

MINUTES
OF A MEETING OF THE
OVERVIEW AND SCRUTINY COMMITTEE

held on 14 August 2023

Present:

Cllr J Brown (Chair)
Cllr A Kirby (Vice-Chair)

Cllr H Akberali	Cllr J Morley
Cllr A Javaid	Cllr L Rice
Cllr R Leach	Cllr M Sullivan

Also Present: Councillors T Aziz, AM Barker, S Dorsett, W Forster, S Greentree, S Hussain, I Johnson, L Lyons, L Morales, S Mukherjee, and D Roberts.

Absent: Councillors A Caulfield and K Davis.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Andy Caulfield and Kevin Davis.

2. MINUTES

At the meeting Councillor Brown made the following statement:

“After reviewing the minutes that were sent to the Executive on the 13th of July regarding the Town Centre Master Plan, it was apparent that they were adjusted after the approval from the Chair. This update is only a reminder that changes to the recommendations to the Executive need to go through the proper processes with the chair’s agreement. This committee plays a vital part for the Council to be open and transparent, and it is important that we all, as Councillors and Council officers, do our best to ensure that due processes are followed.”

3. URGENT BUSINESS

There was no urgent business to discuss.

4. DECLARATIONS OF INTEREST

No declarations of interest were received.

5. IMPROVEMENT AND RECOVERY PROGRAMME PROGRESS REPORT - AUGUST 2023 OSC23-039

[Note: All Councillors were invited to attend and contribute to the item and the Committee was joined by Members of the Executive: Councillors Ann-Marie Barker, Will Forster, Ian Johnson, Liam Lyons and Dale Roberts. Apologies from Executive members were given by Councillors Peter Graves and Ellen Nicholson].

As part of the directions from the Secretary of State the Council was required to develop an Improvement and Recovery Plan ('the Plan'), to be agreed by the Commissioner team appointed by the Department for Levelling Up, Housing and Communities (DLUHC) and DLUHC. Once agreed it would be necessary for the Council to update Commissioners and DLUHC on the Council's progress against the Plan after three months, six months, and every six months thereafter. The Council would also undertake any practicable requests the Commissioner team deemed necessary throughout the recovery process.

A range of views were expressed about the recently concluded public consultation on the future of Council services. It was both recognised that there had been a large number of respondents but that the number equated to less than ten percent of the population. Views were expressed that those ten percent of respondents would influence the services provided to all in the Borough. As well as being completable online, paper copies had been provided throughout the Borough at community spaces to reach more residents and at localities more accessible by vulnerable residents. Officers restated a commitment to ensuring as many residents as possible would be able to access future consultations including vulnerable residents.

Officers commented that the consultation was informal and that any proposed changes to services would necessitate a formal consultation to users and potential users of that service. Formal consultations would be held once Council had received proposals from Officers on service changes at its meeting on 28 September.

The consultation had been developed with advice from external partners, including Councils, that had experience of public engagement.

The Committee agreed a request that future consultations include asking respondents to indicate their ward, where relevant.

The language used in reports would be considered to ensure that it was not a barrier to communication with residents. Nevertheless, as the reports would be submitted to the Commissioners and DLUHC they were required to be comprehensive. A glossary would be written to define the meaning of more technical language.

Officers confirmed that it was not possible to commit to protecting any service from any impact. Any proposals would be developed by Officers and submitted to Council for elected Members to decide.

Discussions were being held with other districts and boroughs on more effective delivery of services to residents by combining resources.

Member briefings would be held on key decisions where time allowed.

The Plan included an ambition to increase the number of digital Council customer transactions to eighty percent. As part of the development of a digital strategy to reach this goal a good strategy would ensure that it did not lead to digital exclusion. It was

anticipated that by allowing a greater number of people to access services digitally staff would be able to provide more support to those unable to access services digitally. In support of that, the Council had invested in a digital exclusion Officer.

Concern was raised at the meaning of a statement regarding changing election frequency in the Borough. The review of election frequency was a direction from Government that the Council was required to perform.

A report of the consultation would be produced and made public. Officers reiterated that the results of the consultation would impact the proposals developed.

The paper referenced the transformation fund which was specific to fund change at the Council by use of capital receipts. To be able to use capital receipts for the purpose the Council had sought permission from Government to use £3.2 million for the transformation fund.

Officers expected to provide quarterly reporting of progress on the Plan to the Committee.

It was explained that recommendations in the Council report were to ensure that decisions relating to the Plan could be made swiftly where necessary rather than always seeking full Council approval. Julie Fisher, Chief Executive, emphasised that the Plan did not seek to override the authority that the Executive was already empowered with in the Constitution.

The Committee agreed to submit a recommendation that resolution (iv) of the Council report be clarified regarding the authority to be delegated to the Executive.

Brendan Arnold, Section 151 Officer, summarised the progress made so far in balancing the budget and addressing the Council's debt. Emphasis was made that stakeholders including the Government needed to see evidence that the Council was doing everything within its power to reduce its burden on the public purse. Asset rationalisation would need to be considered. The Section 151 Officer considered that although the choices presented to Council would be difficult to take, they were investments in the future of Woking.

