

OVERVIEW SELECT COMMITTEE

16 June 2015 at 6.00 p.m.

Present: - Councillors Dingemans (Chairman), English (Vice-Chairman), Mrs Bence, Blampied, Edwards, Mrs Harrison-Horn, Hughes, Mrs Oakley, Oliver-Redgate, Mrs Rapnik, Warren and Dr Walsh.

Councillors L Brown, Mrs Brown, Bower, Elkins, Wensley and Wotherspoon were also present for either all or part of the meeting.

[Note: The following Councillors were absent from the meeting during the consideration of the matters referred to in the following Minutes:- Councillors Mrs Rapnik – Minute 40 to Minute 42 (part); and Councillor Oliver-Redgate – Minute 40 to Minute 45 (part)].

40. WELCOME

The new Chairman welcomed new Members and officers to the meeting.

41. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Ballard, Mrs Daniells and Hitchins.

42. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Reasons

- The Council has adopted the Government’s example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions on the new local code of conduct.

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- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a member declares a “Prejudicial Interest”, this will, in the interests of clarity for the public, be recorded in the minutes as a Prejudicial and Pecuniary Interest.

Councillor Dr Walsh declared a Personal Interest in Agenda Item No 7 (Update from the Meeting of West Sussex County Council’s Health and Adult Social Care Committee (HASC) held on 12 March 2015) as he was Vice-Chairman of this Committee in his capacity as a West Sussex County Councillor.

43. MINUTES

The Minutes of the meeting of the Committee held on 10 March 2015 were approved by the Committee as a correct record and were signed by the Chairman.

44. START TIMES

The Committee

RESOLVED

That its start times for meetings during 2015/2016 be 6.00 pm.

45. CABINET MEMBER QUESTIONS AND UPDATES

(i)

The Chairman requested a slight change to the order of the agenda which was to invite Councillor Elkins to provide his portfolio presentation first so that questions relating to the area of housing could be asked at this point allowing other questions not relating to this area of work to be asked as part of Agenda Item 6 (ii).

The Committee received a presentation from the Cabinet Member for Housing, Councillor Elkins, and this provided an overview of the key issues linked to the Housing Services Portfolio.

A briefing report had been circulated separately to the agenda and a presentation was also circulated and displayed at the meeting providing some additional facts.

The background covered information relating to the Council’s own housing stock and for the benefit of newly elected Members, Councillor Elkins explained the Housing Revenue Account (HRA) reforms that had taken place in 2012. He outlined that under the Localism Act, Councils had been able to take advantage of changes in accounting for the HRA proposed by Government in that each local housing authority’s HRA could be self-financing. This meant that Arun’s subsidy liability had been converted into a one-off debt settlement payment (£70 m). The changes allowed the Council to keep the income made from its rentals and allowed provision to spend receipts to provide new Council Housing in the future as well as improvements to sheltered schemes. From this an HRA Business Plan had been compiled which had recently been revised and approved setting out a number of recommendations and objectives.

The report circulated set out the detail of spend proposed on other areas of housing such as sheltered housing; maintaining housing stock; managing the housing service; and managing resources.

Other areas covered by Councillor Elkins’ presentation were:

- Homelessness and the opening of the Glenlogie Hostel in Bognor Regis which had led to a stable reduction in rough sleepers
- Staffing
- Private Sector Housing to include licensing of houses in multiple occupation; disabled facilities grants; empty homes; and the new legislation allowing the Council to enforce landlords to ensure providing a certain standard of energy efficiency in their properties.
- Maintenance both planned and reactive.

Finally, Councillor Elkins referred to the main challenges ahead as well as the areas that would be reviewed in the future. A key issue for the Council which could potentially affect the HRA Business Plan was the level of Right to Buy sales coupled with the Government’s new scheme Right to Acquire which would allow Housing Association tenants to purchase rental property at a considerable discount, though the full detail of this was still to be confirmed.

The Chairman, having thanked Councillor Elkins, for a most informative presentation and report, then invited Members to ask questions.

