



Minutes of a meeting of Overview and Scrutiny Committee held on Wednesday, 1 February 2023.

Councillors present:

Stephen Andrews (Chair)

Claire Bloomer

Patrick Coleman

Roly Hughes

Gary Selwyn (Vice-chair)

Richard Norris

Nikki Ind

David Cunningham

Joe Harris

Andrew Doherty

Jenny Forde

Officers present:

Robert Weaver, Chief Executive

Angela Claridge, Director of Governance and
Development (Monitoring Officer)

Claire Locke

Andrew Brown, Democratic Services Business
Manager

James Brain, Forward Planning Manager

Paul James

Ana Prelici, Democratic Services Officer

OS.226 Apologies

Apologies were received from Councillors Gina Blomefield and Nigel Robbins

OS.227 Substitute Members

There were no substitute members.

OS.228 Minutes

The committee considered the minutes of the Overview and Scrutiny Committee Meeting held on the 22 November 2022 and agreed that they were an accurate recording of the meeting.

Voting record- For 6, Against 0, Abstentions 2, Absent 2

RESOLVED: That the Committee approve the minutes of the meeting held on the 22 November.

OS.229 Declarations of Interest

Councillor Gary Selwyn declared a non-pecuniary interest in the Kemble Community Gardens, consisting of having friends who own several allotments there.

There were no declarations of interest from Officers.

OS.230 Chair's Announcements

The Chair announced that item 12 - Broadband Delivery Update would be taken before item 11 – Leisure and Culture Contracts Procurement to accommodate remote participants.

OS.231 Public Questions

The committee received two public questions on the Kemble Community Gardens;

Ms. Sara Lawlor asked the committee whether the council had considered the following factors;

- 1) The village has grown and is continuing to grow, do we want to shrink the green space in the middle of it?
- 2) As wildlife is depleted in the UK, and we are hearing this week on the news that were the worst in Europe, have the council considered the need for green space, and for people to live in close proximity to it as part of the decision?
- 3) The mental health implications and the implications for wellbeing, which has been highlighted by the pandemic, which has showed the need for green space

The questions by Ms. Lawlor were noted by the Chair to be addressed as part of item 8.

Mr. Mike McEwen, who works with the Kemble Community Gardens Committee asked;

- Has the decision to call in the decision been politically motivated?
- Specifically in regard to producing the report pack, how much resource has been used to call in the decision?

Members clarified that the purpose of the Overview and Scrutiny Committee is apolitical, and the purpose of the called – in decision was to scrutinise whether the process around the decision making was sufficiently followed.

Members also addressed the question raised in regard to resource implications, stating that the majority of the agenda pack had been produced for the other items on the agenda, and the Budget report comprising most of the pack. It was highlighted that the Council was undertaking ongoing work to reduce paper use, which included electronic agenda packs.

OS.232 Member Questions

There were no member questions.

OS.233 Call in of Cabinet Decision relating to the Lease of Land at Station Road Kemble

The purpose of the report was to consider the call-in of the decision to lease land at Station Road, Kemble, as allotments and community gardens to the local community and de-allocate this site within the adopted Cotswold District Local Plan (2011 to 2031) as a site for housing development.

The Chair introduced the item, highlighting that the purpose of call-in happens when Overview and Scrutiny Committee identifies that there is information that should have been brought to the decision making executive body and/or made available in such a way that members of the public could see that information, and therefore ensure sufficient oversight. The Chair also noted that the call-in request was submitted before the draft minutes of the

Overview and Scrutiny Committee
01/February2023

meeting were available, and that the availability of the minutes earlier may have allowed a more complete view of the decision that had been made.

The Leader of the Council, who substituted for the Cabinet Member for Corporate Services, addressed Ms. Lawlor's questions, stating that the considerations she raised were reasons why the decision to lease the gardens and de-allocate them from the Local Plan had been made.

Members discussed whether the Kemble and Ewen Neighbourhood plan had been sufficiently taken into consideration, and whether sufficient financial details were made available.

Members asked for the additional detail on finances and square footage mentioned by the Assistant Director for Property and Regeneration to be distributed after the meeting.

It was highlighted that through the partial review of the Local Plan, there would be an opportunity for scrutiny of the deallocation of the site, as well as engagement with the local Town and Parish councils.

Members commented that the call-in process had raised issues that had not otherwise come to light about how the decision had been made. Members also stated that the call-in therefore achieved its purposes, but also that it highlighted the need for the additional information to have been incorporated within the original Cabinet report.

Members also raised concerns around whether the process of notifying Overview and Scrutiny committee members was as efficient as it could be, as various members appeared to have been informed at various points in time, with no single notification going out to all members.

The Committee considered the three recommendations set out in the report in reverse order and voted on them.

