

Joint Scrutiny Committee Agenda



Listening Learning Leading



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Date: 25 July 2016

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A meeting of the

Joint Scrutiny Committee

will be held on Tuesday, 2 August 2016 at 6.30 pm

Meeting Room 1, 135 Eastern Avenue, Milton Park, Milton OX14 4SB

Members of the Committee:

Councillors

South

Richard Pullen (co chair)

David Dodds

Toby Newman

John Walsh

Ian White

Vale

Debby Hallett (co chair)

Alice Badcock

Katie Finch

Monica Lovett

Ben Mabbett

Substitutes

South

Pat Dawe

Sue Lawson

Jeanette Matelot

Bill Service

Alan Thompson

Vale

Every political group may appoint all or some or its members who are not voting members to serve as substitute members, provided that they are not members of the Cabinet

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Margaret Reed, Head of Legal and Democratic Services

Agenda

Open to the Public including the Press

1. Notifications of substitutes and apologies for absence

To record the attendance of substitute members, if any, who have been authorised to attend in accordance with the provisions of standing order 17(1), with notification having been given to the proper officer before the start of the meeting and to receive apologies for absence.

2. Minutes and actions arising

(Pages 4 - 6)

To adopt and sign as a correct record the minutes of the committee meeting held on 24 May 2016 (attached).

To consider the outcomes of actions agreed at previous meetings.

To update on matters referred to Cabinet, district Scrutiny committees or other meetings or fora.

3. Declarations of interest

To receive any declarations of disclosable pecuniary interests in respect of items on the agenda for this meeting; and of any other relevant interests.

4. Urgent business and chair's announcements

To receive notification of any matters, which the chair determines, should be considered as urgent business and the special circumstances, which have made the matters urgent, and to receive any announcements from the chair.

5. Statements, petitions, questions from the public relating to matters affecting the scrutiny committee

Any statements and/or petitions from the public under standing order 32 will be made or presented at the meeting.

REPORTS AND OTHER ITEMS BROUGHT BEFORE THE SCRUTINY COMMITTEE FOR ITS CONSIDERATION

6. Temporary Accommodation Strategy

(Pages 7 - 19)

To consider the draft strategy (attached).

7. Scrutiny Call In Arrangements

(Pages 20 - 23)

To receive the report of the head of legal and democratic services (attached)

8. Work schedule and dates for all South and Vale scrutiny meetings

(Page 24)

To review the attached scrutiny work schedule. Please note, although the dates are confirmed, the items under consideration are subject to being withdrawn, added to or rearranged without further notice.

Exempt items

None



Minutes

of a meeting of the

Joint Scrutiny Committee

held on Tuesday, 24 May 2016 at 6.30 pm

at the Meeting Room 1, 135 Eastern Avenue, Milton Park, Milton OX14 4SB

Open to the public, including the press

Present:

Members:

South Oxfordshire District Councillors: Richard Pullen (Chairman), David Dodds, Toby Newman, John Walsh and Ian White

Vale of White Horse District Councillors: Alice Badcock, Debby Hallett, Monica Lovatt, Ben Mabbett, and Chris Palmer (In place of Katie Finch)

Officers: Clare Kingston, Ian Matten, Anna Robinson and Ron Schrieber

Also present: Tony Harbour (South Oxfordshire), Elaine Ware (Vale of White Horse), Brian Ashby, Scott Newman, and Ian Gillott (Biffa) and Mark Hibbs and Kevin Harkness (Sodexo)

Sc.1 Notifications of substitutes and apologies for absence

Apologies were received from:

- Vale Councillor Katie Finch; substitute Chris Palmer

Sc.2 Minutes and actions arising

The committee agreed that the minutes of the meeting on 10 March 2016 were an accurate record of the meeting and the Chair signed them. There were no outstanding matters arising or referrals.

Sc.3 Declarations of interest

None.

Sc.4 Urgent business and chair's announcements

None.

Sc.5 Statements, petitions, questions from the public relating to matters affecting the scrutiny committee

None.

Sc.6 Work schedule and dates for all South and Vale scrutiny meetings

The committee reviewed the current programme and agreed to hold an additional meeting on 2 August to consider the temporary accommodation strategy.

Sc.7 Performance review of Biffa Municipal Limited - 2015

The committee considered the report of the head of corporate strategy setting out the performance of Biffa Municipal Limited's (Biffa) in delivering the household waste collection, street cleansing and ancillary services contract in South Oxfordshire and the Vale of White Horse from 1 January to 31 December 2015.

Tony Harbour, and Elaine Ware, South and Vale Cabinet members for waste, introduced this item. Also present to answer questions were Clare Kingston, head of corporate strategy, Ian Matten, waste and parks service manager together with Biffa representatives Brian Ashby, regional manager, Scott Newman, business manager and Ian Gillott, operations manager.

In terms of overall customer satisfaction, Biffa's performance had achieved a rating of 3.88 which was classified as fair. However, taking into account that 87% of residents were satisfied or very satisfied with the waste collection service, the reduced number of formal complaints and the fact that the combined overall satisfaction score was only 0,01 point away from a good rating, the head of service had rated overall customer satisfaction as good.

In response to questions and issues raised by the committee, it was reported that:

- Steps taken to reduce contamination of recycling collections by nappies and food waste, included a sticker campaign and a leaflet for new residents setting out what should go in each bin. Staff also visually checked recycling bins for contaminants.
- Approximately 17,000 new bins would be issued to households this year.
- Parish councils were asked to identify locations requiring deep cleaning.
- Biffa's response to fly tipping was not currently a key performance target although discussions were taking place about new targets. However reports of fly tipping were assessed initially by environmental health for any evidence and then passed to Biffa so this would need be taken into account when setting targets.
- Biffa's vehicles were maintained every six weeks. However the fleet was ageing and the number of breakdowns was increasing. Accordingly the replacement of the fleet was under consideration.

