing the Council, but no matters of significance from an overview and scrutiny perspective were cited for further investigation.

#### **(c) Update on Section 106 Health Allocations**

The Planning Delivery Team Leader provided a verbal update to the Committee highlighting that a central contact at the Clinical Commissioning Group (CCG) had been appointed and was working collaboratively with officers. Noting that the CCG are currently developing a strategy to ensure their requests for funding are appropriately targeted

All Members were invited to attend training on Section 106 Agreements

#### **(d) Rural Play Provision**

The Committee was updated by the Cultural Services Manager who outlined the report and advised on the contents and implications of the Play Audit and Action Plan. The Audit was conducted by an independent consultant and included preliminary recommendations for improvements in the Action Plan. The Committee noted that Action Plan following on from the completion of the District-wide play audit and considered the implications for play provision across the District.

#### **(e) Update on Universal Credit**

The Committee was updated by the Strategic Director (Corporate Resources) impact of Universal Credit during the past year, following a further phased roll-out in November 2018. Members were also updated on the impact for Council tenants and the HRA, the Council's wider role in supporting claimants, together with the impact on benefits processing and the emerging impact on Council resources in that service area.

The Committee considered the current position and progress in implementing actions for supporting tenants and potential claimants of Universal Credit as well as the impact on resources in Customer Services, Revenues and Benefits, together with planned actions to mitigate the risks associated with changes in working practices

#### **(f) Affordable Housing**

The Strategic Housing Manager provided Members with a visual and verbal presentation which included how this Council delivers affordable housing. The Strategic Housing Manager advised that affordable housing for 2019/2020 with 250 new homes to be completed by end of March 2020 were on target. The presentation included a breakdown of affordable housing by Ward and dwelling type and the Strategic Housing Manager

advised that challenges to delivery had been identified in the procurement process which could be addressed additional staffing

**(g) Balancing Ponds**

The Planning Delivery Team Leader provided a verbal update with advice to the Committee that there could be adoption and maintenance guidance available for Sustainable Urban Drainage Systems (SUDS) from Derbyshire County Council by next year. The guidance could provide this Council with the required standards for balancing ponds

The Committee agreed to further study of balancing ponds and SUDS by the Environmental and Development Services Committee.

**(h) Rural Broadband**

Digital Derbyshire gave a presentation to the Committee giving an overview of the Fibre Broadband installation Programme across the County, from 2015 and explained what it to be expected in the future until the end of 2020, highlighting the progress in South Derbyshire. Digital Derbyshire also informed Members of a number of external schemes that are available to companies and residents to enable possible access to broadband.

The Committee have invited Digital Derbyshire to come back to give update them on progress in the future.

**(i) Cycling Provision in South Derbyshire**

The Sport and Health Partnership Manager and the Planning Policy Officer updated the Committee on the Derbyshire Cycle Plan 2016 to 2030 which included the emerging proposals to improve the cycling infrastructure and cycling participation in the County and specifically in South Derbyshire. The Committee was also informed of the current cycling provision across South Derbyshire and was updated on the development of a Key Cycle Network for Derbyshire and the implication for proposed routes in South Derbyshire.

The Committee was interested in how elements of the County Council's proposed cycle network can be secured through approved Planning Applications and requested that this be explored.

**(j) Performance Measures and Benchmarking**

The Strategic Director (Corporate Resources) provide an overview of the Council's arrangement for measuring performance and benchmarking as part of the Committee's work programme for 2019/20 Members were updated on the Council's

established performance management system which measures performance against key performance indicators in the Corporate Plan and other performance measures contained within Service Plans. Quarterly Performance Reports go to the relevant Policy Committees and highlight successful performance but also focus on areas that are performing below target to ensure that corrective action, where possible, is put in place.

The Committee suggested that Procurement be the next focus.

### **3 Challenges for 2020-21**

- To build on, and update, the achievements of Overview & Scrutiny.
- To ensure that Overview and Scrutiny continues to make a positive contribution to the development of policy and the continuous improvement of the Council's operations.
- To continue to ensure the Overview and Scrutiny work programme reflects concerns of service users, community and the public.
- To continue to ensure Overview and Scrutiny works with the community and key partners to respond to local concerns.
- To continue to ensure that the work of Overview and Scrutiny has a positive effect on decision-makers and provides evidence that it has made a real difference.
- To ensure Overview and Scrutiny takes a more active, appropriate role in respect of the work of the Policy Committees and their decisions.
- To balance the focus of the Overview and Scrutiny Committee both inward on existing and proposed Council services, and outward to other areas of the community and partner organisations.
- To build on the existing scoping procedure to make it more robust, to ensure the original scope is used as a point of reference for each work programme item and a tool to measure progress and the value being added by the committee as it completes its work.

Chairman, Vice-Chairman and Members of the Overview and Scrutiny Committee  
March 2020

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REPORT TO:	OVERVIEW AND SCRUTINY COMMITTEE	AGENDA ITEM: 9
DATE OF MEETING:	2 <sup>nd</sup> September 2020	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	DEMOCRATIC SERVICES <a href="mailto:democraticservices@south-derbys.gov.uk">democraticservices@south-derbys.gov.uk</a>	DOC:
SUBJECT:	COMMITTEE WORK PROGRAMME	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: G

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## **1.0 Recommendations**

1.1 That the Committee considers and approves the updated work programme.

## **2.0 Purpose of Report**

2.1 The Committee is asked to consider the updated work programme.

## **3.0 Detail**

3.1 Attached at Annexe 'A' is an updated work programme document. The Committee is asked to consider and review the content of this document.

## **4.0 Financial Implications**

4.1 None arising directly from this report.

## **5.0 Background Papers**

5.1 Work Programme.

Overview & Scrutiny Committee Work Programme 2019/20																											Annexe A		
Project		Committee Date																								Responsible Head of Service			
		Jun-19			Sep-19			Oct-19			Nov-19			Jan-20			Feb-20			Apr-20									
				19			4				16				27			15			12					1			
Annual Report																											Head of Legal and Democratic Services		
RIPA																											Head of Legal and Democratic Services		
Setting the Work Programme																											Strategic Director (Corporate Resources)		
Budget																											Strategic Director (Corporate Resources)		
Section 106 Health Allocations																											Strategic Director (Service Delivery)		
Rural Play Provision																											Strategic Director (Service Delivery)		
Rural Broadband																											Strategic Director (Service Delivery)		
Update on Universal Credit																											Strategic Director (Corporate Resources)		
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Balancing Ponds																											Strategic Director (Service Delivery)		
Cycling Provision in South Derbyshire																											Strategic Director (Service Delivery)		
Performance measures and benchmarking																											Strategic Director (Corporate Resources)		
Fly-tipping Targets																											Strategic Director (Service Delivery)		
Recycling																											Strategic Director (Service Delivery)		
Rural and Urban Expenditure																											Strategic Director (Corporate Resources)		
Traffic Calming and Management																											Strategic Director (Service Delivery)		
Key																													
Report to Committee																													
Report to Task Group																													