

Rother District Council

Report to	-	Overview and Scrutiny Committee
Date	-	15 June 2020
Report of the	-	Chairman, Councillor Paul Osborne
Subject	-	Draft Annual Report to Council

Recommendation: It be **RESOLVED:** That the contents of the Overview and Scrutiny Committee Draft Annual Report to Council be considered and recommended as appropriate to Council.

Introduction

1. The Local Government Act 2000 states that where councils operate an executive style administration, there must be at least one committee that has the power to review or scrutinise decisions or actions which affect the authority's area or its residents. The Overview and Scrutiny Committee (OSC) acts as a critical friend to the Cabinet (Executive) and other local service providers, helping to monitor performance and develop policies. The OSC also has the power to hold the Cabinet to account by "calling in" decisions before or after they have been taken.
2. The OSC cannot make decisions or policies themselves, but they have the power of influence. They make recommendations informed by partner and public opinions, performance information, examples of best practice and professional advice.
3. In accordance with Article 6, paragraph 6.3. (d) of Rother District Council's (RDC) Constitution, the OSC must report annually to Council on their workings and make recommendations for future work programmes and amend working methods, if appropriate.
4. In compiling this report, consideration has been given to the terms of reference contained within Article 6 of the Constitution and how the OSC has fulfilled its role under these terms.
5. This report covers the period from April 2019 through to the end of March 2020; due to the Covid-19 emergency and the suspension of all Committee meetings until further notice on 23 March, the last scheduled meeting of the OSC for the 2019/20 municipal year (27 April) was not held.

Scrutiny at Rother

6. Currently, Rother District Council has 38 elected Members who represent the 21 wards within the boundaries of Rother. With 8 Cabinet Members, this enables 30 Members to have the opportunity to be involved in Scrutiny.
7. During the period of this report, 63% of non-Cabinet Members have been involved in Scrutiny either through membership of the Council's Scrutiny Committee or in the Task and Finish Group(s).

Structure of Scrutiny Committees

8. During the period of this report, one Task and Finish Group has been in operation. In addition to Scrutiny meetings, the Council can have up to four active Task and Finish Groups in place at any one time provided that the same service officers are not being involved in more than one active group at any one time.
9. There are 12 Members appointed on the OSC and they meet formally eight times a year. The OSC is politically balanced in that its make-up reflects that of the Council as a whole and its Chairman and Vice-Chairman are elected annually from amongst its membership.

Overview and Scrutiny Committee

10. The following Members were appointed by Full Council to the OSC in May 2019:

P.N. Osborne (Chairman), B.J. Drayson (Vice-Chairman), J. Barnes, T.J.C. Byrne (ex-officio), J.J. Carroll, Mrs V. Cook, P.C. Courtel, S.J. Errington, P.J. Gray, A.K. Jeeawon, L.M. Langlands, C.R. Maynard and M. Mooney.
11. Following the introduction of a formal substitute system in September 2019, the following substitute Members were appointed to the OSC: S.J. Coleman (Labour), C.A. Madeley (Association of Independents), G.F. Stevens (Conservative) and R. Thomas (Liberal Democrat). In accordance with the system a formal substitution has been made on 2 out of a possible 5 occasions since its introduction.
12. The Committee has met nine times between April 2019 and the end of March 2020, which includes an extra meeting for a Call-in in February 2020. This figure does not include the meeting of the Committee directly following the Annual Council Meeting when the Chairman and Vice-Chairman are elected.
13. Attendance at meetings by Members appointed to the Committee has been good with an average of 91% of the Committee attending the meetings during the period of this report.
14. The average number of reports on the agenda for each meeting was four and the average length of a meeting was one hour and forty-five minutes. The press attended seven meetings and a total of 28 members of the public were in attendance at eight of the Committee meetings held during the period of this report. Dependent on the business to be considered, the relevant Cabinet Portfolio Holders continued to be invited to attend meetings.
15. Between April 2019 and the end of March 2020, the OSC received reports on a number of issues including:
 - Anti-Poverty Task and Finish Group Terms of Reference
 - Civil Parking Enforcement
 - Corporate Plan Delivery Programme
 - Corporate Plan Delivery Programme Consultation Exercise
 - Draft Empty Homes Action Plan
 - Environment Strategy Consultation