The Plan referenced giving more responsibility to Council staff. Question was raised that staff at all levels would be given the support required in exercising additional responsibility. The Chief Executive confirmed that staff would be empowered but given a clear governance framework within which to act.

There was concern that by shedding staff the Council would lose an element of necessary skill and capacity to effect the changes needed. However, Officers noted the significant portion of the budget that was dedicated to staff pay and to balance the budget, a legal requirement of local authorities, redundancies would be inevitable.

To adequately manage the Councils assets, investments capability and resource was being developed.

It was queried what the process would be if assets or investments required the Council to seek further loans. Officers confirmed that robust business cases with significant evidence would need to be presented to Government. It was anticipated that Government would first enquire whether the Council could self-fund by divestment of other assets.

Officers agreed to provide the Committee with the Improvement and Recovery Plan Risk Register to the Committee quarterly in accompaniment with each update Plan update. Each workstream within the Plan had its own Risk Register.

The Committee requested greater involvement in the development of community engagement with the Plan. Officers agreed to consider how the Committee could best be involved in the development of process and framework.

RECOMMENDED TO COUNCIL That

The meaning of resolution (iv) of the Council report be clarified that the authority being given to the Executive is specific to making necessary amendments to the Improvement and Recovery Plan.

6. NEIGHBOURHOOD COMMUNITY INFRASTRUCTURE LEVY OSC23-040

Brendan Arnold, Chief Finance and Section 151 Officer, provided a summary of the Community Infrastructure Levy (CIL) scheme. The scheme had paid out approximately £10,000 per year over the previous eight years.

The Section 151 Officer noted that there had been confusion regarding the definition of a separate account, as had been used to describe the CIL fund. Where it was commonly thought to mean a separate bank account, in actuality it meant a separate ledger account. It was considered normal national practice to keep CIL money, and other moneys collected by the Council, in such a manner. The Chief Finance Officer confirmed that a separate ledger would continue to be used as opposed to a separate bank account and that the outcome would have been the same if a separate account had been used previously.

The Council faced a £1.2 billion charge with no finances to cover. There had been no use of CIL money on capital expenditures.

The Council would honour all commitments to it under the CIL scheme including financial liabilities. There were, therefore, no legal ramifications from the current CIL financing situation. Officers considered that the developers would have no justification to apply to reclaim their money.

It was necessary, due to the Council's finances, to take a measured approach to CIL funding. Officers emphasised that such an approach did not equate to a pause or freeze of the CIL scheme. It was not yet possible to determine how much cash would be available to fund CIL applications.

The Chief Finance Officer considered that the next opportunity to release funds for the CIL scheme would be following the setting of the Council's budget at the meeting of the Council in February 2024.

New cash received was being kept separate so as not to contribute to the aforementioned £1.2 billion charge.

Officers confirmed that once cash was available to fund approved applications funding would be allocated using the pre-existing procedure.

The Chair asked that as the Section 114 Notice stated all statutory duties would be fulfilled and considered that would include CIL funding, for what reason was it not currently being funded. The Section 151 Officer undertook to reply outside of the meeting.

Officers had no intention of closing the CIL scheme.

A view was expressed that direct communication on the matter between the Council and neighbourhood forums should take place. The Committee agreed to request that Officers engage with neighbourhood forums on the subject. Councillor Lyons, Portfolio Holder for Planning and Regulatory, was committed to engaging with the neighbourhood forums.

[Post-meeting Note: Shortly after the meeting, Cllr Lyons contacted the Chairman to advise him that Cllr Lyons had confused Pyrford Neighbourhood Forum with a different organisation, and that Pyrford Neighbourhood Forum had not in fact declined his invitation to attend one of their meetings as originally stated in the meeting. Cllr Lyons was looking forward to attending Pyrford Neighbourhood Forum on 11 September 2023]

The Committee agreed that it would be helpful for Officers to publish a clear, digestible position statement on the Council website to summarise the position of the CIL scheme and the anticipated direction of its funding. Officers accepted the recommendation.

7. WORK PROGRAMME

The Committee mooted removal of several items from the Suggested Additions to the Work Programme in recognition of the workload of the Committee. It was deemed unlikely to proceed with inviting Affinity Water, South Western Railway and Royal Mail at Committee. A view was expressed that the Thames Water item should still be pursued given the fruitful outcomes from previous engagement with the utility company.

Councillor Brown suggested that the third parties could be invited to separate briefings, with discussion on whether these should be public to be held with Officers outside of the meeting. Any outcomes of such meetings would be reported at Committee.

Councillor Brown noted two items on the Executive Forward Plan that the Committee could perform scrutiny of prior to consideration by the Executive: Review of Fees and Charges and ThamesWey Business Plans.

The Committee also considered calling additional meetings to ensure sufficient capacity to consider scrutiny topics.

RESOLVED

That the Work Programme be noted.

The meeting commenced at 7.00 pm
and ended at 9.52 pm.

Chairman: _____

Date: _____