

MINUTES
OF A MEETING OF THE
OVERVIEW AND SCRUTINY COMMITTEE

held on 16 October 2023

Present:

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

Cllr H Akberali	Cllr J Morley
Cllr A Caulfield	Cllr L Rice
Cllr K Davis	Cllr M Sullivan

Also Present: Councillors E Nicholson and D Roberts.

Absent: Councillors A Javaid and R Leach.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Javaid and Leach.

2. MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on Monday, 11 September 2023 be approved and signed as a true and correct record.

3. MATTERS ARISING FROM THE PREVIOUS MINUTES

The Chairman introduced the report on matters raised at previous meetings of the Committee, drawing the Committee's attention to actions undertaken subsequently. At the request of the Chair in relation to action 10.3, Officers would provide income figures for the Council's sports pavilions. Officers were further asked to provide details of any other income the Council received through its leisure facilities.

RESOLVED

That the report be noted.

4. URGENT BUSINESS

There was no urgent business to discuss.

5. DECLARATIONS OF INTEREST

In accordance with the Members' Code of Conduct, Councillor Davis declared a non-pecuniary interest in Agenda Item 9 – Task & Finish Group: HS2 Funding for Brookwood Cemetery – arising from his membership of the Brookwood Cemetery Society. The interest was such that speaking and voting were permissible.

In accordance with the Officer Employment Procedure Rules, Kevin Foster, Strategic Director – Corporate Services, declared a disclosable personal interest (non-pecuniary) in Agenda Item 9 – Task & Finish Group: HS2 Funding for Brookwood Cemetery – arising from his position on the Board of Brookwood Cemetery. The interest was such that Mr Foster could advise the Committee on those items.

6. WORK PROGRAMME

The Chair introduced the report on the updated Work Programme, drawing Members' attention to the key changes since the document had been received at the Committee's previous meeting.

The Chair was keen to invite the Government's Commissioners to a future meeting of the Committee. In addition, the Chair advised the Committee that he had attended a meeting with the representatives from the Centre for Governance and Scrutiny (CfGS) at which they had emphasised the importance of the Committee concentrating on the proposed cuts to the Council's services and their impact. The CfGS had suggested that as many as possible unrelated items of business should be deferred until after the confirmation of budgets in February 2024.

The Committee would therefore look to invite key stakeholders to future meetings, including representatives from community groups such as Community Transport and Citizens Advice Woking, and services such as Pool in the Park and the Centres in the Community.

Reference was made to the Commissioners and a request from a resident that the Commissioners should be available to answer questions. It was suggested that the possibility of enabling a limited number of questions to be posed to the Commissioners should be considered. *(Note: following the meeting of the Committee, the arrangements for Members of Public to raise questions with the Commissioners Team was circulated to Councillors ([Contact the commissioners | Woking Borough Council](#))).*

It was noted that the Committee had previously asked for two reports on the overview of complaints to be prepared each year, in September and March. Officers were asked to explore whether the first of these reports could be brought to the next meeting of the Committee, to enable Members to identify any underlying trends.

In light of the comments of the CfGS, it was suggested that the item on the Joint Waste Management Performance Review should be deferred to March 2024.

A topic for scrutiny had been received from a resident writing on behalf of Citizens Advice Woking, a local Charity which had historically been funded by the Council. The request was in light of the current consultation on services which included the possibility of ending the discretionary funding of local community groups and sought a review by the Committee before a final decision was taken by the Council. The Councillors expressed disappointment that the request was not before the Committee and, in view of the

timescale for the review of services, it was agreed that the request would be reviewed by the Chair and Vice-Chair in consultation with Officers following the meeting, with a view to inviting representatives for Citizens Advice Working to the next meeting.

In relation to the request, the Committee was encouraged to consider the impact of the Council's proposals across the wider community, seeking to avoid a piecemeal approach, and adopting a suitable methodology to achieve consistent outcomes. It was recognised that some organisations would not necessarily be in a position to make similar representation directly to the Council. The Committee should also look to review the importance given to the outcomes of the public consultation.

RESOLVED

That the Work Programme be noted.

7. FREEDOM LEISURE ANNUAL REVIEW OSC23-050

The Committee considered a report on the performance of Freedom Leisure over the past year, reviewing the complaints, feedback and achievements across the range of services provided by Freedom Leisure. The year had been very positive with significant growth in services, though this was due in part to the first full-year operation of the Eastwood Centre. Steve May, the Leisure Services Manager, confirmed that Freedom Leisure had achieved all the targets for the year.