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Members in discussing the presentation and report raised the following key points:

- What affect would Right to Buy have on the Council's HRA account as the discount being offered to tenants was so considerable? Councillor Elkins outlined that it would be necessary to firstly determine what the demand would be in the future. He stated that this was why the Council reviewed its HRA Business Plan every two years. Provisions had been made for the houses currently sold as the receipts needed to be allocated within a tight timeframe and the HRA Business Plan had taken account of this but it was difficult to anticipate future demand.
- Concerns were expressed over housing allocations and particularly to those on the waiting list with special needs. The procedure in place was explained by Councillor Elkins.
- The reduction from just over 5,000 to 960 individuals/families on the Council waiting list was mentioned. The Committee was interested to know what the breakdown was in terms of splits into the different housing bands.
- The new legislation coming into force for private sector housing was discussed along with possible consequences. Energy efficiency standards that landlords would be required to allow them to rent their property were welcomed but concern was expressed that unless properties were adequately ventilated, enhanced energy efficiency could lead to problems such as damp within the household and so a balance would need to be sought.
- The percentage of affordable housing provided within new developments – there was a concern that West Sussex County Council, although working in partnership with the Council on some schemes, was trying to drive down the amount of affordable housing provided – this could send out a damaging message to developers.
- Concern was expressed over the new Right to Buy legislation coming in for Housing Association properties and that this would lead to a real shortage of affordable rental properties to those most in need.
- Although the number of empty homes brought back into use was praised, the Committee wanted to know how many empty homes were still in the District. The Director of Customer Services confirmed that he would provide the Committee with this information.

- Concerns were expressed over the Flaxmean Sheltered Housing Scheme in Felpham which was in a poor state of repair. The Committee was keen to receive confirmation that in reviewing the Council’s Sheltered Housing stock some of the funds to be invested would be spent on this scheme. Councillor Elkins reassured Members that this scheme was due investment and that this was identified within the HRA Business Plan. The forthcoming review of Sheltered Housing Schemes would be an opportunity to reconfirm this need. The Committee urged Councillor Elkins to ensure that Members would have the opportunity to be involved in this review.
  - Concern was expressed over the age of some of the Council’s housing stock and how much this would cost the Council to maintain in the future.
- (ii) The Committee had no questions for Cabinet Members.
- (iii) No updated were provided by Cabinet Members to the meeting.
46. UPDATE FROM MEETING OF WEST SUSSEX COUNTY COUNCIL’S HEALTH AND ADULT SOCIAL CARE COMMITTEES (HASC) HELD ON 12 MARCH 2015

The Committee received and noted a feedback report which had been provided by Councillor Edwards following his attendance at a meeting of the County Council’s Health and Adult Social Care Committee held on 12 March 2015.

Councillor Dr Walsh provided further updates to the meeting. Of concern had been the report received from the Sussex Partnership NHS Foundation Trust on Adult Mental Health Services relating to Langley Green Hospital (a mental health hospital in Crawley) which had recently failed its inspection. An urgent meeting of the Business Planning Group would be held soon to seek the establishment of a remediation plan.

Councillor Dr Walsh reported that he had attended earlier on in the day a meeting of the North of Littlehampton Members’ Steering Group and that it was disappointing to have to inform the Committee that no progress had been made with the provision of medical facilities in Littlehampton resulting from Section 106 developer contributions. The East Street surgery relocation still needed to happen and no progress had taken place with the Littlehampton Hospital re-provision and health centre. Councillor Dr Walsh advised that a letter would be sent to the Coastal Commissioning Group asking for an

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update and that an urgent meeting of the local working group should take place.

*(During the course of the discussion on this item, Councillor Mrs Rapnik declared a Personal Interest in her capacity as a West Sussex County Councillor of HASC).*

47. UPDATE FROM MEETING OF THE SUSSEX POLICE & CRIME PANEL HELD ON 24 APRIL 2015

The Committee received and noted a feedback report from Councillor Wotherspoon following his attendance at meeting of the Sussex Police & Crime Panel held on 24 April 2015.