Members complimented Biffa's representatives on the service provided. They also requested that the leaflet for new residents should be circulated to all residents, Parish and Town Councils, libraries and to all councillors.

RESOLVED: to recommend the Cabinet members for waste to award a "good" performance rating to Biffa Municipal Limited for its performance in delivering the household waste collection, street cleansing and ancillary services contract in South Oxfordshire and the Vale of White Horse in 2015.

Sc.8 Performance review of Sodexo Ltd (Horticultural Services) - 2015

The committee considered the report of the head of corporate strategy setting out the performance of Sodexo Limited in delivering the grounds maintenance services contract in South Oxfordshire and the Vale of White Horse from 1 January to 31 December 2015.

Tony Harbour, and Elaine Ware, South and Vale Cabinet members for grounds maintenance, introduced this item. Also present to answer questions were Clare Kingston, head of corporate strategy, Ian Matten, waste and parks service manager together with Sodexo representatives Mark Hibbs, regional director (south) and Kevin Harkness, contract manager.

The overall customer satisfaction rating for the cleanliness and maintenance of the council owned parks and open spaces was 71% compared with a target of 85%. However, the majority of comments from dissatisfied customers related to concerns with the sites rather than the quality of grounds maintenance and so were not within Sodexo's control.

In response to questions and issues raised by the committee, it was reported that:

- Sodexo's depot was in East Hendred with a satellite depot near Wallingford.
- Under the contract, Sodexo was not required to collect and dispose of the cut grass. To do so would add considerably to the cost. Some of the grass cutting equipment used was designed to mulch the grass as it cuts.

The committee requested that the survey for the customer satisfaction key performance target be reviewed to ensure that issues outside of Sodexo's control were excluded.

RESOLVED: to recommend the Cabinet members for grounds maintenance to award a "good" performance rating to Sodexo Limited for its performance in delivering the grounds maintenance services contract in South Oxfordshire and the Vale of White Horse in 2015.

The meeting closed at 7.30 pm



Listening Learning Leading



Temporary Accommodation Strategy

Introduction

The councils have a duty under homelessness legislation to provide accommodation for all households deemed homeless that are eligible for assistance and with a priority need, while we investigate their case.

Three Supreme Court judgements in May 2015 on homeless cases have clarified the legal test that local authorities are required to apply in respect of determining whether someone who is homeless is in priority need and vulnerable under Part 7 of the Housing Act 1996. The Supreme Court outlined a series of principles that local authorities need to apply when assessing vulnerability. Practically this means more in depth assessments will have to take place for single households. The likely outcome for South and Vale is that more single households presenting as homeless will be classed as being in priority need and consequently entitled to assistance with accommodation. This will put additional pressure on both councils to find additional accommodation.

This strategy will include the above but will also set out clear objectives as follows;

- to meet statutory duties in the most cost effective way
- to reduce the use of bed and breakfast accommodation
- to improve the quality of existing temporary accommodation in the Vale
- to increase the portfolio of temporary accommodation available to South to meet future needs

The National Picture

Temporary Accommodation

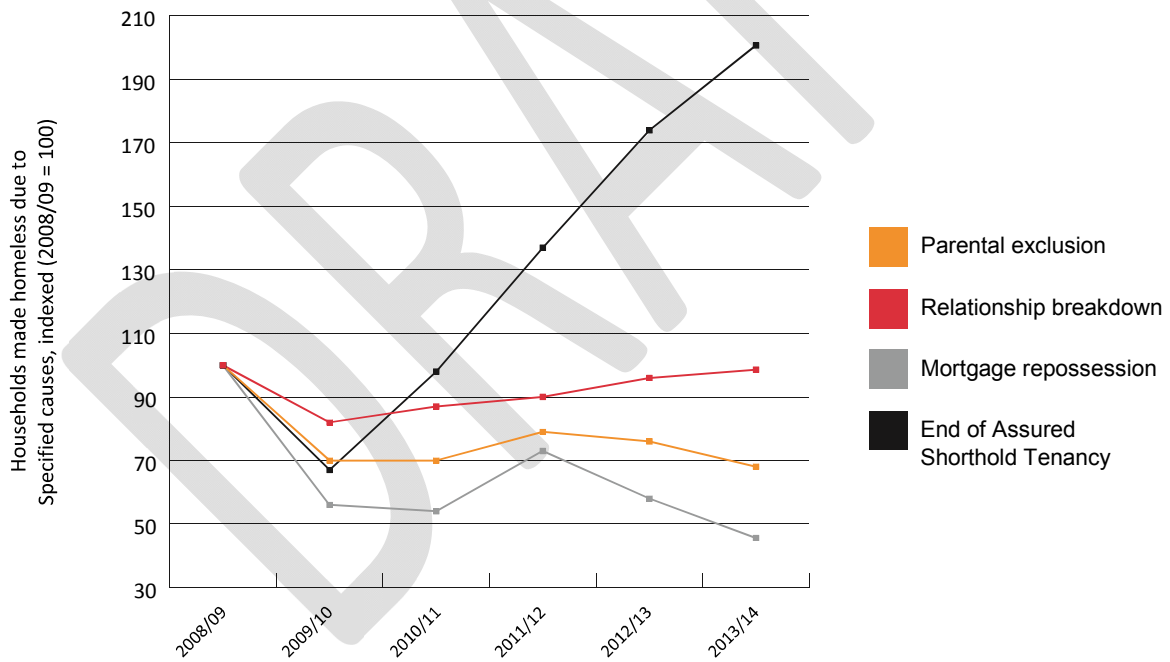
Figures released by the Department of Communities and Local Government (DCLG) show that families living in temporary accommodation have been steadily increasing year on year since 2011. In 2011 there were 35,950. By Jan 2015 the figure stood at 66,980, a 46% increase. As a consequence, a snapshot of the use of bed and breakfast accommodation to place homeless families has risen also from 630 in Jan 2011 to 2,570 in Jan 2015, a rise of 308% nationally.



