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Our Ref: DS Your Ref:

Date: 13 March 2018

Dear Councillor,

### **Overview and Scrutiny Committee**

A Meeting of the Overview and Scrutiny Committee will be held in the Council Chamber, on Wednesday, 21 March 2018 at 18:00. You are requested to attend.

Yours faithfully,

LANGE MY CAROLLE

Chief Executive

To:- Conservative Group

Councillor Billings (Chairman), Councillor Mrs Wyatt (Vice-Chairman) and Councillors Atkin, Mrs Coe and Mrs Patten

### **Labour Group**

Councillors Bambrick, Dr Pearson and Mrs Stuart











### **AGENDA**

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

1	Apologies.	
2	To receive the Open Minutes of the following Meetings:-	
	Overview and Scrutiny Committee 17th January 2018 Open Minutes	4 - 9
	Overview and Scrutiny Committee 8th February 2018 Open Minutes	10 - 14
3	To note any declarations of interest arising from any items on the Agenda	
4	To receive any questions by members of the public pursuant to Council Procedure Rule No.10.	
5	To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.	
6	REGULATION OF INVESTGATORY POWERS ACT 2000 (RIPA) – QUARTERLY REPORT ON USAGE	15 - 16
7	ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2017-18	17 - 27
8	WASTE COLLECTION & STREET SCENE BUDGETS 2018-19	28 - 32
9	SECTION 106 HEALTH ALLOCATIONS (Verbal update)	
10	COMMITTEE WORK PROGRAMME	33 - 34

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

11 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.

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

### **OVERVIEW AND SCRUTINY COMMITTEE**

### 17<sup>th</sup> January 2018

### PRESENT:-

### **Conservative Group**

Councillor Swann (Chairman), Councillor Billings (Vice-Chairman) and Councillors Atkin, Mrs Coe and Mrs Patten

### **Labour Group**

Councillors Bambrick, Dr Pearson and Mrs Stuart (Labour Group)

#### In attendance

Councillor Shepherd (Labour Group)

### OS/39 APOLOGIES

There were no apologies received for the Meeting.

### OS/40 DECLARATIONS OF INTEREST ARISING FROM ITEMS ON AGENDA

Councillor Atkin declared a pecuniary interest in Item 8, by virtue of his family owning land in the area, leaving the Chamber whilst the Item was debated.

# OS/41 QUESTIONS RECEIVED BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10

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

# OS/42 QUESTIONS RECEIVED BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11

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

# OS/43 <u>REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) – QUARTERLY REPORT ON USAGE</u>

The Strategic Director (Corporate Resources) outlined the report, emphasising that the usage of Regulation of Investigatory Powers Act 2000 (RIPA) since 1st September 2017 was nil, and no authorisations had been requested or granted.

### **RESOLVED:-**

Members noted the internal report on the Council's use of the Regulation of Investigatory Powers Act 2000.

### OS/44 BUDGET SCRUTINY 2018

The Strategic Director (Corporate Resources) presented the report to Committee advising that the detailed budget proposals had been reported to and considered by each of the Council's Policy Committees earlier in the month and would be presented at the upcoming Area Forums. The Director highlighted that the October Medium Term Financial Plan (MTFP), although positive, had projected a deficit from 2019/20. It had been anticipated at that time potential changes to the New Homes Bonus allocation. In addition, since October the application to be considered for the 100% business rates retention pilot scheme had been submitted. The Director advised that all budgets had been scrutinised in recent weeks, the financial settlement had been received the growth reserve and the minimum level of General Reserve had also been reviewed. The Director updated the Committee that out of fifty applications across the country, Derbyshire was successfully selected as one of ten areas to be entered into the 100% business rates retention pilot scheme. The Director explained that there would be no Revenue Support Grant from 2018/19 but that a further 50% of business rates across the County would be retained as part of the pilot, of this 70% would be shared in a pool arrangement between authorities and 30% would be held centrally within Derbyshire and allocated to regeneration and economic development projects.

Councillor Bambrick sought clarification on the distribution of the 70% amongst the pool and questioned whether this would be split equally. The Director responded that the 70% would be split according to the size of the authority and the amount of business rates generated for growth. The Director informed Members that this one-year pilot did not currently include any additional responsibilities for local authorities, but this may be reviewed by central government once the pilot is complete where other grant funding could potentially be amended accordingly. With regards to the New Homes Bonus, the Director updated Committee that upon review, the government decided the New Homes Bonus would not be 'top-sliced' further which would generate a further £400,000 than that originally forecast in the MTFP for 2018/19. Members sought clarification on the growth figures forecast in the budget, and this was provided by the Director.