Voting record;

The Committee first voted on whether they considered that recommendations c and b were not required;

(c) The matter does not require a Full Council decision, that there are sufficient grounds to refer it to Council and a request is therefore made for it to be added to the next Council agenda

For 8, Abstentions 0, Absent 2

(b) To not refer the matter back to Cabinet for further consideration.

For 8, Abstentions 0, Absent 2

The Committee discussed the wording of recommendation a) and decided to amend the wording to clarify that there would be further action by the Committee in the form of a written progress report in due course.

(a) They are satisfied that the detail presented here did not fundamentally change the decision that has been made and would receive a written progress report in due course.

For 8, Abstentions 0, Absent 2

RESOLVED: That the detail presented did not fundamentally change the decision that had been made and the Committee will receive a written progress report in due course.

OS.234 **Annual Presentation of Ubico Business Plan**

The purpose of the item was to receive a business plan and performance presentation from Ubico.

The Chief Executive of Ubico introduced the item, and was joined by the Ubico Chief Finance Officer. This was an annual presentation, ahead of the shareholder meeting receiving the business plan as a shareholder reserved matter.

The Ubico representatives explained that the business plan is split into four pillars underpinning a 5 year vision; people, operational excellence, climate and business development.

The Cabinet Member for the Environment, Waste and Recycling reminded the Committee of the workings of the partnership with Ubico that whilst the Council is responsible for setting policy and strategy, Ubico is responsible for operational work.

The Committee thanked the Ubico staff for their work over the recent difficult weather conditions.

Members also questioned the use of agency staff, what trade union membership was, as well as Ubico's position on pensions. Ubico representatives stated that agency staff was an effective way to close staffing gaps, with a recent improvement of retention due to national pay increases, and that they were undertaking work to increase staff retention, which included looking at employee pension contributions as a package of potential benefits. Ubico representatives also highlighted a strong working relationship with trade unions.

RESOLVED: That the committee note the contents of the presentation.

OS.235 **Budget**

The purpose of the report was to present the budget for 2023/24.

The Deputy Leader and Cabinet Member for Finance introduced the item, highlighting the budget setting process. They stated that the Committee would be scrutinising the processes around the budget setting, and that the financial detail will be considered at Cabinet on the following Monday, which, subject to any revisions will go to the Full Council on the 15th of February.

The Chief Finance Officer summarised the context around the budget, and mentioned the handouts that had been distributed to members ahead of the meeting. The Chief Finance Officer stated that the figures in the budget reflect the provisional settlement which had been provided by the Government in December. The final government settlement figures were expected at the beginning of next week, and any applicable amendments to the budget would be made once received. The Government has a requirement for local authorities to set a balanced budget, and this was touched on in the paper, alongside 'stress tests' for the budget and various modelling of scenarios, contained in the additional handouts.

Members asked whether there had been any indication as to what the Local Government Pay award for 2023/24 would be. The Chief Finance Officer advised that a statement from trade unions on 30 January indicated that the claim will be RPI +2%.

Members asked about extended producer responsibility which was identified as a significant new funding stream in the report. The Chief Finance Officer advised that this was a funding stream that had been put forward by the Department for Environment, Food and Rural Affairs (DEFRA) which would see the Council receive payments from producers who are responsible for packaging material. However, as the overall funding position was still unknown, this stream was flagged as a risk.

Members asked whether Community Infrastructure Levy and Section 106 fund were shown as revenue. The Chief Finance Officer explained that these funds were generally used to fund the Council's Capital programme, so were not shown as revenue.

Members welcomed the £1.2 million investment in leisure.

Members requested further detail on the contract inflation which was expected to go up 250% between 2023 and 2026. It was explained that this was due to increase in energy prices and challenges in the delivery of the Ubico business plan.

Members requested further detail on;

- £4.2 m which disappears off of assets under business rates. It was clarified that earmarked reserves of £4.2m were set aside. The methodology used to collect business rates means that there is a deficit because of business rate relief, and the Council had set up a larger collection fund, which, although compensated for, it still led to the £4.2 m figure. It was highlighted that this would get paid back next year by the Government
- Provision for financing of Ubico vehicles into 2027, which is £3.5 m. It was explained that the Council own most of the fleet, so the replacement of these are allocated within the capital programme, most of fleet will need replacing in 2027

Further details would be distributed on these by the Chief Finance Officer.

Members also requested detail on the following;

- The pay award for councillors was represented as X% in the report - this was corrected in the council report as 4%
- A point of clarity was requested, on Capital Spending this included some borrowing, the reasons for doing this is not explained within the document, It was explained that the Capital programme is financed through internal and external borrowing over a number of years, and that a prudent view is taken to this.
- Capital programme figures on Annexes E and C should match up, and the reason they didn't was related with timings of the preparation of reports, table 2 will be updated to reflect this for the Council report.

The Chief Finance Officer stated they would be available for all members who wish to have discussion about the budget, and that they would send members further details where these have been requested.

RESOLVED: That the committee note the report.