DCLG

Private Rented Sector

The table below shows the main reasons for homelessness nationally, for those households that have required statutory assistance.

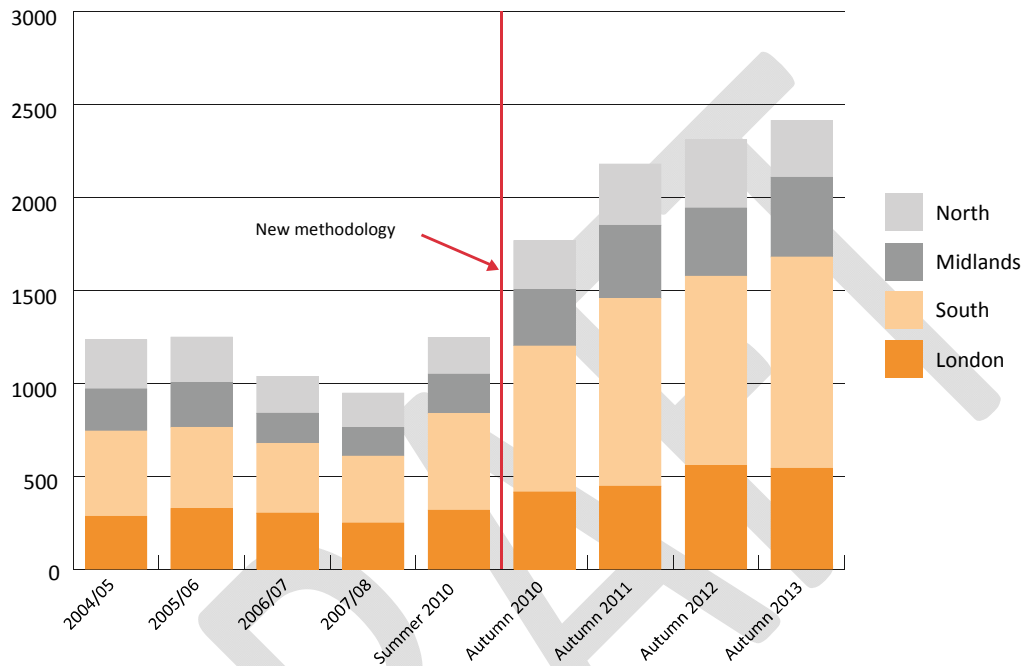


Reasons for Homelessness – DCLG /Crisis Homelessness Monitor

The biggest factor in the increase in the number of homeless households is the ending is an assured shorthold tenancy (private sector). This is also reflected locally in South and Vale. The national approach, of placing families into the private sector from a homelessness perspective or indeed forcing families into the private sector as they cannot afford to buy a home has, as expected led to little security of tenure, a high turnover and disruption to families and children.

Rough Sleepers

Data supplied by DCLG, the charity Crisis and the Joseph Roundtree Foundation, show that rough sleeping nationally has increased by 37% since 2010. Although rough sleeping is often difficult to quantify and the methodology to count rough sleepers has changed, the trend upwards is undeniable.



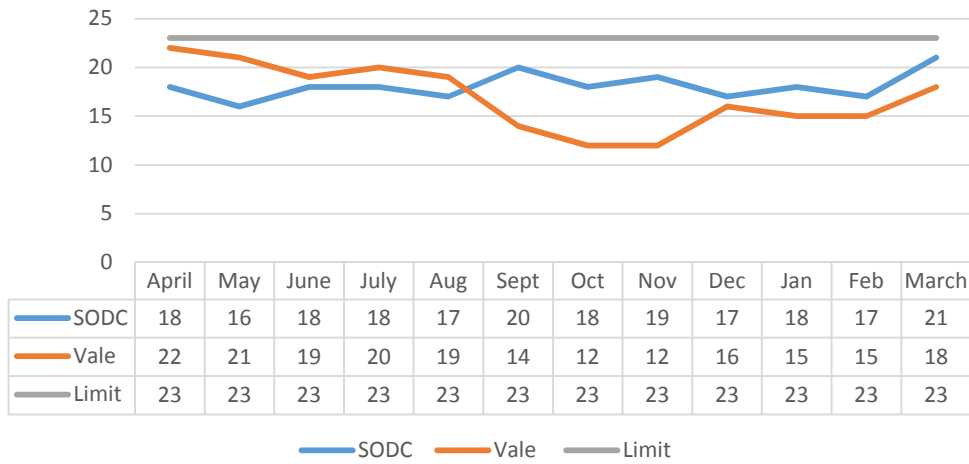
Homelessness Monitor 2015 – Number of Rough Sleepers (000s)

The rise in rough sleeping has led to larger numbers of single people approaching councils for assistance with housing. Coupled with the Supreme Court judgement, this has meant an increase in placements of single households into temporary accommodation.