Risks relating to Planning and Licensing income, recycling, growth and funding for community and leisure services were also referenced. The Director advised that Finance and Management Committee had approved the budgets, the 2018/19 Council Tax Base, the Collection Fund surplus, agreed to increase the funding to voluntary bodies by 2%, and approved a Council Tax increase by 1.95% for 2018/19. The Director also referred to the proposal to invest £250,000 in a further Community Partnerships Scheme which had been approved by Finance and Management Committee. Reference was made to the change in referendum limits for 2018/19, allowing for Council Tax increases of up to 3%. Whilst noting that the expenditure base remained

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unsustainable in the longer-term, the Director updated this Committee that the Finance and Management Committee had approved to raise the agreed minimum level of the General Reserve from £1m to £1.5m.

Members sought clarification on when the General Reserve is topped up and whether the application to be entered into the 100% business rates pilot scheme had been approved by the Finance and Management Committee. The Director responded by confirming the submission had been approved by the Committee.

The Vice-Chairman made reference to the costs of the Waste Collection Service and its funding. Following some discussion, it was agreed that the Director would provide further information regarding the Budget and the costs of growth to the next meeting.

In relation to the Housing Revenue Account, the Director updated the Committee on its current position, debt repayment obligations, impact on the Base Budget of rent decrease, no increase in the amount of Supporting People grant and highlighted that the key change will be the full roll-out of Universal Credit. The Director informed the Committee that nationally evidence suggests that payments made directly to tenants and not landlords has led to an increase in rent arrears.

Members raised queries on rent restructuring, debt repayment and measures that the Council would be taking in order to mitigate risks of bad debt. Concerns were also raised by some Members regarding the access to Universal Credit and the complexity of the application process. The provision of support was requested to assist in this. The Director responded to all issues raised and advised that the Officers are looking into increasing the provision of computers in the council's reception area to assist completion of the online forms. It was noted that provision of support to residents in facilitating the process and guidance in management of money would be key. The Committee requested a brief note or report from the Housing department outlining their strategy and actions being taken in this regard. The Director agreed to bring this back to the next meeting.

### RESOLVED:-

- 1.1 That the Committee considered the proposed budgets of the Council for 2018/19 and would make any recommendations to Finance and Management Committee as part of the consultation process.
- 1.2 That the Committee considered the medium-term financial plans of the General Fund and Housing Revenue Accounts and would make any recommendations to Finance and Management Committee to support budget and policy development in due course.

### OS/45 UPDATE ON SECTION 106 HEALTH ALLOCATIONS (Verbal Update)

The Planning Services Manager provided the Committee with a verbal update and circulated a document outlining Section 106 contributions currently held. The Committee were informed that staffing within the authority and within the Clinical Commissioning Group (CCG) had delayed review of the matter, but the return of a former employee within the CCG, who had been proactive in resolving matters in the past, was welcomed by the Committee. The Chairman wished for them to be invited to a future Committee.

Councillor Mrs Patten sought clarity on whether the contributions were being reviewed chronologically or based on monetary value. The Planning Services Manager advised that they were being reviewed simultaneously.

Members raised concerns regarding the amount of money that was not being allocated and in some cases lost to developers and urged that the representative from the CCG being invited to a future meeting in order to update the Committee.

### **RESOLVED:-**

Members noted the update provided.

### OS/46 PRIMARY MEDICAL PROVISION IN AND AROUND STENSON WARD.

Councillor Shepherd attended the Meeting as Ward Member for Stenson and explained that this item had been added to the Agenda upon his and his fellow Ward Member's request and thanked the Planning Services Manager for his report. The Councillor advised that a number of complaints had been received from residents in his Ward highlighting the difficulty experienced in obtaining a doctor's appointment and raised concerns that further planned developments within the Ward would exacerbate the situation. Councillor Shepherd cited section three of the Officer's report and raised that the Hollybrook Surgery is not situated in the Stenson Ward, nor in South Derbyshire and furthermore is not served by a direct bus route. Councillor Shepherd informed Committee that the surgery in Sinfin is affiliated with the Hollybrook surgery and expressed that expansion of this facility would have been deemed more appropriate in order to serve the residents of Stenson Fields. Councillor Shepherd provided suggestions for consultation when further development within the Stenson Ward is planned; that local Members be informed whether the Clinical Commissioning Group (CCG) has applied for Section 106 funding; that local members are informed who in the CCG will decide where the money will be spent so they may express their residents' views; that the CCG is informed of the likely development of the Stenson Ward under the Local Plan Part One so that they are able to plan a strategy rather than reacting as a consultee; when the Planning Department review community provision for the development of Wragley Way, that provision for a health centre is included subject to the agreement of the CCG.

The Planning Services Manager responded that the case for funding Hollybrook surgery was presented in order to alleviate the number of patients from the Sinfin surgery by offering appointments at the Hollybrook surgery. The Officer advised that although the suggestions can be incorporated, engaging the CCG at the point of the submission of planning applications is late in the process.

