

MINUTES
OF A MEETING OF THE
OVERVIEW AND SCRUTINY COMMITTEE

held on 22 February 2021

Present:

Cllr D E Hughes (Chair)
Cllr M A Whitehand (Vice-Chair)

Cllr D J Bittleston	Cllr J E Bond
Cllr S Hussain	Cllr G G Chrystie
Cllr R Mohammed	Cllr J R Sanderson
Cllr M I Raja	

Also Present: Jon Herbert (Strategic Housing and Development Manager), Jo McIntosh (WBC Solicitor), Louise Strongitharm (Director of Housing) and Councillor D Harlow.

1. APOLOGIES FOR ABSENCE

No apologies for absence were received.

2. MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on Monday, 25 January 2021 be approved and signed as a true and correct record.

3. MATTERS ARISING FROM THE PREVIOUS MINUTES

The Chairman highlighted that the empty homes list was still outstanding, due to GDPR compliance and suggested putting a timeframe on this action.

It was confirmed that the Kornferry training would be made available for opposition groups in the future, but had been delayed due to Covid-19.

Following the Play Area item that was at the previous meeting of the committee, held on 25 January, where the Loop Road Project was covered in detail. The Chairman advised that the Loop Road consultation was now live on the Council's website.

4. URGENT BUSINESS

There was no urgent business to discuss.

5. DECLARATIONS OF INTEREST

None.

6. HOUSING TOPIC SCRUTINY REVIEW

The Chairman introduced the Housing Topic Scrutiny Review Report, and thanked officers and members for their input on the report, at previous meetings and the viability case study group. The recommendations set out in the paper link with the wider strategies and policies of the Housing department.

Paragraph 6.14, point A) states 'it was suggested that Planning Committee members receive training in understanding the viability argument process', which had been conducted by an independent organisation and was available for all members. Members advised that the briefing provided insight into how the viability process works which can then be applied when making future decisions.

The Chairman noted that recommendation (vii) was not a proper recommendation, and after discussions with the legal team, and support from members it was removed.

More detail on the viability case study work was discussed, and that the target of 35% affordable homes for developments in the town centre was difficult to achieve, which would have a knock on effect for HIF figures. The target of affordable housing was more likely to be reached if builds were on green belt land, however that came with other implications and concerns. Other options were raised in order to reach the target such as bringing empty homes back into use and developing sites that had been identified through HIF.

The 'Earn your Deposit' scheme was referenced in the report, which was a scheme for Thamesway tenants, these social and affordable housing numbers from the scheme may not be included in the figures as some were based outside of Woking, in locations such as Pirbright and Guildford. It was unclear whether these figures were reported in the Green Book, and would be confirmed outside of the meeting. It was suggested that as Thamesway assisted with the Council's work on affordable homes and were leading on the Sheerwater Regeneration, they should be mentioned in the report. Historically, government had funded affordable housing projects when deemed a priority.

The Housing Portfolio Holder advised that it would be appropriate for the report to go back to the Housing Task Group for final scrutiny and review of recommendations, before going to Council.

The complexities and reasons as to why homes may be empty were raised, and the aspiration of occupying the empty properties can take a long period of time. Officers resources had been redirected during the pandemic, however work had begun on this project again, with results detailed in the Green Book. Ms Strongitharm added that the properties brought back into use did not usually impact the numbers of the affordable housing supply.

Members were encouraged to advise the Housing team of any empty properties, which brought the conversation back to the list of empty properties that was mentioned at the beginning of the meeting. It was agreed that no personal details would be made available and the list would only hold the addresses of the empty properties. Councillors were reminded that the information would be highly confidential.

RESOLVED that

- (i) recommendation (vii) be removed; and

- (ii) the report be reviewed by the Housing Task Group and the subsequent recommendations to be presented to Council.

The committee then moved to agenda item 8.

7. WOKING FOOTBALL CLUB & ASSOCIATED DEVELOPMENTS FOLLOW UP

The Chairman introduced the item, which followed up on the findings of the Independent Review by Dr Gifty Edila and conclusion of the Woking Football Club & Associated Developments Task Groups work. She highlighted the important role of this Committee in undertaking a scrutiny function to provide assurance to residents and fellow members regarding the processes behind the decisions of the Council. This item was to allow discussion on the recommendations within Dr Edila's report which refer specifically to the Overview and Scrutiny Committee. The Independent report confirmed that the task groups focus was on the processes that lead to the decision and not the scrutiny of the Planning application. It was highlighted that there was an error in the report as there were only two members who sat on the task group and were also on the Planning Committee at the time, not four as mentioned in the report. The Committee welcomed suggestions for how effective scrutiny can be improved in future.