- Formal Substitute Procedure for Committees
- Housing Allocations Policy
- Housing Development Programme
- Medium Term Financial Plan 2020/21 to 2024/25
- Poverty in Rother
- Project Management
- Proposed Changes to Public Speaking at Planning Committee
- Proposed Operational Changes to the Planning Committee
- Recommendations of the Tourism Task and Finish Group
- Role and Functions
- The Colonnade, Bexhill
- The Council's Constitution and UK Exit from the European Union (Brexit)
- The Progression of the Rother District Public Realm Strategic Framework
- Voluntary Sector Service Level Agreements

16. Standing items reviewed by the Committee included:

- Annual Property Investment Update
- Annual Work Programme
- Call-in and Urgency Procedures
- Draft Annual Report to Council
- Draft Revenue Budget
- Key Performance Targets
- Quarterly Progress Reports on the Annual Performance Plan
- Revenue Budget and Capital Monitoring Programme

Informal Annual Work Programming Meeting

17. The Annual Scrutiny Work Programme meeting was not held this year, but the Work Programme circulated by email to Members of the OSC, other non-Executive Members, the Strategic Management Team and Heads of Service and examined alongside key work priorities of the Council for 2020/21. Ideas and suggestions for issues to be considered for inclusion in the Work Programme for the year as a result were collated, given a priority rating of 1-3 (1 being the highest) by Members and attached at Appendix 1 to the Annual Work Programme report to be considered at a later item on the Agenda.

Crime and Disorder Committee

18. In 2009, the Scrutiny Committee was designated as the Council's 'Crime and Disorder Committee' under section 19 of the Police and Justice Act 2006. This is not a separate working or steering group; it simply means that on an annual basis, as part of their regular Scrutiny business, the OSC reviews the work of the Safer Rother Partnership (SRP) as the Council's Crime and Disorder Committee.

- The opportunities and challenges for 2019/20 included: provision of a safe space for young people after school in The Pelham, CCTV coverage for Bexhill Museum, Egerton Park and outside public toilets, rough sleeping and members of the street community, White Ribbon and Deer Awareness campaigns, Safety in Action workbooks for school children, support for Community Speedwatch, start-up equipment and bedding packs for people leaving a refuge, victim domestic abuse support, tackling modern slavery

and human trafficking, drug supply and cuckooing and delivering interventions to reduce the impact of ASB through multi agency interventions, Council interdepartmental working, use of Public Space Protection Orders and Community Protection Notices.

Scrutiny Reviews

July 2019

19. **The Colonnade, Bexhill:** Members received the report of the Executive Director on the Colonnade, Bexhill, which detailed its useage since the refurbishment of the seafront under the Next Wave programme in 2010/11 and in particular, the events leading up to the letting of the café/restaurant to Wingrove House Ltd. The total rental income generated from the café plus kiosks generated a return on investment of 9.54%, which compared favourably to the target figure of 6% for the Council's commercial property as a whole

September 2019

20. **Project Management:** Members received a presentation on Project Management Framework, Approach, Tools and Methodologies in addition to a presentation on the Development Framework and an example of a successful project delivered end-to-end. Members felt confident that the Council was deploying the best tools and approach to project management, but that the process may benefit from a more formalised approach to how involved Members were in projects.

October 2019

21. **Poverty in Rother:** Members received and considered a report from the Executive Director responding to questions raised by Members, citing a report from the Sussex Community Foundation, which sought to establish the scale of child poverty and its effects within the Rother District. The questions posed also asked how Council policy and services impacted on poverty, particularly when delivering key service functions such as the Housing Needs and Housing Benefits services.
22. The OSC also scrutinised the performance of services and the resources they use on a quarterly basis. In conjunction, the OSC looked into the wider, strategic implications for the district and the lives of residents that are represented by individual indicators and targets. Just some of the themes addressed over the period were:
 - **Housing and Homelessness:** Members were advised that demand for all forms of affordable housing continued to increase, with the supply of social housing being a key tenure failing to keep pace with the demand. The lack of affordable housing supply locally alongside the impact of welfare benefit reforms were the principle drivers of increasing levels of homelessness, sofa surfing, poor quality living conditions and rough sleeping and Members therefore agreed it was important that the Council continued to monitor performance. In November 2019, Members received the report of the Executive Director which advised how the Council could directly intervene in the housing market, as a developer, to accelerate housing delivery and increase overall housing supply. The number of weeks spent in Temporary

Accommodation did not meet its target, often due to better quality self-contained units now being used rather than hostels or hotel rooms which enabled other services to be accessed for clients at the same time. The Council was looking to split this type of accommodation into 'emergency' and 'interim'.