The Local Picture

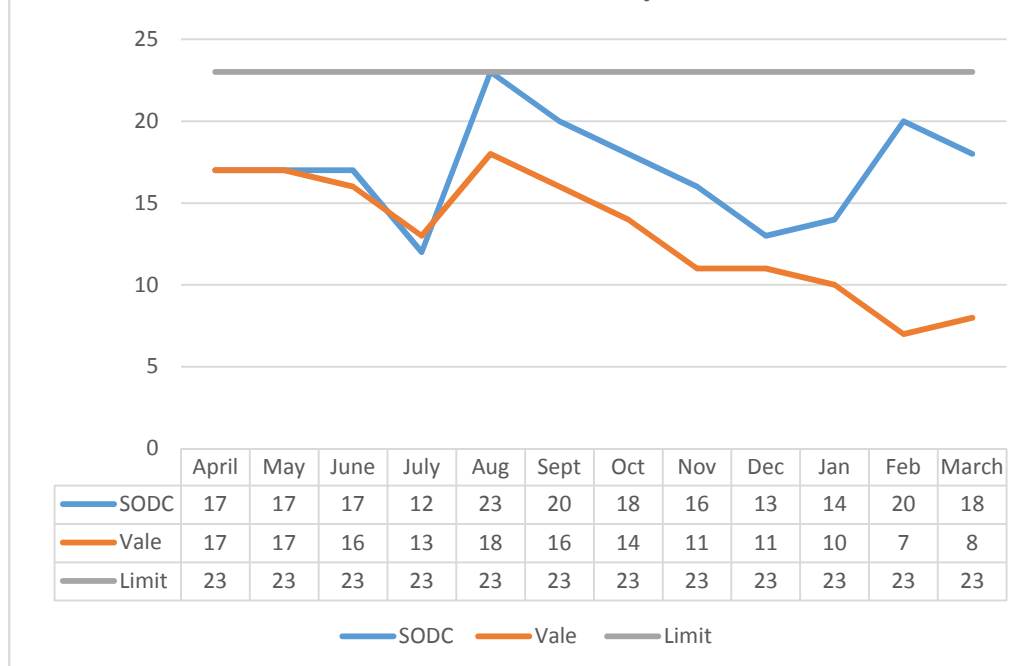
The national increase in homelessness demand illustrated above has been reflected locally but this has not resulted in an increase in the use of temporary accommodation, as the tables below illustrate:

South and Vale number of households in temporary accommodation 2014/2015



DCLG – P1E

South & Vale number of households in temporary accommodation 2015/2016



DCLG – P1E

The use of temporary accommodation remained fairly consistent during 2014-15 but declined in 2015-16. This is mainly due to the housing needs service focusing more on homelessness prevention. That trend may not continue however. The Supreme Court judgements, the increase in rough sleeping and the fact more and more households are being evicted from private sector homes, all illustrated in the national picture above, has led to an increase in the number of people

presenting as homeless and it is likely that the use of temporary accommodation will increase over time.

Dealing with people accepted as homeless

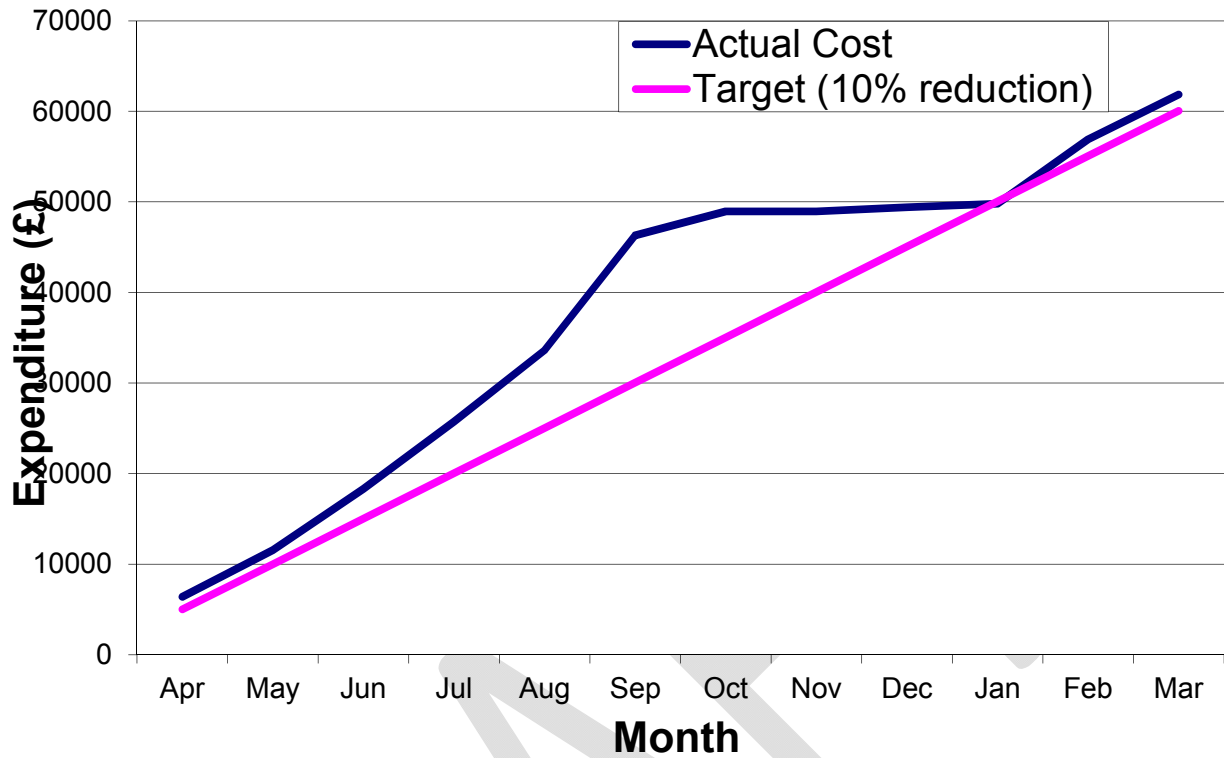
Once the councils have accepted that they have a statutory duty to provide temporary accommodation to a household who is homeless the approaches vary between the both Council's. Vale has some accommodation of its own – 10 units with shared facilities at Elmside Hostel in Faringdon and six units with shared facilities at Tiverton Hostel in Wantage. It also has three properties in Abingdon that are currently being refurbished. Vale also has access to 24 units of accommodation, mainly flats that housing associations have made available for temporary accommodation.