In receiving the report the Chairman asked if Councillor Wotherspoon could explain what the 'Local Policing Model' was. Councillor Wotherspoon explained that Sussex Police had undertaken another reorganisation exercise and that the model was an operational matter arising from this. Councillor Wotherspoon outlined that he could provide a structure chart on the new police model which would be the best way of answering this question. Councillor Wotherspoon stated that he would be happy to circulate this to the Committee.

Councillor Dr Walsh reported back following the Police and Crime Commissioner's (PCC) attendance at Rustington Parish Council's Annual Parish Meeting held in April 2015. Councillor Dr Walsh outlined that there was real concern that the Local Policing Model would allow the complete waste away of PCSO's in and around the District over time along with the removal of rapid response cars from Littlehampton to Bognor Regis or Worthing. This would have dramatic impacts for Littlehampton as it would become completely removed from rapid response teams leading to serious impacts for the community when reporting crime related incidents.

Councillor Dr Walsh stated that there were real concerns locally about the local policing model and that it was impossible to get a real definitive answer from the PCC in terms of what this would mean exactly and in terms of local communities. Councillor Dr Walsh asked Councillor Wotherspoon if he could raise this concern at the next meeting of the West Sussex Police and Crime Panel.

Following discussion, the Committee

## RECOMMEND TO FULL COUNCIL

That the Council expresses its deep concern over the proposed and ongoing reduction in PCSO's and the removal of rapid response cars from the Littlehampton police car allocation and in terms of the impact that this would have on incident response times in the Littlehampton area.

### 48. REVIEW OF CALL-IN PROCEDURE

The Committee received a report from the Head of Democratic Services which, following an unsuccessful call-in in February 2015, it had agreed, at its last meeting held on 10 March 2015, to look at and review elements of the Call-In Procedure, specifically relating to the criteria for a Call-in and who determined whether a Call-in was valid or invalid.

For the benefit of new Members, the report provided a fuller background in terms of what the Committee had reviewed before as well as a copy of the full procedure in place for a Call-in. This had been provided as an appendix to the report.

The areas where a review had been requested had been set out within the report and the Committee was informed that it needed to:

- Review whether it was happy with the criteria to be followed for submitting a call-in;
- Did the wording of the Rule make it clear that more than one criteria could be used?;
- Was the criteria still relevant to the decision making process at Arun District Council or should there be any change to the criteria and if yes, what should that be?
- Was it necessary to review who determined whether a call-in was valid or invalid? Did the wording of the Rules make this sufficiently clear that the Head of Democratic Services had authority to determine whether a call-in was valid or invalid and if not, did this need to be clarified?

The Head of Democratic Services stated that if the Committee believed that change was needed to Rule 14.8 then a suggested re-wording using the principles of decision making had been provided within the report as well as elements of the existing procedure.

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The Committee was asked to consider these options and were advised that if agreed they would be recommended to Full Council for approval with the consequential changes then being made to the Council’s Constitution.

The Chairman commenced the discussion on this item. He stated that it had been clear from the last Call-In request that the Call-In Councillors had not understood that they could use more than one of the criteria to be followed for submitting a Call-in. Councillor Dingemans referred to the existing procedure setting out the criteria that could be followed and confirmed his view that this was clear and easy to understand. He asked the Committee if it felt that there was any need to address or review this criteria and he referred to the suggestions for change as had been set out in the report at Paragraph 4.1 as these were very different to the existing criteria for seeking a call-in but did provide more clarity to the procedure.

Other Members of the Committee agreed that the provision for using more than one criteria was in place within the Constitution and so was there the need to change this part of the procedure. It was accepted that the suggested rewording of rule 14.8 would make the process clearer for Members to understand.

A concern of the Committee related to the second area for review which was who determined whether a call-in was valid or invalid. Councillor Dr Walsh strongly felt that this decision should not be taken by the Officer who had responsibility for receiving and actioning the call-in, which was the Head of Democratic Services. It was his view that instead this should be the responsibility of the Chairman or Vice-Chairman of the Committee or one other Member of the Committee in the instance that either the Chairman or Vice-Chairman was not available. He referred to the procedure in place at West Sussex County Council (WSSCC) which worked well in which a Business Planning Group, in consultation with two other Members of the Committee, had responsibility for determining whether a call-in was valid or invalid.