Members welcomed the recommendation for the Council to create a Scrutiny Officer position, to assist the Committee with research, report writing and the Work Programme. The Chairman advised that the Woking Football Club & Associated Developments Task Group was the first piece of scrutiny undertaken of this size, it was a learning curve for all involved and someone with a specialised skill set and time allocated to the work would have relieved the pressure from members who also have other commitments. The role would also be able to assist with consultations, surveys and pulling documents together for review etc. It was felt that that the job descriptions were over qualified and a part-time position would be beneficial.

Dr Edila reported that 'the Task Group performed expeditiously with admirable skill in reviewing the project' and fully endorsed and added to the Task Group's recommendations. She added other elements that would be helpful in future, which included;

1. Chair to contact the Chair of WFC post the review. Action completed and two way communication has been established.
2. Although the task group was commended for its report, in future, enhanced clarity over the declarations of interest would be helpful for transparency.
3. Again the Independent review found that the Task Group did not look at the importance or relevance of the project itself and whether the development should be supported. It was suggested that if any scrutiny were to take place into a project that could result in a planning application, would only allow members of the Overview and Scrutiny Committee and the Planning Committee to sit on as witnesses.
4. Funding should be available for the Committee to assist with effective scrutiny. For example to purchase external expert advice.

Member training was also discussed, as it was greatly impacted by Covid-19, it was felt that training for their appropriate committee's was vital and the importance of ensuring Planning Committee members were up to date with the latest legislation was stressed. Previously the Overview and Scrutiny Committee had received training from South East Employers which members praised and the Chairman suggested holding biannual training

for members of the committee. Also, whether the number of attendees for the committee should be increased to allow more support to task and finish groups to scrutinise particular items.

There was a typing error for Cllr Whitehand's name, which was pointed out under point 6.1 in the report.

The Chairman thanked members for the work and support on the report. It was agreed that members would feedback any comments on the job descriptions to the Chairman by Monday, 1 March 2021.

8. OVERVIEW OF COMPLAINTS RECEIVED ANNUAL UPDATE

Jo McIntosh, introduced the annual report that detailed the overview of complaints received and noted that there had been 64 formal complaints for 2020. An outline summary of the details of the complaints was included in the report, NVH also provided details for their complaints and Ms McIntosh advised that the admission in paragraph 4.2, should read as five cases that reached the appeal stage.

It was explained that the Council recently undertook a review of the complaints system, which resulted in minor amendments, one being that a response would need to be sent within 20 working days as opposed to 60 working days previously, which follows the Ombudsman's recommendation. The system had been fully audited within the last year. Members praised the fact that the timeframe of responses had been reduced.

To clarify, it was explained that once a NVH complaint had been through the NVH complaints system, then the complainer can make a complaint to Woking Borough Council, which would be seen by the Deputy Monitoring Officer, and therefore included in WBC's data.

Findings by the Ombudsman's were reported by Peter Bryant to the Standards and Audit Committee, and not included in the report, however it was pointed out that the report is available to members. Members would like to see the report that goes to the Standards and Audit Committee, and therefore would be circulated as a background paper to committee members when finalised. The Chair advised that when the report is written for next year (reviewing 2021) it would include a short summary of those complaints that went to the higher level. It was noted that it would be useful to see comparative data from previous years, which would be distributed after the meeting. If further information was required from NVH, it would be worth considering inviting them to the committee to provide more detail.

The classifications were historic, to allow year on year comparison, and the Chairman questioned whether the 'other' category could be sorted to see whether there were any further areas of concern that could be highlighted. The 'other' category was the largest one and trends within this would be of interest to the committee. The complaints against staff tended to be focused on teams that dealt with enforcement such as parking, and as each complaint was different it was difficult to group them at times.

RESOLVED

That the report be noted.

The committee then went to item 7.

9. ANNUAL FOI REPORT

The Annual Freedom of Information (FOI) Report was introduced, which included comparative data year on year, the total number of breached and refused FOI's and the total number of FOI's broken down by month and department. The system is fully auditable and members were welcomed to view the system at any time via the Democratic Services Team.