Councillor Shepherd requested that the representative be invited from the CCG to discuss an allocation strategy. The Planning Services Manager advised that the CCG representative would be invited to attend a future Committee to present and explain their strategy in relation to the allocation of Section 106 funding.

### RESOLVED:-

- 1.1 Members noted the information regarding healthcare facilities as a result of Local Plan commitments for around 1950 dwellings at Wragley Way (plus additional areas within Derby City); any future potential additional dwellings (up to 1200) within the Infinity Garden Village.
- 1.2 Members noted the information on the provision and application of the Section 106 healthcare contribution for the development at Stenson Road, Stenson.

### OS/47 COMMITTEE WORK PROGRAMME 2017/18

The Vice-Chairman requested that the scope of Street Scene and Waste be widened and a report be submitted to a future Committee with the inclusion of the information on the Committee's site visit to North West Leicestershire Council.

The Vice-Chairman advised that a report reviewing planning administration be added to the Work Programme following confusion on initial planning decisions in his Ward.

### **RESOLVED:-**

Members considered and approved the updated work programme.

# OS/48 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 were informed that no exempt questions from Members of the Council had been received.

The Meeting terminated at 7.30pm.

**COUNCILLOR S SWANN** 

**CHAIRMAN** 

### **OVERVIEW AND SCRUTINY COMMITTEE**

### 8<sup>th</sup> February 2018

### PRESENT:-

### **Conservative Group**

Councillor Billings (Chairman), Councillor Mrs Wyatt (Vice-Chairman) and Councillors Atkin, Mrs Coe and Mrs Patten

### In attendance

Councillor Taylor (Labour Group)

### OS/49 APOLOGIES

Apologies were received from Councillors Bambrick, Dr Pearson and Mrs Stuart (Labour Group)

### OS/50 MINUTES

The Open Minutes of the Meeting held on 29<sup>th</sup> November 2017 were taken as read, approved as a true record and signed by the Chairman.

### OS/51 <u>DECLARATIONS OF INTEREST ARISING FROM ITEMS ON AGENDA</u>

The Committee was informed that no declarations had been received.

# OS/52 QUESTIONS RECEIVED BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10

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

# OS/53 QUESTIONS RECEIVED BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11

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

### OS/54 RECREATIONAL FACILITIES IN RURAL VILLAGES

The Cultural Services Manager presented the report to Committee.

Councillor Mrs Coe sought clarity on which play areas the District or parish councils are responsible for. The Cultural Services Manager reported that

many different arrangements are in place, proposing that a review be undertaken with a view to introducing some uniformity.

Councillor Atkin made reference to the funding opportunities, how Aston on Trent Parish Council had tackled the issue of raising funds, repaid via the precept, and queried the Lottery Fund criteria. The Cultural Services Manager confirmed that as Lottery funding had reduced, there was less to award, most going to deprived and/or rural areas. Councillor Mrs Patten queried what could be done to assist smaller rural settlements. The Cultural Services Manager acknowledged the difficulties, noted that smaller schemes required smaller outlays which could act in their favour, subject to the submission of a good application. Assistance, he suggested, could be provided by Council staff in terms of completing applications.

The Cultural Services Manager estimated that a Play Audit, including equipment condition and ownership, could be completed within three months, a Community Facility Audit within six months. Councillor Mrs Coe requested that this item be retained on the Committee Work Programme for a future meeting.

Councillor Taylor queried when the Council last provided capital monies in this area and what the Council did to assist parish councils. The Cultural Services Manager stated that it had been more than six years since there had been a capital programme and confirmed that activity with parish council's was varied, largely dependent on how active the council was.

Councillor Taylor enquired whether the list, as attached to the report, could be circulated to all Members, to assist in identifying all areas and their condition. The Cultural Services Manager clarified that the list referred to areas including play equipment, not necessarily open areas used for play, but containing no equipment and that maintenance priority was largely determined by a scoring mechanism.

Methods of making parish councils more aware of the assistance available, ranging from presentations, e-mails and parish liaison meetings, were also discussed. The Strategic Director (Corporate Resources) referred to the proposed allocation of £250k for a new Community Partnership Grant Scheme; although this had been approved by Finance and Management Committee on 11<sup>th</sup> January, it was still subject to ratification by Council.

The Chairman noted that the completion of a play audit would prove useful, necessary before the Committee could make any recommendations, including on how the Council can assist parish councils in seeking funding.

### **RESOLVED:-**

Members noted the report on recreational facilities in Rural Villages.

### OS/55 IMPLEMENTATION OF UNIVERSAL CREDIT

The Strategic Director (Corporate Resources) presented the report to Committee.