The Head of Democratic Services was asked if she knew what other Councils did and she confirmed that apart from WSSCC, other District and Borough Councils had in place a similar procedure to Arun in that an Officer in a similar role to that of the Head of Democratic Services or the Head of Legal determined the validity of a call-in.

In debating this part of the review, although Members felt that the Procedure Rule was clear, in that the Head of Democratic Services had the authority to determine the validity of a call-in, they did not agree with the principle of this. They supported the Head of Democratic Services’ suggestion to formalise custom and practice by changing the Procedure Rules

to add two further paragraphs before Rule 14.9. This had been set out within the report at Paragraph 4.4. Following further discussion, the Committee agreed to amend the proposed wording further allowing the Chairman and Vice-Chairman to review the basis of the call-in request against the criteria in Rule 14.8 in consultation with the Head of Democratic Services or in her absence the Head of Legal and Administration or the Chief Executive. The Committee agreed that another Member from the Committee should be selected to undertake this review in the absence of the Chairman or Vice-Chairman or in the event that the Chairman or Vice-Chairman was one of the Call-In Councillors or had a pecuniary interest regarding the subject of the call-in.

Having agreed this part of the review, the Committee then

RECOMMEND TO FULL COUNCIL – That

- (1) The amendments proposed at paragraph 4.2 and 4.4 of the report relating to Paragraph 14.0 [Procedure at Overview Select Committee Meetings in respect of decisions called-in] from Section 2 [Scrutiny], Part 6 – Procedure Rules (Other) be approved, subject to the addition of the changes made at the meeting, additions are shown in **bold** and deletions shown with ~~strikethrough~~: and

Part 6 – Procedure Rules – Other

~~14.8 The Members referred to in paragraphs 14.4 (fourth bullet point) must first consider whether any one or more of the following criteria for or against call-in apply prior to exercising the call-in:~~

- ~~• Is the decision likely to cause distress, harm or significant concern to a local community or to prejudice individuals within it?~~
- ~~• Is the matter one which has been subject to consultation or debate with relevant interested parties?~~
- ~~• Is the delay in implementing the decision likely to cause significant harm to the Council?~~
- ~~• Is the decision against a declared policy or budget provision of the Council?~~
- ~~• Is the decision against the advice of a relevant professional institution?~~

- ~~Have the view(s) of the Member(s) requesting the “call-in” been fairly taken into account in arriving at the decision?~~

**14.8 The reasons for a call-in shall be that the decision fails to take into account at least one of Arun’s principles of decision making, as set out in Article 13.2. The Members seeking the call-in will specify which principle(s) the decision fails to take into account based on:**

- (a) are the aims and desired outcome of the decision clear?**
- (b) has there been due consideration of professional advice from Officers?**
- (c) has adequate consultation been undertaken with relevant interested parties and is this evidenced in the report considered?**
- (d) has there been respect for a local community or individual’s rights?**
- (e) was the decision making process transparent to relevant interested parties?**
- (f) did the decision lack an explanation of the options considered and the reasons for the decision taken?”**

(2) To formulise custom and practice within the Scrutiny Procedure Rules the following two Paragraphs are inserted before Rule 14.9 to read:

“In receiving a call-in request the Head of Democratic Services will consult with the Chairman and Vice-Chairman of the Overview Select Committee and the Head of Legal and Administration or Chief Executive (as appropriate) to review the basis of the call-in against the criteria in Rule 14.8 and the evidence provided in the officer report, decision notice, and background papers before determining its validity. Another Member from the Overview Select Committee should be selected to undertake this review in the absence of the Chairman or vice-Chairman or in the event that the Chairman or Vice-Chairman is one of the call-in Councillors or has a pecuniary interest regarding the subject of the call-in. Where appropriate additional evidence may be sought from the report author, Cabinet Member and call-in Councillors”.

“if a call-in is determined to be invalid, the Head of Democratic Services shall notify the call-in Councillors and the decision taker of the reason for this determination, together with Members of the Overview Select Committee, and remaining Members of the Council”.