The high number of FOI's received by the Environmental Health team was discussed and it was noted that that department would have been allocated the FOI's relating to Covid-19, on top of their usual ones. It was explained that the Democratic Services team log and allocate the FOI's to other departments and therefore it would be quicker for the requester, if when logged, the FOI was dealt with by the Democratic Services team if the information was better sourced from another organisation. The Chairman requested more detail on the FOI's that were referred to other organisations and again, whether there were any trends in the categories covered.

The number of breached FOI's was notably higher due to Covid-19, and Ms McIntosh explained the process and implications of the breached requests. It was a priority to respond to FOI's within the 20 working day timeframe, however where this did not occur, requesters would be kept informed of progress made and officers would aim to respond as soon as possible. During the pandemic, it was communicated that responding to FOI's would not be a priority service.

The positive reduction in refused requests was highlighted, which may be due to a lot of the commercially sensitive Part II items from last year were now made available to the public. There is a high number of FOI's submitted from reports and students and therefore depending on their subject can affect the type of responses provided.

RESOLVED

That the report be noted.

10. WORK PROGRAMME

The Committee reviewed the Work Programme, and noted there were no changes however members were encouraged to make the Chairman aware of any topic suggestions for the next municipal year.

RESOLVED

That the Work Programme be noted.

11. PERFORMANCE AND FINANCIAL MONITORING INFORMATION

The Committee had received the December Green Book, and noted the increase in empty homes brought back into use and in Fly-tipping issues as well.

Members praised officers for the work they had undertaken during the pandemic, which included surge testing in two areas. The low number of sick days taken by Council employees, even during the pandemic was highlighted.

The CMG overspend that was raised at the previous meeting, had been picked up by the Chairman, and after liaising with the Head of HR it was explained that covered the recruitment costs for the new Chief Executive Officer and Director of Planning and the LGA graduate programme.

The KPI's reported in the Green Book for Joint Waste, were looking to be amended as members felt they were not the most appropriate indicators to highlight trends or areas of concern. The Chairman had liaised with Cllr Davis, as he is the portfolio holder of this area, and a decision regarding the revised KPI's should be reported to the next committee meeting on 22 March 2021.

12. TASK GROUP UPDATES

There were no task group updates for the Committee to receive.

13. TASK GROUP TERMS OF REFERENCE REVIEW

The Terms of Reference for the Housing Task Group (HTG) and Economic Development Task Group (EDTG) were received by the committee. The Finance Task Group (FTG) draft Terms of Reference would be circulated to the committee.

The FTG had already reviewed their terms of reference which already included detail on the scrutiny function and had regularly provided feedback to the Committee. The Chairman raised the question as to whether the HTG and EDTG were undergoing scrutiny work or whether they were acting as standing task groups, in which case they may not be reporting to the most appropriate committee. Any changes to the task groups reporting would need to be approved by Full Council and amended in the Constitution. The final decision from the Committee would then be raised at the Executive meeting scheduled for 25 March and Council on 8 April 2021, and any changes would be implemented for the 21/22 municipal year.

The history of the task groups were discussed, and whether these standing task groups provided any scrutiny function. National guidance indicates that groups reporting to the Overview and Scrutiny Committee should have a scrutiny function. The Chairman of both task groups, Cllr I Johnson, advised that the Executive had previously instructed the groups to report back to the committee. The task groups provided scrutiny by reviewing performance and measuring it against the strategy, whilst supporting officers and working on policies. Cllr Johnson believed it was worth reporting to the Overview and Scrutiny Committee to ensure members were aware of current topics, positive news and also challenges.

The EDTG has liaised with Simon Matthew Associates on the programme and scrutinised the reports themselves, there had been nothing the task group had needed the committee assistance on recently. The Chairman suggested to add a line to the EDTG draft terms of reference saying "identification of scrutiny within the task group would be referred to the Overview and Scrutiny Committee".

The HTG had been a standing task group since 2005, and the function had changed over the years, the group were now focused on developing and monitoring strategies and policies. The group covered various topics such as empty homes, NVH contract,

affordable housing, and would inform members of items they feel they should be made aware of. Task Groups reports are provided to the committee, and if the committee felt that matters required further scrutiny the task group would assist. The Chairman also requested that a line be added to the draft terms of reference to define the link between the task group and the Overview and Scrutiny Committee, and to reflect the scrutiny function.

The meeting commenced at 7.00 pm
and ended at 9.30 pm

Chairman: _____

Date: _____