The Vice-Chairman voiced her concern regarding the potential for debt and repayment issues once the Universal Credit direct payment scheme commences. Tenant workshops relating to this topic were seen as a good idea, but attendance and adherence to the advice given were raised as concerns. The Director acknowledged the concerns raised, especially in light of experience elsewhere in the country, reporting that in situations where the rent arrears reached eight weeks or more, requests could be made to the DWP to impose a Payment Management Plan, whereby the rental amounts would be paid direct to the Council.

The Chairman queried the greater provision for debt, the Director clarifying how the estimate was calculated.

Councillor Mrs Coe made reference to the impact on the private rental market, the potential for increased evictions, producing a greater housing demand on the Council via homelessness claims.

Councillor Mrs Patten queried how many tenants paid their rent using cash. Whilst the Director did not have the payment method information, it was acknowledged that those paying with cash may find it more difficult to manage than those paying by direct debit, for example.

Councillor Atkin queried the seven benefits being rolled into the single Universal Credit payment, information the Director undertook to supply separately, and how the implementation information would be promoted across the District. The Director clarified what was being undertaken in this respect, also confirming that additional computers were being installed, as applications had to be made on-line.

Councillor Taylor, whilst noting the potential impact on poverty and collection as concerns, also queried the impact on officer time in dealing with these matters. The Director noted this, but added that some staff currently processing benefit claims would no longer be required to do so and may need to be re-deployed. Councillor Mrs Coe stated that the CAB undertook work in the more rural areas, offering one-to-one support on request. The Director confirmed that Council officers were already working with the CAB and CVS in this area.

### **RESOLVED:-**

Members considered the current position and planned actions for supporting tenants and potential claimants of Universal Credit.

### OS/56 WASTE COLLECTION BUDGET AND FUTURE GROWTH PROVISION

The Strategic Director (Corporate Resources) presented the report to Committee.

Councillor Atkin queried the reliance on agency staff in waste collection. The Director confirmed that there had been a greater reliance on agency staff and overtime up to six months ago, before the additional refuse round was approved. Access to an agency pool was still in place to ensure service continuation on a daily basis.

Councillor Mrs Patten queried whether, given the amount spent on standby staff, additional staff could be employed, used to supplement the refuse crews as required, deployed to other duties when not. The Director undertook to investigate the proposal further and report back.

The Chairman requested that a report relating to street cleansing be submitted to the next meeting of the Committee, along with initial feedback on the above proposal.

### **RESOLVED:-**

Members considered the proposed budget for Waste Collection Services for 2018/19 and approved the report backs as detailed above.

### OS/57 <u>FEEDBACK ON GROUNDS MAINTENANCE / STREETSCENE / WASTE</u> <u>SERVICES VISITS</u>

The Chairman made reference to the visit made to North Warwickshire Borough Council, citing in particular the enhanced collaboration between different teams, such as litter pickers, fly tipping teams and the refuse round teams, including some outsourcing. The Strategic Director (Corporate Resources) confirmed that a review of current service standards and performance was underway, but that this would not cover matters of a more operational nature. Councillor Mrs Coe suggested that the Committee review operational matters, requesting that a report be submitted at a future date, to be determined by the 2018 Scoping Meeting.

### **RESOLVED:-**

Members noted the information provided relating to this topic.

### OS/58 COMMITTEE WORK PROGRAMME 2017/18

The Chairman requested that the aforementioned report on street cleansing be added to the March 2018 agenda.

### **RESOLVED:-**

Members considered and approved the updated work programme.

## OS/59 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 were informed that no exempt questions from Members of the Council had been received.

The Meeting terminated at 7.10pm.

**COUNCILLOR A BILLINGS** 

**CHAIRMAN** 

REPORT TO: OVERVIEW AND SCRUTINY AGENDA ITEM: 6

COMMITTEE

DATE OF 21<sup>st</sup> MARCH 2018 CATEGORY: MEETING: DELEGATED

REPORT FROM CHIEF EXECUTIVE OPEN

MEMBERS' ARDIP KAUR – 595715 DOC:

CONTACT POINT: <u>ardip.kaur@south-derbys.gov.uk</u>

SUBJECT: REGULATION OF INVESTGATORY REF:

POWERS ACT 2000 (RIPA) -

**QUARTERLY REPORT ON USAGE** 

WARD(S) ALL TERMS OF AFFECTED: REFERENCE:

### 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 1st December 2017

### 3.0 Detail

- 3.1 The Committee, on 22<sup>nd</sup> June 2016 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 Corporate Management Team, identified in the Council's Policy and Procedure, consider all applications for authorisation. The Authorising Officer must ensure that there is satisfactory reason

1

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 December 2017 to February 2018 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.