South has no temporary accommodation of its own, although it does make use of Vale's temporary accommodation when this is available, for which it is charged. The charging arrangements are at present under review. South also have access to 7 properties supplied by South Oxfordshire Housing Association

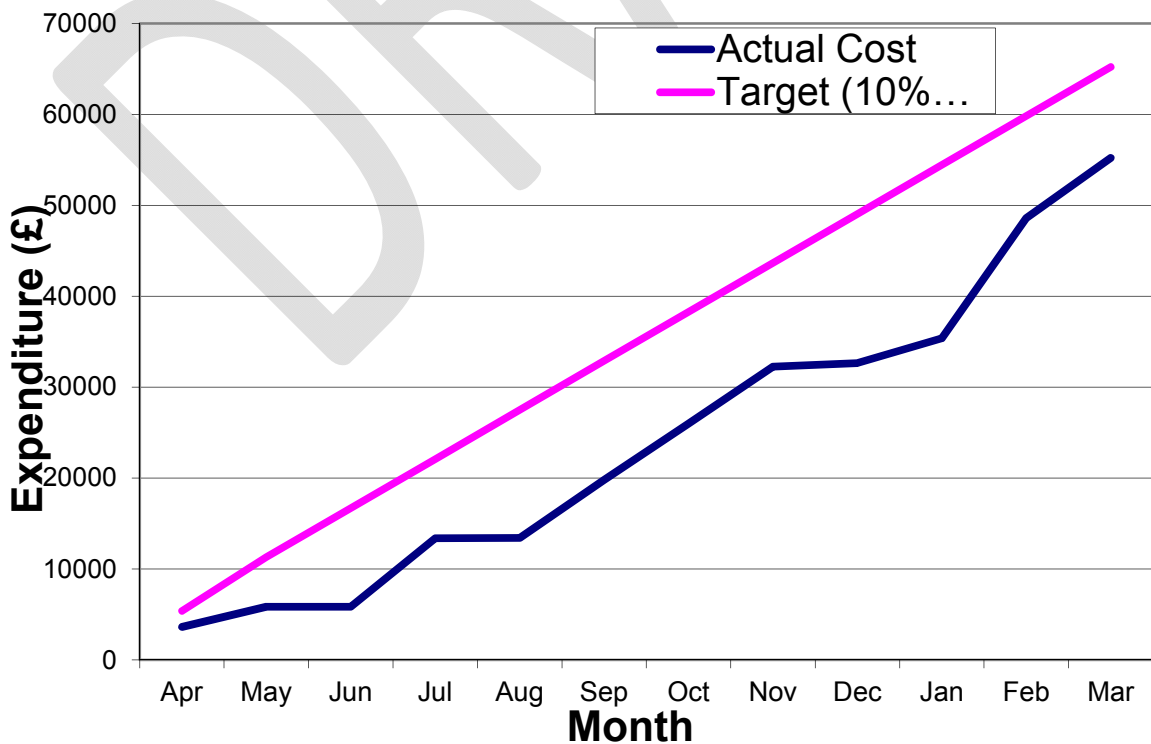
Generally speaking, the quantum of accommodation available to both councils is adequate at the present time, assuming no increase in demand. The main issue is the quality of the two hostels owned by Vale and its unsuitability for certain client groups and the fact there is no real provision of temporary accommodation in South. This results in the need to use bed and breakfast accommodation from time to time.

The costs of using B&B accommodation for both councils is shown below. The costs are a little higher for South as the council has no temporary accommodation of its own and these costs would be much higher if it could not access the hostels in Vale.

SODC Bed and Breakfast Costs 2015-16



VWHDC Bed and Breakfast Costs 2015-16



The Challenge Ahead

A combination of factors illustrated above are already combining to have a detrimental effect on homelessness. Further change is on the horizon that is likely to create additional pressure.

Welfare reform

From October 2016 the benefits threshold will reduce from a maximum of £23,000 to a maximum of £20,000 for families and from £16,000 to £13,400 for single households. A reduction of child tax credits, meaning less disposable income for many households reliant on assistance. Working households on lower incomes who are reliant on partial benefits will also be affected.

At present SOHA has indicated that at least 60 households in South and Vale will be directly affected by these changes and Sovereign believe 260 households will be affected by the reduction in household income. In reality this means that they will no longer be able to meet their present rent liability from their present disposable income and eventually may face the possibility of eviction.

More households are affected in Sovereign properties due to the higher affordable rents.

There are also changes that are affecting working households. Many rely on an element of local housing allowance to assist them with paying their rent. The allowance has been frozen for the next four years, although rents continue to rise. There is a real danger that an increasing number of working households will find themselves unable to pay their rent liability and face the threat of eviction. Therefore there is the potential that when these families become homeless they will seek statutory housing assistance and that will mean more people in Temporary Accommodation.

Increasing costs of private rented accommodation

Outright Possessions by Private Landlords	South Oxfordshire	V of WH
2013	89	94
2014	149	190

Shelter Databank 2015

The above table shows that the rate of evictions by private landlords, between 2013-2014 has increased by **67%** for South and by **102%** in Vale. Trends in 2016 show a similar pattern and this reflects national trends. There is a strong possibility that this trend will continue and again this will put more pressure on the demand for temporary accommodation.