- (3) The Head of Legal and Administration be authorised to make any consequential changes with respect to the amendments contained therein.

#### 49. WORK PROGRAMME - UPDATE

The Committee received a report from the Head of Democratic Services which reminded Members that the Council’s Constitution required the Overview Select Committee to make a report annually on its future work programme and amended working methods, where appropriate.

The Committee was asked to consider its work programme for the 2015/16 year and to identify any issues that it would like to see included before recommendations were forward onto Full Council. The Committee was also asked to review its current Terms of Reference and to recommend any amendment to working methods to Full Council.

Before inviting the Committee to re-think its role and focus for the coming year, the Head of Democratic Services, for the benefit of new Members to the Committee, explained how the scrutiny process was managed by the Council. She advised the Committee on how it had opportunities to look ahead in setting Policy/Strategy reviews as well as reviewing performance and the delivery of a service as part of Contractor/Partners reviews.

The agenda for this meeting of the new administration had been agreed by the Committee at its last meeting held on 10 March 2015 and it was explained that for future meetings in 2015/16, it would be left to the new Committee to develop its own work programme and as no work programme had been prepared by the Officer team or the Chairman and Vice-Chairman so deliberately allowing the Committee to come up with suggestions as to the issues it would like to develop or review.

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To assist the Committee in reviewing future items the latest Forward Plan had been attached to the report and in proposing items for the work programme, the Committee was recommended to take a challenging approach and to consider the importance of the subject; whether it would bring value; and what would be the outcome of reviewing the subject.

The Head of Democratic Services referred to the two Scrutiny training sessions that had been held during 2014 as they had provided some ideas about what scrutiny should focus on and what Members might want to see from meetings in the future. She stated that further training could be considered as the existing induction process moved forward but that it would be necessary to review the training budget for Councillors first to assess whether any further spend would be an effective use of the Council’s resources.

An area of work that the Committee had developed during 2014/2015 had been “holding the Cabinet to account” as this had been a point raised by the Committee previously. Members were asked how they might wish to extend the current Cabinet Member Questions and Updates item.

Before discussing the possible topics that Members might wish to review, the Chairman put forward some initial suggestions. These were:

- To examine responsibility for functions in the Constitution to address the overlap that he felt existed between the Audit & Governance and this Committee. He suggested that a meeting take place between the Chairman of each Committee and the Head of Democratic Services so that a proposal could be worked on for presenting to the next meeting of the Committee;
- From the meeting of Cabinet on 15 June 2015, on the Corporate Plan 32% of targets were under achieving. Councillor Dingemans felt that the Committee should investigate the reasons behind the underperformance further and that this should feature as an item for the next meeting of the Committee on 28 July 2015;
- The Council’s work on risk and development of the Risk Register;
- Projects – were these being run effectively and should the Committee analyse the aims of projects and whether they were achieved on time and within budget;
- The new cleansing contract and the need for the Committee to be involved in the tender process.

- That litter removal and picking was not effective in some areas of the District – why had performance declined?
- The Councillors’ Training Budget – although this was small, there was a need to develop a programme and to investigate opportunities as well as reviewing previous expenditure
- The Local Plan and the cost of it so far
- The Council’s IT programme – how effective had work been to date
- Affordable Housing – the need to reflect the concerns expressed by the community
- The cost of car parking around the District

The Chairman outlined that these were areas for possible review and he invited Members to submit their own ideas for the work programme via an email to him so that these could be discussed with Officers and presented for further discussion at the next meeting of the Committee.

The Head of Democratic Services advised the Committee that prior to this meeting Officers had been approached to submit subject areas for the work programme. These were:

- Portfolio Review from the Leader of the Council and Cabinet Member for Council Strategy
- The Corporate Plan (every six months)
- Council Tax Support – review of consultation with pre-cepting authorities
- Coast Protection Annual Review and Land Drainage Review
- Council Budget

Following further discussion, the Committee also agreed that for its next meeting it would discuss its Terms of Reference.

(The meeting concluded at 7.50 pm.)