REPORT TO: OVERVIEW AND SCRUTINY AGENDA ITEM: 7

COMMITTEE

DATE OF CATEGORY:

MEETING: 21st MARCH 2018 DELEGATED

REPORT FROM: CHIEF EXECUTIVE OPEN

MEMBERS' ROOPY PABLA (ext: 5848) DOC:

CONTACT POINT: roopy.pabla@south-derbys.gov.uk

SUBJECT: ANNUAL REPORT OF THE OVERVIEW REF: N/A

**AND SCRUTINY COMMITTEE 2017/18** 

WARD(S)

AFFECTED: ALL

### 1.0 Recommendation

1.1 That Members give further consideration to the Committee's Annual Report for 2017/18 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 2017/18.

### 3.0 **Detail**

- 3.1 The draft Annual Report will be considered at the Committee's meeting on 21<sup>st</sup> March 2018. 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 2017/18 attached as Annexe A.



# Overview and Scrutiny Committee Annual Report 2017-2018









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## **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.

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 Andrew Billings
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 2017/18 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 2017 to January 2018, the following Members were appointed to the Committee:

### **Conservative Group**

Councillor Swann (Chairman), Councillor Billings (Vice-Chairman), Councillor Atkin, Councillor Mrs Coe and Councillor Mrs Patten

### **Labour Group**

Councillor Bambrick, Councillor Dr Pearson and Councillor Mrs Stuart

For the period of January 2018 to May 2018, the following Members were appointed to the Committee:-

### **Conservative Group**

Councillor Billings (Chairman), Councillor Mrs Wyatt (Vice-Chairman), Councillor Atkin, Councillor Mrs Coe and Councillor Mrs Patten

### **Labour Group**

Councillor Bambrick, Councillor Dr Pearson 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 2017/18, the Committee was not required to deal with any 'called in' decisions or requests from Policy Committees for specific investigations.

## 2. Specific Areas of Activity

### 2.1 The Annual Report

In March 2018, the Committee considered the draft Annual Report for the 2017/18 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 2017 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) Review of Funding to Voluntary & Community Sector Organisations
- (c) Review of Area Forums / Safer Neighbourhood meetings
- (d) Review of Etwall Leisure Centre Contract / Community Access
- (e) Review of Grounds Maintenance Services, Street Scene Services and Waste/Cleansing Services
- (f) Review of Approach to Customer Services / Engagement
- (g) Housing Revenue Account Budget (HRA) 2017/18
- (h) The Budget 2017/18
- (i) Public Health
- (j) Member IT Provision
- (k) Section 106 Health Based NHS Contributions
- (I) Medical Provision Stenson Ward
- (m)Recreation Facilities in Rural Villages
- (n) Implementation of Universal Credit

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 was satisfied the Council's use of Regulation of Investigatory Powers Act 2000 Policy and Guidance during the municipal year 2017/18 had been carried out in accordance with the Act.

### (b) Review of Funding to Voluntary & Community Sector Organisations

The Committee undertook a review of funding and support granted to Voluntary and Community Sector Organisations with a view to ensure that a full spectrum of organisations were being represented. Services currently offered by voluntary organisations were reviewed in line with the Corporate Plan and information outlining details of the organisations in receipt of funding, the level of funding and how this is distributed was considered by the Committee. The importance of Voluntary and Community Sector organisations and their assistance to this Council in the provision of services was highlighted. The information provided was noted and the Committee agreed to the submission of an annual report detailing voluntary and community sector organisation funding.

### (c) Review of Area Forums / Safer Neighbourhood Meetings

The Committee reviewed the current structure of Area Forums and Safer Neighbourhood meetings with a view to increasing engagement within the community. A report was put to the Committee and recommendations to seek a revised, combined format with a joint agenda for both the Safer Neighbourhood meetings and Area Forums were progressed to the Chief Executive for referral to Council. Subsequently, a report was submitted to Council on 26<sup>th</sup> February 2018, where Members approved the recommended merger of the public Safer Neighbourhoods Meetings and Area Forums into one single meeting.

### (d) Review of Etwall Leisure Centre Contract / Community Access

As part of a comprehensive review of the current situation the demand for, and utilisation of, a second pool, the take-up of early morning swimming sessions, the potential for increased community usage, the effective use of space and plans for addressing the growing need for additional sports provision were considered. Additionally, the relationship with the school under new academy management, the potential revisions to the current Agreement and the withdrawal of County Council funding were also noted.

# (e) Review of Grounds Maintenance Services, Street Scene Services and Waste/Cleansing Services

The review of the Grounds Maintenance, Street Scene and Waste/Cleansing Services continued in 2017/18. Reports were presented to the Committee highlighting the impact of growth in South Derbyshire on service provision. A site visit to North Warwickshire Borough Council was undertaken by Members of the Committee, where enhanced collaboration between different teams, such as litter

pickers, fly tipping teams and the refuse round teams, including some outsourcing were cited as good practice. The information provided was reviewed by Members and, subject to the submission of further detail; recommendations are to be made to the relevant policy Committees during 2018/19.