Affordability in the private sector is becoming increasingly challenging. The average rental price of a private two bedroom property is £1,004 per month in South Oxfordshire and £823 per month in VoWH. (HomeChoice.co.uk). Data from Zoopla and Right Move show that on average rents have risen over 4% in the last year (2015). The trend this year is again 2.3% and rising.

A consequence of increasing rental costs without an equivalent increase in income is that many households will look to move home to find suitable and affordable private rented properties. This in itself creates instability and increases the potential for people to find themselves homeless as relationships with landlords become short term.

Purchasing a property

Affordability in terms of purchasing a home in either district reflects the challenges that the whole of South East of England has in terms of house prices.

Region	Average House Price for first time buyers (2 Bed home)	Current Median (Individual – full time, gross)	Required Average Annual Wage (F/T)
South Oxfordshire	£292,329	£28,600	£66,231
VoWH	£271,436	£31,600	£52,859

KPMG/ONS 2014

Most working households aspiring to buy a property have a joint income. Assuming two adults are working full time, using the median salary of £28,600 (South), and the maximum mortgage offer would be £171,600 (£28,600 x2, then x3 maximum lending). Assume a deposit of 30%, £29,232, which makes the total £200,832. The working household is still short of £91,497. Most working households find it difficult to even raise the 30% deposit and so purchasing a property is becoming increasing unaffordable.

The consequence of households who wish to purchase a property being unable to do so is that they remain in private rented accommodation, fuelling demand. This in turn sustains high rents and encourages landlords to focus on attracting relatively safe working households to live in their properties rather than those with more challenging circumstances

Housing associations

There are a number of changes affecting housing associations that will cause an impact on the availability of temporary accommodation over the next few years. Key ones are:

- the one per cent decrease in rents (ongoing for next 4 years) will affect housing associations ability to provide affordable housing units as their ability to raise finance is affected and the viability of schemes becomes more challenging
- the right to buy extension to encompass housing associations will mean fewer affordable units for households to be placed in
- households in affordable accommodation with over £40,000 annual income will be expected to pay the local market rent for their accommodation

Other factors

There are other factors that may not affect homelessness immediately, but are likely in the next 12-24 months to have a strong influence in triggering more demand. It is the combined effect of the issues above and those potentially below that leads to a reasonable projection of future demand.

Buy to let landlords tax relief was cut from 45% to 25% and stamp duty increased by three per cent from April 2016. This will hit rental income streams so landlords are likely to pass the loss of income to tenants in the form of higher rents.

The Housing and Planning Act has a key objective of increasing home ownership, and consequently will redirect resources away from traditional forms of affordable rented housing. Measures being introduced to support this include the building of starter homes, improved facilitation of self/custom build housing and the right to buy being extended to housing association tenants.

Developers are now presenting viability arguments as to why they cannot build affordable rent units, stating they have to pay too much for the land. The drop in delivery of new affordable homes, coupled with the diminishing stock of housing associations, will put real pressure on homelessness. With fewer social rented properties available, people accepted as homeless and placed in temporary accommodation are likely to stay longer, reducing the turnover in hostels and leading to a greater use of bed and breakfast accommodation.

Strategic Objectives

Although both councils will share the strategic objectives, some are more relevant for one than the other. Where this occurs the council most affected is named against the objective. However, the overall outcomes will benefit both.

Minimising the Use of Bed and Breakfast Accommodation

The use of such accommodation is not only expensive but has poorer outcomes for households than other options. The councils have seen a steady decline in the use of bed and breakfast, due to better homelessness prevention, but in a demand led service even a small increase in homelessness can affect bed and breakfast numbers.

It is vital that both councils take a strategic long term view of temporary accommodation to meet future demand and to minimise revenue spend. For Vale it is also important to maximise the use of existing assets.

Through robust homelessness prevention and the procurement of private rented homes, the councils have achieved a reduction in the use of bed and breakfast accommodation even in challenging times. However, demand is set to increase and maintaining the status quo, let alone achieving further reductions will be challenging.

Meeting the Statutory Need in a Cost Effective Way - VALE

At present the rental charge for hostel accommodation is £190 per week, plus £12 service charge. The same charge in bed and breakfast would be £600 per week. Therefore, clearly there is real value for money in using hostel accommodation.

By converting one of the hostels into a self-contained hostel the Council can maximise its rental income.

The rent will be covered by the local housing allowance for households on very low income. On top the Council is allowed to collect a management fee from the Department for Works and Pension equivalent to the Local Housing Allowance rate minus 10% plus £60. In any one year the Council can therefore make £36,000 on management fees. This income can be invested to fund a temporary accommodation Officer, who can work with households more intensively to re-engage them with education or work opportunities.

However, it must be stressed the TA Subsidy regime (as set out in the fee element above) is to change in 2017 where the subsidy will be rolled up into the Central Government grant to local authorities and it is recommended that this be part of the Housing Needs budget for temporary accommodation purposes.

There are also flats and houses supplied by Housing Associations for the use of TA. The RSL claims the rent plus the LHA management Fee, so in essence this covers the basic costs of the property. RSL partners are keen to continue this arrangement and therefore the LHA Fee is critical in ensuring a good portfolio of accommodation for statutory homeless households.

Improving the Quality of Temporary Accommodation – VALE

At present the council hostels in Vale have shared facilities. Therefore, families and children are sharing with single vulnerable households. Although each person is risk assessed prior to any placement in a hostel, there are clear safeguarding and health and safety issues.