- **Waste and Recycling:** Members were concerned that the figures for Re-use, Recycling and Composting had decreased over the year, a trend that had also been seen nationally, and the Government were looking to address this with legislation. Increased promotion of recycling and re-use was required and would be addressed through the Environment Strategy and Climate Change Action Plan. Recycling rejection rates were within tolerance levels, but these could become stricter in time.
- **Benefits Performance:** Members were pleased to note that both of the performance indicators relating to benefits performance had met or exceeded their targets and the service continued to work on improvements in its systems and processes in accordance with the adopted business improvement plan.
- **Asset Income:** Performance in 2019/20 remained strong and included additional rent being collected as a result of the four properties purchased through the Property Investment Strategy (PIS) in 2018/19. The original income target of £1,520,000 was set prior to the budget setting for 2019/20; the budget was forecast at £1,939,000 including the income from the PIS, therefore, the target in the performance indicator had been adjusted accordingly. Although further properties had been acquired during the year through the PIS, the expected target for asset income would not be met by the end of the financial year. A number of properties were under consideration which were the subject of negotiation and may come forward in 2020/21.

Recommendations to Cabinet

23. During the period of the report a total of 18 recommendations were made to Cabinet, 17 of which were supported and at the time of writing the report, one was to be considered by Cabinet at its meeting on Monday 8 June 2020. Details of all recommendations made to Cabinet by the OSC can be seen at Appendix 1.

Call-In

24. The OSC has only found it necessary to Call-In one decision of the Cabinet for further scrutiny during the last year. This Call-In was for the redevelopment of the existing Bexhill Leisure Centre which had been considered by Cabinet at their meeting on 10 February 2020. The Call-in enabled the OSC to scrutinise the decision and invite the Members who had initiated the Call-in to explain their reasons to clarify their opposition to the Cabinet decision.
25. After debate over the original decision, the OSC recommended that Cabinet be requested to reconsider their decision and approve the recommendations in the original Cabinet report.
26. Cabinet met on 9 March 2020 where after some discussion, their original recommendations made on 10 February 2020 were upheld.
27. The annual report on the Call-In and Urgency Procedures can be seen elsewhere on the Agenda for this meeting.

Task and Finish Groups

28. During the period of this report, the OSC established one new Task and Finish Group: Service Level Agreement (SLA) Task and Finish Group. The Tourism Task and Finish Group (TT&FG) was dissolved in April 2019 having completed its Terms of Reference with its recommendations and draft Visitor Economy Chapter of the Economic Regeneration Strategy recommended to Cabinet in June 2019.
29. Terms of Reference were agreed for an Anti-Poverty Task and Finish Group in January 2020, but the Group has yet to meet.
30. Members have previously requested that this Annual Report to Council incorporates a cumulative examination of the results of working groups, when they have concluded their work, to see if their recommendations and outcomes have delivered their set objectives.

Tourism Task and Finish Group (completed objectives / disbanded)

31. The TT&FG was established to review the current support to the tourism sector, including a summary of available visitor research across the district; agree work within the four areas of Future Opportunities and Trends Within the Tourism Sector, Marketing, Events and Visitor Accommodation; consult relevant identified partners and key stakeholders to inform discussions; and produce a draft revised visitor economy chapter within the Economic Regeneration Strategy. The desired outcomes of the group were to review and inform Rother's visitor economy chapter and present a draft revised visitor economy chapter to Cabinet within the Economic Regeneration Strategy following the review. The Group comprised of Councillors Mrs M. Barnes, K.P. Dixon (Chairman), Mrs D.C. Earl-Williams, S.D. Elford, G.F. Stevens and M.R. Watson whilst undertaking its Terms of Reference.
32. The TT&FG had met six times and representatives from several organisations have attended including Blue Sail Consultancy, Tourism South East, Brochure Connect, East Sussex County Council, Battle Marketing Group, 1066 Country, HEM Events, 18 Hours, De La Warr Pavilion, Rye International Jazz Festival and Strand House Guest Accommodation. The recommendations from the Group were presented to the OSC on 29 April 2019 for onward recommendation to Cabinet on 3 June but are not replicated here in the interests of economy.
33. **OUTCOME:** A comprehensive set of recommendations were developed and a draft Visitor Economy Chapter of the Economic Regeneration Strategy recommended and approved, as amended, by Cabinet in June, with the final draft chapter of the strategy being approved and adopted by the Council in July 2019.