### (f) Review of Approach to Customer Services / Engagement

The Committee expressed the importance of customer services standards being embedded in all staff and the need for a common approach across the Council. It was agreed that the Strategic Director (Corporate Resources) would progress the matter to Corporate Management Team to initially review the requirements and tailor the training appropriately. It was also noted that it is a common requirement of job specifications for posts that deal with the public to have customer service experience in accordance with the Council's Competency Framework.

### (g) Housing Revenue Account Budget (HRA) 2017/18

The Committee has a specific role to assist the Finance and Management Committee with the Business Plan for the Housing Revenue Account budget (HRA) and to subject it to a detailed review of future capital investment plans to ensure that the HRA could meet commitments for debt repayment and maintain a minimum working balance in accordance with the Financial Strategy. The Committee was satisfied with the work undertaken and the outcome of the HRA review.

### (h) The Budget

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 two of its meetings in January and February 2018. 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.

### (i) Public Health

### i) East Midlands Ambulance Service (EMAS)

Following attendance to Committees in 2016/17, the East Midlands Ambulance Service have continued to provide ongoing updates which are circulated to all Members.

### ii) NHS Hospital Trusts

The Committee was updated on the collaboration of Burton Hospitals and Derby Teaching Hospitals NHS Foundation Trust. An informative presentation

was delivered by the Chief Executive of Derby Teaching Hospitals and the Director of Strategy Burton Hospitals NHS Foundation Trust updating Members that the Boards of both Trusts had approved the Outline Business Case to deliver a partnership forming one single organisation. The benefits to both organisations, engagement of stakeholders including patients, and the importance of sustainability were explained in detail to the Committee. The process and timescale for implementation was outlined and the importance of sustaining services in both Burton and Derby were emphasised. In order to monitor the success of the merger, the Committee was advised that the completion of a Benefits Realisation Plan and communication with stakeholders would assist in this regard. Regular updates have been received and circulated to all Members, including invitations to Drop-In Information Sessions that were held in the Community Hospitals.

### (j) Member IT Provision

In order to determine which new mobile devices would be the most effective, the process of evaluation and testing was instigated by a small focus group. Feedback was incorporated where the decision was made to move to a Lenovo tablet. The procurement process has been commenced, with configuration and training to be arranged in due course.

### (k) Section 106 Health Based NHS Contributions

The review into Section 106 Health Based NHS Contributions is ongoing, with the Committee monitoring allocations. A representative from the Clinical Commissioning Group has been invited to attend a future meeting.

### (I) Medical Provision - Stenson Ward

A specific request was received from Councillor Shepherd and his fellow Ward Member in relation to medical provision in the Stenson Ward. A number of complaints had been received from residents highlighting the difficulty experienced in obtaining a doctor's appointment and concerns that further planned developments within the Ward would exacerbate the situation. The Committee agreed to include the matter as part of its review of Section 106 Health Based NHS Contributions.

### (m) Recreational Facilities in Rural Villages

The Committee reviewed the provision of recreational facilities across the District, including the funding options available. Members approved that an audit of play area facilities be completed, enabling the Committee to review the matter at a future meeting based on the information provided.

### (n) Implementation of Universal Credit

Members considered the information made available in preparing for the implementation of Universal Credit in the District, which included installation of additional computers for public use to assist with online applications, ongoing provision of Tenant workshops and continued collaboration with Citizens Advice and Community Voluntary Services. Members considered the current position and planned actions for supporting tenants and potential claimants of Universal Credit.

## 3 <u>Challenges for 2018-2019</u>

- 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.

Chairman, Vice-Chairman and Members of the Overview and Scrutiny Committee March 2018

REPORT TO: **OVERVIEW AND SCRUTINY** AGENDA ITEM: 8

COMMITTEE

**DATE OF** 

**CATEGORY:** 21st MARCH 2018 **MEETING:** RECOMMENDED

**OPEN** 

REPORT FROM: STRATEGIC DIRECTOR

CORPORATE RESOURCES

**MEMBERS KEVIN STACKHOUSE (01283 595811)** 

kevin.stackhouse@south-derbys.gov.uk **CONTACT POINT:** DOC: u/KS/waste and

> cleansing/waste collection scrutiny report 21st March 2018

SUBJECT: **WASTE COLLECTION & STREET** 

**SCENE BUDGETS 2018/19** 

TERMS OF

WARD(S) **ALL REFERENCE:** 6.03 (a) (i)

AFFECTED:

### 1.0 Recommendations

1.1 That the Committee consider the proposed budget for Street Scene/Grounds Maintenance Services for 2018/19 and make appropriate recommendations to Policy Committees to support policy and budget development.