Funding has been set aside for a general refurbishment of all the hostels and the Officers regularly carry out all the necessary health and safety checks.

In order to improve the quality of the hostel accommodation, they would have self-contained facilities in the form of a toilet and shower/bathroom and although the size of the accommodation maybe smaller, the quality for many households would improve. It is important to note that on occasions single vulnerable households are placed into bed and breakfast accommodation at extra cost, because the Council's do not have any self-contained facilities. This is also done to protect vulnerable children, as the Councils do have a Safeguarding responsibility under the Children's Act 2004. This is therefore a cost that can be avoided by improving the quality of the TA. Taking into account business intelligence that the Council's will have to deal with more single vulnerable households, this may have a detrimental effect on Bed and Breakfast costs in the future. It will provide good value for money in the long run to convert the hostels into self-contained units so as to maximise the occupancy levels with both families and singles, while providing a safer environment.

At present the Council's do not have any units that comply with the Equalities Act 2010 and are at risk under s149 of the Act, by not providing specialist, wheelchair units for people with physical disabilities. A Surveyor has been appointed to advise on the most cost effective method of providing an accessible unit within one of the hostels.

The three houses in New Street Abingdon have been fully surveyed and Officers are in the processing for procuring the works to bring the properties back into use for TA. This is a sound investment. Once in good condition and regularly maintained they are a reliable asset for the Council in terms of low level income generation, but over the long run are an excellent return on investment. The 3 bed property if sold in good condition would fetch circa £380,000 at today's prices. Therefore all investments in expanding the TA portfolio should be seen in terms of future investment growth that will always realise a profit for the Councils.

The Councils hostel in Elmside due to its layout and size is the best option for conversion.

Recommendation: That the Vale of White Horse District Council convert Elmside Hostel into self-contained units to protect vulnerable families. To convert one unit for full accessibility for a disabled household.

Strategically Increase the Portfolio of Temporary Accommodation to Meet Future Needs and Challenges - SOUTH

South Oxfordshire has no TA. It does have access to some Housing Association properties and in essence has been using V of WHDC hostels, when vacancies arise to meet its statutory duty to vulnerable households. Being heavily reliant on VALE hostels and a small but insufficient number of other properties from partners leaves SODC at risk of not meeting its legal obligations. As pressure grows on TA due to increased demand SODC will not be able to use the hostels in VALE and therefore will be reliant on expensive B&B. It would be a prudent financial move to invest in a small portfolio of properties, for example two, and convert them into a hostel or House with Multiple Occupation for single persons.

A HMO gives the Council's more flexibility in placing single vulnerable households that require statutory assistance through homelessness legislation. If two properties were procured then ideally one could converted into self-contained units to act as a hostel to support vulnerable families and so attract the TA Subsidy fee. The HMO would also attract Housing Benefits payments to cover rental income.

Although there would be an initial Capital outlay, the returns in terms of rental income plus management fees would mean a steady return on investment.

There is also potential expenditure savings for the Council. If 5 single homeless households were placed into bed and breakfast accommodation for a period of just 12 weeks the cost would be £11,340. The equivalent cost of placing the same persons in a Hostel for the same period is £4,800 (rent at Local Housing Allowance level). On top the Council can charge a management fee of £7,776 for the same period, thus making a surplus of £2,976.

This type of accommodation also gives greater stability to households. Market intelligence is showing that there will be real pressure on affordable housing. If at any point the supply of affordable housing slows up, while homelessness continues to increase that will mean statutory homeless households spending longer in TA. If the TA is of good quality, then households will be able to remain for longer periods while waiting for a home. At present more and more case law is targeting temporary accommodation and its standards with regard to its suitability. By providing good quality temporary accommodation to vulnerable households, the Council's both can mitigate the risk of legal challenge.

Recommendations: That South Oxfordshire District Council give due consideration for purchasing as a minimum one property for conversion to either a HMO or hostel for single homeless households.

That it also gives consideration to increase the stock of available TA through innovative development

Joint Scrutiny Committee

Report of Head of Legal and Democratic Services

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To: JOINT SCRUTINY COMMITTEE

DATE: 2 August 2016

Scrutiny Call In Arrangements

RECOMMENDATION

That the committee notes the Scrutiny call in arrangements approved by both Councils in December 2015 and refers any comments to the Joint Constitution Review Group for consideration.

PURPOSE OF REPORT

1. At the request of the co-chairman, Councillor Debby Hallett, this report sets out the current call in arrangements.

STRATEGIC OBJECTIVES

2. The constitution underpins all of the council's areas of activities and, therefore, contributes to the achievement of all its strategic objectives.

BACKGROUND

3. In December 2015, both Council meetings considered proposed amendments to the constitution recommended by the Joint Constitution Review Group which comprises three councillors from each council.
4. The relevant extract of the report is attached at Appendix A. Both Councils resolved to authorise the head of legal and democratic services to make the necessary amendments to the constitution to amend the Scrutiny call-in procedures and the definition of key decisions.
5. Councillor Debby Hallett, co-chairman of this committee, has requested a report be submitted clarifying how the call in arrangements apply to the joint scrutiny committee in view of some confusion as to how the arrangements apply to this committee.

6. Under the current arrangements, the chairman of each district's scrutiny committee or any three members of the council (one of whom must be a member of the scrutiny committee) can call-in a key decision. As South Oxfordshire and Vale of White Horse district councils are distinct legal entities, such decisions can only be taken by either council's Cabinet, individual cabinet member or officer acting under delegated authority. Even when both councils make what appears to be a joint decision, each council must issue its own decision which can only be called in by the chairman of that council's scrutiny committee or any three members of the council (one of whom must be a member of the scrutiny committee), rather than by the co-chairmen of the joint committee or any three members of either council (one of whom must be a member of the joint committee).
7. Each council's scrutiny committee procedure rules (see South Scrutiny Procedure Rule 24 and Vale Scrutiny Procedure Rule 29) provide that if a decision is called in, then the chairman of the district scrutiny committee may refer the matter to the joint scrutiny committee for consideration. This therefore makes provision for the joint scrutiny committee to consider a call in when it relates to a matter that would affect both councils jointly.