Having fulfilled its terms of reference, the TT&FG was disbanded.

SLA Task and Finish Group (completed objectives / disbanded)

34. The SLA Task and Finish Group was established to comprehensively review a number of existing SLAs with organisations due to expire in March 2020; receiving detailed reports from the SLA Monitoring Officers and Member

Representatives; hearing first hand evidence from five of the larger organisations and receiving financial information. The main desired outcome of the Group was to conduct a thorough and fair review of the SLAs and potentially achieve a saving for the Council whilst securing much needed services. The Group comprised of Councillors Mrs M.L. Barnes, K.P. Dixon and B.J. Drayson.

35. The SLA Task and Finish Group met twice and the following recommendations were presented to the OSC on 25 November 2019 for onward recommendation to Cabinet on 13 January 2020:

1) That the OSC be asked to recommend to Cabinet the renewal of the following four-year Voluntary Sector SLAs (unless another term stipulated) from 1 April 2020, and subject to a six-month termination clause:

- a) Hastings Advice and Representation Centre – £19,000 per annum;
- b) Hastings and Rother Mediation Service – £8,400 per annum;
- c) Rother District Citizens Advice Bureau – £85,000 per annum, to be reviewed after two years and:
 - i. the Council assist the organisation with sourcing and, if required, relocating to suitable premises within Bexhill Town Centre; and
 - ii. further funding through Parish Councils be explored.

- d) Rother Voluntary Action – £38,000 per annum and grant applications be made to the Council for individual projects;
- e) Bexhill Museum – £8,500 per annum with a review after two years;

2) Cabinet be requested to approve:

- a) the four-year unrestricted contribution of £1,000 per annum be renewed from 1 April 2020 to Rye Harbour Nature Reserve and details of how the funding is utilised be provided; and
- b) that core funding to the Hastings Furniture Service and Action in Rural Sussex cease but that they are encouraged to continue accessing other Council funding streams.

36. **OUTCOME:** The OSC agreed all recommendations with the following amendment: that the Rother District Citizens Advice Bureau provide a robust business plan for the two-year review, which were endorsed by Cabinet.

Having fulfilled its terms of reference, the SLA Task and Finish Group was disbanded.

Overview and Scrutiny Chairman's Statement

37. From the contents of this report it is evident that this has been another busy and productive year for the OSC. As Chairman, I am pleased with the progress that has been made in terms of improved scrutiny processes and comprehensive contributions from outside representatives. I would like to thank the Members of the Committee for their attendance and their input to the many debates that have taken place.

38. The Task and Finish Groups that we have established continue to do a lot of good work with regard to the individual tasks that they have been set. I would

particularly like to thank the Members of these Task and Finish Groups, as well as outside representatives and officers for their time and input.

39. I would like to thank Councillor Brian Drayson, my Vice-Chairman and Democratic Services, in particular Louise Hollingsworth, for their continued support throughout the year.

Councillor Paul Osborne
Chairman, Overview and Scrutiny Committee

Risk Assessment Statement

Failure to produce this report would be in breach of Article 6, paragraph 6.3. (d) of the Constitution.

REFERENCES TO CABINET

From April 2019 until March 2020, the Overview and Scrutiny Committee (OSC) referred the following reports to Cabinet:

29 APRIL 2019

1. **TOURISM TASK AND FINISH GROUP RECOMMENDATIONS:** The OSC received a report detailing the recommendations arising from the Tourism Task and Finish Group (TTFG) and the recommended revised Tourism chapter of the Council's Economic Regeneration Strategy.