### 2.0 Purpose of Report

2.1 Following the scrutiny of the Council's budget proposals at the Committee's meetings in January and February, this report provides greater detail regarding budgets for Street Scene. In addition an update is provided on specific points raised at the last meeting regarding Waste Collection.

### 3.0 Detail

### **Waste Collection**

- At its meeting in February, the Committee considered in detail, the proposed 3.1 budget for the Waste Collection Service in 2018/19, together with the impact of growth on current and future service provision.
- At that meeting, there was some discussion regarding the continuing reliance on Agency staff. Although this will reduce in 2018/19 as recruitment takes place to fill current vacancies, including the additional posts created as part of the 2018/19 budget round, it was reported that a contingency budget for Agency staff would always be required.
- The Agency budget for 2018/19 is approximately £50,000. Although this is much lower than in previous years, it still equates to approximately 2.5 full time equivalent posts.

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- 3.4 The use of Agency staff does have its benefits in that resources can be employed quickly to fill/cover temporary gaps in the Council's own workforce. However, over-reliance on Agency staff can be costly.
- 3.5 Given the discussions at the last meeting, the use of Agency staff is being reviewed. The additional investment into the Waste Collection Service includes 6 additional operatives. As previously reported, this will initially provide some spare capacity.
- 3.6 Currently, the service does operate with some degree of cross working. For example, resources can be interchanged between waste collection and street cleansing.
- 3.7 Given the increase in resources, this is being reviewed in order to deploy resources in such a way as to reduce the need for Agency staff to a minimum.
- 3.8 Where there is spare capacity, this should be reviewed to enhance current service provision in other areas and to deal with one-off work that may otherwise be delayed.
- 3.9 Alongside this, the current standards and key performance indicators for the Services are currently being reviewed. The outcome is due to be reported to Policy Committees in April.

### Street Cleansing and Grounds Maintenance (Street Scene) Services

- 3.10 The Budget for 2018/19 for these services is detailed in **Appendix 1**.
- 3.11 Proposals for additional resources into these services were considered by the Finance and Management Committee on 15<sup>th</sup> March. These proposals included resources to accommodate historic growth, additional strimming in lieu of weed spraying, together with resources to improve winter maintenance.
- 3.12 The increase in resources includes 1 additional Street Cleansing operative and 6 additional operatives for Grounds Maintenance. Provision was also made for investment in new plant and equipment.
- 3.13 With the previous increase in resources for Waste Collection, this should allow more cross working, an increase in standards and lead to less reliance on Agency staff.

### 4.0 **Financial Implications**

4.1 These have been highlighted above.

### **Continuing Growth**

4.2 As a growth area, the number of 900 eholds continues to increase across the District and will do so in accordance with the Local Plan for several years. At

some point, it is inevitable that additional resources will again need to be invested in these services.

- 4.3 The recent increase in resources has accommodated historic growth with some spare capacity. The position should be kept under close review as future growth could be quicker than that previously and the Council needs to be prepared to service this additional demand.
- 4.4 There is currently an on-going amount (Growth Reserve) in the Council's Medium-Term Financial Plan to meet future costs associated with growth. This is kept under review and is likely to be increased in future years from additional income. It is anticipated that any additional costs of Street Cleansing and Grounds Maintenance will be met from this Reserve.

### 5.0 Corporate Implications

5.1 None directly

### 6.0 Community Implications

6.1 As detailed in the report.

### 7.0 Background Papers

7.1 None

## APPENDIX 1: STREET CLEANSING and GROUNDS MAINTENANCE APPROVED BUDGETS 2018/19

			BUDGET		
STREET	CLEANING	2018/19	2017/18	VARIANCE	
R1000	Salaries - Basic Pay	184,682	183,672	(1,010)	
R1001	Salaries - National Insurance	17,195	16,859	(336)	
R1002	Salaries - Other Pay	0	0	0	
R1003	Salaries - Overtime	20,305	19,622	(683)	
R1006	Salaries - Superannuation	28,292	23,582	(4,710)	
R1301	Enhanced Pension	17,768	21,117	3,349	
R1410	Insurance - Employee	1,648	1,352	(296)	
R1650	Training Expenses	2,000	1,000	(1,000)	CPC for drivers
R2700	Contract Cleaning	0	0	0	
R3203	Hire of Other Vehicles	10,000	10,000	0	
R3400	Car Allowances	1,500	300	(1,200)	Increased fly tip and bin monitoring
R3401	Essential User Lump Sum	1,239	0	(1,239)	As above
R4005	Furniture - Purchases	0	11,000	11,000	moved to 4011
R4009	Materials - Cleaning Materials	0	2,000	2,000	
R4010	Materials - Other Materials	6,000	4,000	(2,000)	from 4009
R4011	Purchase of Bins and Sacks	10,000	0	(10,000)	from 4005
R4400	Services - Professional Fees	11,000	500	(10,500)	Dealing with road closures
R4506	Comms - Telephone Home	0	0	0	
R4960	Public Liability Insurance	3,411	2,960	(451)	
R8000	Depreciation	13,714	0	(13,714)	
R9304	Fees - Refuse Collection & Disposal	(20,000)	0	20,000	Emptying bins for parishes previously in CEW10, but undertaken by street cleansing
R9308	Fees - Other	0	(1,000)	(1,000)	
					1
Total - S	Street Cleansing	308,755	296,964	(11,791)	<u></u>