The Chairman noted that the flooring to the showers in the Pool in the Park had been replaced for a second time. The Committee was advised that the work had been undertaken to address issues which had come as result of the initial work. The replacement of the flooring had been undertaken by the Contractor with no cost to Freedom Leisure or the Council.

Reference was made to the contract with the NHS to deliver a range of health products and projects, and it was confirmed that the contract achieved a surplus for the Council.

Attention turned to the Pool in the Park and it was noted that a number of complaints had been received in respect of unplanned pool closures. The Committee was advised that the closures were often as a result of a lifeguard failing to arrive on time, sometimes due to illness. There was a national shortage of lifeguards and Freedom Leisure was actively promoting opportunities through recruitment and training. Contract penalties could be charged for such closures, though these would have an impact on the Council's management fee.

Several questions were raised in respect of the funding arrangements; it was known that the Eastwood Centre achieved an annual surplus of £100,000 and Officers were asked whether this could be used to subsidise the costs of the Pool in the Park. The Committee also enquired whether the temperature of the pool could be lowered to achieve savings in service costs.

The Committee was advised that every effort to reduce the costs of the leisure facilities was being undertaken, including a review of contract requirements for services such as free swims. The Pool in the Park temperatures had been lowered and a cost saving of some 6% had been achieved. Reducing the temperature further ran the risk of discouraging users. In terms of the surplus achieved by the Eastwood Centre, it was

explained that the Council operated a wide portfolio of leisure facilities and services, with some achieving a surplus, some not.

The impact of the closure of a centre such as Pool in the Park would be captured by the work plan, including any impact on leisure membership packages. Changes to the contract with Freedom Leisure could be considered through the Council's Leisure Partnership Board with a view to identifying opportunities to achieve savings or greater income.

A desk top 'dilapidation' review exercise would identify which elements of the Pool in the Park would need to be replaced over the coming five years and the estimated costs.

The Concessions scheme was discussed and it was noted that the Borough's scheme was generous when compared to neighbouring authorities. This raised the option of possible increases, though it was emphasised that the concessions were often for the most vulnerable residents.

The Committee thanked Steve May for his presentation. Noting the ongoing consultation on changes to services, the Members asked for GP surgeries to be directly approached in recognition that changes to the Council's resources for health and wellbeing could impact on their own services.

RESOLVED

That the report be noted.

8. PUBLIC PARTICIPATION AT PLANNING COMMITTEE OSC23-049

Elements of the Council's consultation were currently being reviewed and the Committee had before it details of changes drawn up around the public participation element of the Planning Committee. The objectives of the changes were to simplify the process and ensure that residents' representations were treated equally, regardless of whether they supported or objected to a particular planning application. The proposals also recommended that the current threshold for public speaking – a minimum of ten objections to an application – should be reduced to a total of five representations.

The proposals had already been considered at a meeting of the Corporate Governance Working Group, at which the Members had suggested removing the threshold altogether. Officers had agreed to consider the proposal, noting that it could have a significant impact on the length of the Planning Committee meetings if there was the option to speak on every application. The Officers had undertaken to review whether greater Officer delegation could offset the impact on the Committee.

It was noted that the draft extract for the Constitution indicated that any representations received would be responded to by letter, albeit first class. It suggested that the options for communications should be widened to include responses by email to allow for the most appropriate form of written communication. The Committee welcomed the suggestion.

The Committee discussed the possibility of removing the threshold for representations though expressed some concerns over the impact this would have on the workloads of the Planning Committee and Officers. The possibility of restricting representations to residents only was discussed though it was noted that this could be to the detriment of applicants or agents who could be based outside of the Borough.

Reference was made to paragraph 1.2 of the draft constitution section which referred to the threshold figure of five. It was felt that the paragraph was unclear and the Committee agreed that the wording should be clarified to ensure that its meaning was no longer ambiguous. Above all, the Committee was keen to avoid the current arrangements for public speaking at the Planning Committee from becoming more complex.

It was noted that, under both the existing scheme and the proposed scheme, those making representations could, should they so choose, register to speak with the intention of preventing those wishing to support or object to the application from speaking. Officers advised that, although this was a risk, to-date such attempts had not occurred.