Cabinet approved and adopted the draft Visitor Economy Chapter of the Economic Regeneration Strategy and were supportive of the OSC's recommendations, but with several amendments.

2. **CALL-IN AND URGENCY PROCEDURES:** The OSC received a report on the Council's Call-In and Urgency Procedures. The previous year the Committee requested an amendment be made that any two non-executive Members of Council who need not be Members of the OSC be able to call-in a decision with effect from the new civic year and the Constitution be amended accordingly.

Cabinet had agreed to support the recommendation to Council on the proviso that at least one of the two Members requesting a call-in must have been present at the Cabinet meeting in question and have heard first-hand the debate and reasons for decision; the proposed new structure would also be subject to review after one year.

Despite the revised provisions there had been no increase in the number of executive decisions called-in resulting in the need for additional meetings. As a consequence of this review the OSC requested Cabinet to approve that the current arrangements for calling-in an executive decision remained, which Cabinet were in agreement with.

10 JUNE 2019

3. **HOUSING ALLOCATIONS POLICY:** The OSC considered the report of the Executive Director detailing the proposed changes to the Housing Allocations Policy, which was to provide a framework for the equitable, effective and accountable allocation of social housing, together with a draft consultation plan.

The main changes to the policy were to revise the banding structure from four to two and the revise the order in which households were nominated for social housing according to their level of need. Members were supportive of the proposals and draft Consultation Plan.

Cabinet was supportive of the OSC's recommendation submitted.

22 JULY 2019

4. **PROPOSED FORMAL SUBSTITUTE PROCEDURE FOR COMMITTEES:** The OSC received the report of the Executive Director outlining a proposed

formal substitute procedure for committees following a reference from the Member Development Task Group. Each political group would nominate one substitute Member from their Group on each of the relevant committees at the Annual Council Meeting when substantive appointments were made – Planning, Licensing and General Purposes (main committee only) and the Overview and Scrutiny Committee. Members were supportive of the recommendations outlined in the report.

Cabinet was supportive of the OSC's recommendation submitted.

5. **CORPORATE PLAN DELIVERY PROGRAMME:** Members considered the report of the Executive Director which presented a project plan and timeframe for the implementation of a new Corporate Plan designed to supersede the current Corporate Plan. The current Corporate Plan had been in place since 2014 and was due to expire in March 2021. Members were supportive of the programme of a review for a new Corporate Plan to enable adoption in December 2020.

Cabinet agreed with the OSC's recommendation submitted.

9 SEPTEMBER 2019

6. **PROPOSED OPERATIONAL CHANGES TO THE PLANNING COMMITTEE:** Members considered a report of the Executive Director which had been considered by the Planning Committee detailing a number of proposed operational changes to the Planning Committee. After some discussion, the OSC amended the recommendations to Cabinet from the Planning Committee.

Cabinet noted the OSC's comments and the final recommendations to Council were amended.

14 OCTOBER 2019

7. **PROPOSED CHANGES TO PUBLIC SPEAKING AT PLANNING COMMITTEE:** Members considered the report of the Chairman and Vice-Chairman of the Planning Committee, previously considered by the Planning Committee, detailing a number of proposed changes to public speaking at the Planning Committee. After some discussion, the OSC added two further recommendations.

Cabinet considered the OSC's comments and were supportive of the recommendations submitted.

25 NOVEMBER 2019

8. **MEDIUM TERM FINANCIAL PLAN 2020/21 TO 2024/25:** The OSC considered the report of the Executive Director the latest forecast budget for 2020/21 and updated the Medium Term Financial Plan for the period 2020/21 to 2024/25. The report gave Members the latest view of the Council's likely finances over the five year period, ahead of confirmation of Government funding and a number of other factors that would affect the Council's finances.

Cabinet considered the OSC's comments and were supportive of the recommendations submitted.

9. **VOLUNTARY SECTOR SERVICE LEVEL AGREEMENT:** (see paragraphs 34 to 36 in main report).
10. **THE PROGRESSION OF THE ROTHER DISTRICT PUBLIC REALM STRATEGIC FRAMEWORK:** The OSC gave consideration to the report of the Executive Director that detailed the results of the public consultation (including key stakeholders) of the Rother District Public Realm Strategic Framework (PRSF). The responses from that consultation had informed the final draft of the PRSF, which was attached at Appendix 1 to the report for Members' consideration and recommendation to Cabinet and then to Council for approval and adoption. The OSC requested a number of minor amendments to be incorporated into the draft PRSF in respect of Strategic Objective 3, promoting the natural environment and climate change references.