	BUDGET	Pa	ge 31 of 34
2018/19	2017/18	VARIANCE	900.0.0

Total - 0	Grounds Maintenance	345,305	327,735	(17,569)	
		, , , ,			1
R9310	Fees - Leisure Services	(200)	0	200	
R9308	Fees - Other	0	(5,000)	(5,000)	
R9100	Contributions - County Council	0	(123,360)	(123,360)	No
R8000	Depreciation	20,909	0	(20,909)	1
R7009	Recharge - Grounds Maintenance	(356,464)	(218,200)	138,263	1
R4960	Public Liability Insurance	6,550	5,684	(866)	
R4506	Comms - Telephone Home	534	516	(18)	1
R4010	Materials - Other Materials	15,000	15,000	0	1
R4009	Materials - Cleaning Materials	0	100	100	
R4003	Tools and Equipment - R & M	0	50	50	
R4001	Tools and Equipment - Hire	1,200	1,200	0	1
R4000	Tools and Equipment - Purchase	14,000	13,000	(1,000)	
R3401	Essential User Lump Sum	1,239	1,239	0	
R3400	Car Allowances	1,800	2,200	400	ref
R2800	Insurances - Premises	0	0	0	
R2401	Water Services - Metered	0	0	0	
R2400	Water Services - Unmetered	0	0	0	
R2100	Electricity	0	0	0	
R2076	Grounds Maintenance - Non Contract	0	0	0	
R1650	Training Expenses	2,000	2,000	0	
R1410	Insurance - Employee	3,596	2,950	(647)	
R1401	Professional Fees	135	135	0	
R1400	Medical Fees	500	500	0,022	
R1301	Enhanced Pension	45,740	54,362	8,622	
R1005	Salaries - Superannuation	66,823	55,783	(11,040)	
R1003	Salaries - Overtime	0	0	0	
R1001	Salaries - Other Pay	0	0	(138)	
R1000 R1001	Salaries - Basic Pay Salaries - National Insurance	484,165 37,777	481,938 37,639	(2,227) (138)	

flects historic actual

ow all through HTK10

**Total - Grounds Maintenance** 

REPORT TO: OVERVIEW AND SCRUTINY AGENDA ITEM: 10

**COMMITTEE** 

CATEGORY:

DATE OF MEETING:

21st MARCH 2018

DELEGATED

REPORT FROM: CHIEF EXECUTIVE OPEN

MEMBERS' ROOPY PABLA (EXT.5848) DOC:

**CONTACT POINT:** CHRIS TYLER (EXT.5722)

SUBJECT: COMMITTEE WORK PROGRAMME REF:

WARD(S) ALL TERMS OF

AFFECTED: REFERENCE: G

### 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 2017/18														Annexe A								
Project	·														Responsible Head of Service							
	Jun-17			Sep-17		Oct-17		7	No	ov-17		Jan-18			Feb	Feb-18		Mar-1	8			
Annual Report			21		6	6			18			29	9	17			8			21		Legal and Democratic Services Manager.
RIPA																						Legal & Democratic Services Manager
Setting the Work Programme																						Director of Finance and Corporate Services
Budget																						Strategic Director (Corporate Resources)
Review of Funding to Voluntary & Community Sector Organisations													+									Director of Community and Planning Services
Review of Area Forums / Safer Neighbourhood neetings																						Director of Community and Planning Services
Review of Etwall Leisure Centre Contract /																						Director of Community and Planning Services
Review of Grounds Maintenance Services																						Director of Housing and Environmental Services
Review of Street Scene Services																						Director of Housing and Environmental Services
Review of Waste / Cleansing Services																						Director of Housing and Environmental Services
Review of Approach to Customer Services /																						Director of Finance and Corporate Services
Recreation Facilities in Rural Villages																						Strategic Director (Service Delivery)
Jpdate on Section 106 Health Allocations																						Strategic Director (Service Delivery)
Medical provision in & around Stenson Ward																						Strategic Director (Service Delivery)
mplementation of Universal Credit																						Strategic Director (Service Delivery)
Key																						
Report to Committee		v	erbal L	Jpdate	/ Pres	entatio	n	1														
Report to Task Group				P	Public N	/leeting	1								1							