FINANCIAL IMPLICATIONS

8. There are no financial implications arising from this report.

LEGAL IMPLICATIONS

9. Section 37 of the Local Government Act 2000 requires the Council to keep its constitution under review. Any proposed amendments to the current call in arrangements would be made in the light of advice from the head of legal and democratic services and following a recommendation to Council by the Joint Constitution Review Group.

BACKGROUND PAPERS

10. None

Extract from report to South and Vale Councils, December 2015

Scrutiny Call in arrangements

1. The current constitution has the following arrangements for the call-in of decisions by the Scrutiny Committee:

“When a decision is made by the cabinet, an individual cabinet member, a committee of the cabinet, or a key decision is made by an officer with delegated authority from the leader of council, the decision shall be published, within two working days of being made. During the five working day period following publication of a notice, the proper officer shall call-in a decision for scrutiny by the scrutiny committee if so requested by the chairman or any five members of the scrutiny committee, or any ten councillors, and shall then notify the decision-taker of the call-in. ... and the decision shall not be implemented until the scrutiny committee has considered it. “

2. This creates significant difficulties not necessarily foreseen at the time these rules were put into place at the council. Since the provisions were last reviewed, Council has agreed that the Scrutiny Committee shall be chaired by a councillor appointed by Council or the Scrutiny Committee with no requirement that this should be an opposition councillor. The committee is currently chaired by a councillor from the ruling group (previously it was with the opposition). Therefore, no opposition numbering less than 10 councillors can call-in an executive decision.
3. At the current time, this means that the opposition do not have a method of calling items into Scrutiny. Although the role of Scrutiny is not group political, it is questionable whether good governance would suggest that an opposition with less than 28 percent of members are unable to call a decision into Scrutiny without the consent of the ruling group. In terms of future proofing, this does not only affect the current make-up of the council, but could have implications for future configurations of the council.
4. The issue of which decisions should be available for call-in was also reviewed, and clarity sought on what constituted a “key decision”. The review group considered that it was essential that major decisions should be open to scrutiny call-in, but that the effective running of the council could be hampered if every single decision was potentially open to call-in. Advice from the Centre for Public Scrutiny is that where The Act (Local Government Act 2000, as amended) refers to “decisions”, these should be considered as “key decisions”. The definition of key decision below is consistent with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, but defines the financial limit (on which the regulations are silent) as £75,000. It also adds the grant limit of £25,000.

5. The Review Group considered a range of options, based on research on what other councils do and the needs of this council. It concluded that it would recommend to Council:
- that the chair of the Scrutiny Committee **or** any three members of the council (one of whom must be a member of the Scrutiny Committee) should be permitted to call-in a decision.
 - to use the following definition of a “key decision”: “A key decision is a decision of the cabinet, individual cabinet member or an officer acting under delegated powers which is likely: (a) to incur expenditure, make savings or to receive income of more than £75,000; (b) to award a revenue or capital grant of over £25,000; or (c) to agree an action that, in the view of the relevant strategic director, would be significant in terms of its effects on communities living or working in an area comprising more than one ward in the area of the council. (this is consistent with the current South Oxfordshire definition but includes “make savings” in order to properly reflect the legislation).
 - that call-in should apply only to key decisions made by councillors and officers and not to day to day decision which are not key decisions.

Agenda Item 8

Schedule for Scrutiny Committees 2016/17

(further items to be added to schedule as required)

Meeting date and venue	Type and chair	Agenda items	Cabinet members	Head of Service
Thurs 15 Sept	Joint	-Review of GLL Contract - Review of Capita contract	Anna Badcock/Charlotte Dickson Jane Murphy/Matthew Barber	ADo
Tues 27 Sept	South	-Draft Local Plan - Revenue & Capital Outturn	John Cotton Jane Murphy	AD
Thurs 29 Sept	Vale	-Review of Beacon -Local Plan Learning Points -Revenue & Capital Outturn -Leisure Provision Strategy	Charlotte Dickson Roger Cox Matt Barber Charlotte Dickson	AD
Thurs 24 Nov	Vale			
Tues 29 Nov	South	-Burial Ground Future Capacity	Robert Simister	ADo
Thurs 26 Jan	Vale	-Review of Final Draft Budget	Matt Barber	WJ
Tues 31 Jan 17	South	-Review of Final Draft Budget	Jane Murphy	WJ
Thurs 9 Mar 17	Joint	-Community Safety Partnership	Anna Badcock/Eric Batts	MR
Thurs 30 March	Vale	Council Tax Reduction Scheme Review	Matt Barber	WJ
Tues 4 April 17	South			

Item for future Scrutiny Committees (date to be determined)

Vale

Consultation

S106 Supplementary Planning Document

South

Berinsfield Improvement Programme

The Cabinet work programmes can be accessed via the following links:

South

<http://democratic.southoxon.gov.uk/mgListPlans.aspx?RPId=121&RD=0>

Vale

<http://democratic.whitehorsedc.gov.uk/mgListPlans.aspx?RPId=507&RD=0>

Heads of Service

AD = Adrian Duffield

ADo = Andrew Down WJ =William Jacobs MR =Margaret Reed

Meeting Start times: Joint: 6:30; South: 6:00; Vale: 7.00