Cabinet was pleased to recommend the PRSF for adoption to Council, as amended.

11. **HOUSING DEVELOPMENT PROGRAMME:** The OSC received and considered the report of the Executive Director, which advised how the Council could directly intervene in the housing market, as a developer, to accelerate housing delivery and increase overall housing supply. Following the work of the Housing Task and Finish Group (HT&FG) in 2018, the Housing, Homelessness and Rough Sleeping Strategy (HHRSS) was developed and adopted by Council on 19 February 2019.

The HHRSS 'Improvement Delivery Plan' (IDP) listed 'Increasing the Supply of Housing' as its first priority. The report before Members outlined the actions necessary to meet objective 1.1 of the delivery plan and in line with the HT&FG recommendations, which provided Members with an opportunity to consider and make recommendations to Cabinet in regard to a Council led housing development programme.

Cabinet was supportive of the seven recommendations submitted, with amendments, for onward approval by Council.

12. **THE COUNCIL'S CONSTITUTION AND UK EXIT FROM THE EUROPEAN UNION (BREXIT):** The OSC considered the report of the Executive Director detailing proposed changes to the Council's Constitution to be effective from the date the UK left the European Union (EU). To ensure that the Council's Constitution remained robust and actions undertaken by officers in accordance with current EU legislation referenced within the Constitution were not open to legal challenge, it was recommended and agreed by the Committee that a clause be inserted into the current Constitution, to be effective from the date at which the UK left the EU, to that effect.

Cabinet was supportive of the OSC's recommendation for onward approval by Council.

27 JANUARY 2020

13. **DRAFT REVENUE BUDGET 2020/21:** The OSC considered the draft Revenue Budget proposals which detailed the financial settlement figures for 2020/21 and made recommendations to Cabinet, to be considered at its meeting on 10 February 2020.

Cabinet noted the OSC's comments and agreed to increase Council Tax at Band D by £4.65 (2.6%) per annum and set at £184.10.

14. **KEY PERFORMANCE TARGETS 2020/21:** The OSC considered the report of the Key Performance Targets for 2020/21, which proposed that the Council measured 12 Key Performance Indicators (KPI) reported within four themed areas: Housing and Homelessness (5 indicators), Waste and Recycling (2 indicators), Asset Income (2 indicators) and Other Income (3 indicators).

Cabinet was supportive of the OSC's recommendations. It was acknowledged that the KPIs selected would adequately reflect a review of the Council's performance.

15. **ENVIRONMENT STRATEGY CONSULTATION:** The OSC considered the report of the Executive Director which outlined the draft Environment Strategy and Action Plan for a 12 week consultation, the feedback from which would enable the development of a final document to be presented to Cabinet and then full Council in September 2020. In addition, that East Sussex County Council Pension Advisers source alternative investments in non-fossil fuel providers for the pension fund.

Cabinet was supportive of the OSC's recommendations submitted.

16. **HOUSING ALLOCATIONS POLICY:** The OSC considered the report of the Executive Director detailing the revised Housing Allocations Policy that had been subject to consultation.

Cabinet were pleased to approve and adopt the new Housing Allocations Policy as submitted.

17. **DRAFT EMPTY HOMES ACTION PLAN:** The OSC considered the report of the Executive Director which outlined the draft Empty Homes Action Plan that set out a number of methods for bringing empty homes back into use, to be implemented in 2020 subject to liaison with interested parties, such as letting agents and landlords, including social landlords.

Cabinet were supportive of the OSC's recommendation submitted.

16 MARCH 2020

18. **CORPORATE PLAN AND DELIVERY PROGRAMME CONSULTATION EXERCISE**

The OSC considered the report of the Executive Director which presented a draft Corporate Plan 2020-2027 for a 12-week period of consultation. Members considered the four action plans in turn which had been set out to compliment and deliver on the visions of the priority areas identified in the Corporate Plan and made amendments accordingly.

To be considered by Cabinet on 8 June 2020