The Members welcomed the ambition to review the public participation at Planning Committee arrangements, and it was noted that the proposals, together with the comments from the Corporate Governance Working Group and the Overview and Scrutiny Committee, would be considered by the Planning Committee itself before a report was presented to the Standards and Audit Committee for recommendation to Council. In the meantime, the Members of the Committee could raise any questions outside of the Committee meeting.

RESOLVED

That the Committee support the amended Public Participation at Planning Committee section of the Constitution and that the Committee's proposals be taken forward with the proposed scheme:

- (a) Paragraphs 1.2 and 2.2 of the draft wording be amended for clarity as follows (changes highlighted in bold):

“1.2 The number of **representations** required before a planning application qualifies for public speaking at the Planning Committee is five (5).”

“2.2 Public may speak on any application which attracts five (5) or more **representations**.”

- (b) Any reference to communications by letter to be revised throughout the Public Speaking at Planning Committee section of the Constitution to allow for the most appropriate form of written communication, namely by letter or by email.

9. TASK & FINISH GROUP: HS2 FUNDING FOR BROOKWOOD CEMETERY OSC23-051

The Chair introduced a report which proposed the establishment of a task and finish group to review the financial agreement between HS2, the Council and Brookwood Cemetery for the management of the HS2 funds for the HS2 reburials at the Cemetery. The task group had been proposed by Councillor Davis who expressed concerns over the financial agreement. The task group would review the contract and seek to understand the obligations of the Council, the status of the funding, the impact, if any, of the S114 Statement and the arrangements to ensure the continued annual transfer of funds to the Cemetery for the duration adopted in the agreement.

The contract was for the Cemetery to maintain a section of the site for a period of 100 years for those exhumed during the HS2 construction work. Amongst other matters, the

task group would explore how the Council could ensure the continued annual payments over such a significant period.

The Chair noted that all Members of the Council had been asked to express an interest in the task group. Councillor Davis and Councillor Rice, both Ward Councillors for the Cemetery, had offered to form the membership of the task group. Councillor Davis explained that it was anticipated that only two meetings of the task group would be necessary, before a final report was presented to the Committee. The need for Officer support would be kept to a minimum and it was hoped to be able to report to the Committee in March 2024.

Councillor Roberts, Portfolio Holder for Finance, offered his assistance to Councillor Davis and Councillor Rice should they require it during the review. Councillor Davis welcomed the offer.

RESOLVED

- That (i) the general role and function of the Task and Finish Group be agreed, including those aims as set out in the Terms of Reference;
- (ii) Councillor Davis and Councillor Rice be appointed to the Task and Finish Group;
- (iii) a minimal level of Officer resource be required;
- (iv) two meetings of the Task and Finish Group be held before reporting back to the Committee; and
- (v) the Task and Finish Group to report back to the Committee by 18 March 2024.

10. HOUSING WORKING GROUP UPDATE

The Committee received the update report of the Housing Task Group, written and introduced by Louise Strongitharm, Strategic Director for Communities. The report outlined the topics discussed by the Task Group at its meetings on 26 July and 4 October 2023.

It was noted that there had been a fire at a property in Ash Road and the Committee asked what lessons had been learnt from the incident. Members were advised that the fire had been able to spread as a result of residents overloading the balconies. The Council had now drafted a balcony policy that would provide clear directions on what could be stored on the balconies.

The residents affected by the fire, consisting of six families, had initially been housed in emergency accommodation. Efforts to identify more suitable accommodation were now being undertaken, with the repairs likely to take a year to complete. Approximately half of the families were still being accommodated in hotels.

It was noted that approximately 200 residents were currently in temporary accommodation, with a broad spectrum of accommodation types. The number of homeless individuals was low, typically up to three each day.

It was agreed that a copy of the draft balcony policy would be shared with Councillors after the meeting, noting the questions around what residents would be able to place on their balconies, such as racks to dry clothes.

RESOLVED

That the report be noted.

11. FINANCIAL MONITORING REPORT

The Committee received the first of what would become a regular quarterly Financial Monitoring Report. This first report outlined the material financial issues identified since the 2023/24 budget had been set, based on the income and expenditure as at the end of June 2023. Two significant variations were referred to: issues around capital refinancing costs on which further work was being done, and in respect of car parking and the strategic options for corrective action.

RESOLVED

That the report be noted.

The meeting commenced at 7.00 pm
and ended at 9.23 pm.

Chairman: _____

Date: _____