Overview and Scrutiny Committee 01/February2023

The purpose of the report was to provide the Overview and Scrutiny Committee with an update on the Leisure and Culture Contract Procurements. The Chair highlighted that Full Council had tasked Overview and Scrutiny Committee with monitoring progress on this item, due to its expense and the need to deliver.

If any recommendations need to be made to Full Council, members were encouraged to do so.

The Cabinet Member for Health and Wellbeing introduced the item and thanked the officers for their work on the project. The Cabinet Member was joined by the Strategic Projects Lead, Business Manager for Contracts and Environmental Services, and the Senior Leisure Specialist.

The Business Manager for Contracts and Environmental Services updated members on the work;

- A procurement process was taking place using a competitive dialogue procedure, which was intended to be an objective review, excluding any subjective view.
- Bidders would be short listed, with successful companies invited to submit revised tenders, which would be scored and moderated, with preferred bidders to be selected.
- The process was on course to be completed in March as planned.

Members asked why the timescale was so aggressive. The Business Manager for Contract and Environmental Health explained that this was because of the time scales associated with the procurement process..

Members also asked why the decision had been made to exclude councillors from the evaluation panel. Officers explained that officer selection panels were considered to be best practice in modern local government procurement, and that members would be able to vote on the recommendation when the report was taken to Cabinet and Council.

Members also requested detail on how much had been spent on the process. Officers advised that £50,000 had been allocated, a third of which was spent on support from Max Associates, the and the rest of which had been spent on legal support from Trowers and Hamblin, due to shortages within the in house legal team. It was explained that a further sum had been approved for legal support, and that the Chief Finance Officer would distribute a breakdown of this.

RESOLVED: That the Committee note the report.

OS.237 **Broadband Delivery Update**

The Chair highlighted the context for the item, stating that since 2016, the £0.5m of capital has been set aside to assist with delivery of broadband to those in hard to reach areas.

The Economic Development Lead introduced the item, highlighting that the Cabinet Member had sent their apologies. They were joined by a representative from Fastershire. Members received further detail on the following;

- Tewkesbury was ahead of Cirencester on the percentage coverage due to being a larger urban area.
- Degraded copper wires limit the speed, even when using fibre optic. Members asked how consumers could navigate this issue, as many won't get speeds that are promised by providers. This was explained as being due to marketing by the broadband provider, which had been

Overview and Scrutiny Committee 01/February2023

appealed to the Advertising Standards Agency, and consumers were able to check whether they had fibre capabilities on the BT wholesale website.

Members asked why there was an inconsistent roll-out in some places. This is was highlighted as being due to damage and capacity in ducts, damaged poles, and physical components which can take around 6-9 months to replace.

As £0.5m was set aside to improve people's ability to connect, members asked would this money be able to be used for related projects such as improving mobile phone signal. It was stated that, for reasons highlighted in the report, the money is difficult to use, and that ring fencing money for something that is unlikely to happen is not good accounting practice.

RESOLVED: That the Committee receive no further update as a special item while continuing to review it through normal work planning activities

Voting record – For 8, Against 0, Abstentions 0, Absences 0

OS.238 Peer Review - Recommendations Relating to Overview and Scrutiny

The purpose of the report was to consider the Local Government Association's Feedback Report, and to review the Action Plan that detailed how the recommendations relating to the responsibilities of this Committee would be implemented.

The Director of Governance and Development introduced the item, and highlighted that they'd already met with the Chair and other senior officers to discuss the outcomes of the report.

Members suggested that the procedure around call-in be looked at, to ensure it is clear for future call ins.

The Chair noted that a future meeting was taking place on 9 February to discuss the Committee's work plan, which would include maximising the use of task and finish groups, as members stated that the Committee was constrained by significant time pressures.

RESOLVED: That the Committee note the recommendations, and discuss them further at the work planning meeting on 9 February.

OS.239 Quarterly Digest

The purpose of the item was to consider any issues arising out of the Quarterly Digest for future debate and/or action by the Committee.

The Chair introduced the item, explaining that they had attended the meeting of the Gloucestershire Health Overview and Scrutiny and offered to take any points from the committee to a future meeting of the Health overview and Scrutiny Committee.

RESOLVED: That whether to include the item on future work plans will ne discussed at the future work planning meeting on 9 February.

OS.240 Work Plan/ Executive Forward Plan

Purpose of the item was to note the Committee's work plan and the Executive Forward Plan.

Overview and Scrutiny Committee

01/February2023

At this point, the Committee voted on whether to extend the meeting by 5 minutes, as the three hour limit had been reached.

Voting record- For 8, Against 0, Abstentions 0, Absent 2

The Chair then explained that in order to close the minutes within the additional 5 minutes, this item would be discussed in detail at the future work planning meeting due to the three hour limit being reached.

RESOLVED: That the committee discuss the item at the future work planning meeting on 9 February.

The Meeting commenced at 6.00 pm and closed at 9.05 pm

Chair

(END)