

Minutes of the Overview and Scrutiny Board

12 October 2022

-: Present :-

Councillor Douglas-Dunbar (Chairwoman)

Councillors Atiya-Alla, Barrant, Bye (Vice-Chair), Johns, Kennedy and Chris Lewis

(Also in attendance: Councillors Foster, Cowell, Long and David Thomas)

14. Apologies

It was reported that, in accordance with the wishes of the Conservative Group and the Independent Group, the membership of the Board had been amended to include Councillors Chris Lewis, Ellery and Mills in place of Councillors Barnby, Brown and Loxton respectively.

15. Minutes

The minutes of the meeting of the Board held on 20 September 2022 were confirmed as a correct record and signed by the Chairwoman.

16. Delivery of Capital Projects

The Board received a dashboard which set out a summary of the progress of 70 Capital Projects within the Council's approved Capital Programme. The projects were all at different phases and with four of the projects due to be considered at the Council meeting on 13 October 2022 where Members were asked to approve additional funding in order for the Council to progress those projects. It was noted that, whilst the Council was being asked to approve additional borrowing, due to the Council's cash reserves it was anticipated that the Council would need to start borrowing next Summer when it was hoped that the financial markets would be more stable and the Section 151 Officer would look at the market to secure the most favourable borrowing rates available at that time.

Members undertook a detailed review into the following projects to understand the likelihood of delivery, any risks and barriers to delivering the projects within budget and on time (e.g. increased costs, supplier or contractor issues), what ongoing discussions were being held with suppliers and contractors and what alternative options had been considered including stopping the project or delivering it in a different way:

- Nightingale Park

- Old Toll House
- Crossways
- Torre Valley North
- Edginswell
- Claylands Cross
- Preston Down Road
- Harbour View

Members acknowledged that further decisions would need to be made on the other projects as they were developed due to the change in circumstances of the markets and increases in costs for Members to determine, once they had up to date costs and business cases, whether or not to proceed on a case by case basis.

Members requested the Director of Place provide further information to the Board on the details of the long stop and termination agreement for the Old Toll House.

The Board recognised the importance of timely communication and engagement on projects and requested that the Director of Place ensured that this was carried out on the capital projects with all Councillors and the community on a regular basis.

Resolved (unanimously):

1. that the Council be recommended to defer consideration of the revised Officer Recommendation in respect of the Harbour View project for further information as detailed in the exempt appendix to these minutes and the Directors of Place and Finance be requested to report the further information to an additional Overview and Scrutiny Board and Extraordinary Council, both meetings to be held by the end of October 2022;
2. that the Head of Legal Services be invited to a future meeting of the Board to consider the inclusion or not of termination provisions in contracts going forward; and
3. that, Members of the Overview and Scrutiny Board be requested to consider which capital projects they would like to undertake a detailed review upon on at its meeting on 11 January 2023 and that Officers be requested to present key projects to the Overview and Scrutiny prior to Cabinet/Council, where possible, and that the Democratic Services Team Leader be requested to add reviews of capital projects to the Work Programme on a quarterly basis.

(Note: prior to discussion of the Preston Down Road and Harbour View projects the press and public were excluded from the meeting on the grounds that exempt information (as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) was likely to be disclosed.)

17. 2022/2023 Budget Pressures Review

The Board considered the draft Report of the 2022/2023 Budget Pressures Review Panel and the report of the Chief Executive on Governance Oversight of the Capital Spend which the Chief Executive, Anne-Marie Bond, outlined at the meeting. This

report outlined an option that would see the set up of a cross party Cabinet Capital Contingency Fund Working Party (comprising five Members politically balanced, to include the Leader and Deputy Leader of the Council) to enable wider consultation in the decision making for the allocation of the Capital Contingency Fund than was proposed in the report to Council which delegated the decision to the Chief Finance Officer in consultation with the Leader and Deputy Group Leader. The report also suggested a programmed and manageable approach to the wide breadth of matters identified for Overview and Scrutiny and linking these to existing elements already included on the Overview and Scrutiny Board's Work Programme, so the Board would have more information from which to decide how they wish to undertake their oversight and scrutiny role.

Resolved:

1. that the Overview and Scrutiny Board supports the creation of a cross-party Cabinet Capital Contingency Fund Working Party to give transparency and accountability for delegated decisions on the Capital Contingency Fund, to enable cross party oversight whilst also ensuring that the projects progress expediently and use officer resources efficiently;
2. that, it be noted that the Board has received an overview presentation on the Capital Programme and discussed projects of concern in greater detail (including excluding the press and public where needed). The Board has already determined their approach to oversight of the Capital Programme following that discussion (see Minute 16);
3. that the Board noted that it is programmed to review both the Housing Strategy and the TorVista Business Case. The Board are therefore recommended to determine their approach to oversight of housing projects following these discussions;
4. that the Board adds a review of the Council's Investment Properties to its Work Programme at the earliest opportunity, to enable a substantive overview of these properties, and following that overview to determine their approach to continuing oversight of these properties; and
5. that the following recommendations of the 2022/23 Budget Pressures Review Panel be adopted:
 1. that the proposal to approve that the TorVista Homes working capital facility be increased from £1.0m to £1.5m be supported; and
 2. the Interim Report on 2022/2023 Budget Pressures Review in respect of the Capital Budget be updated with the Board's response (as above) and forwarded to the Cabinet/Council on 13 October 2022.

(Note: during consideration of Minute 17, in accordance with Standing Order – Council Meetings A12, Members resolved to continue beyond four hours to consider the 2022/2023 Budget Pressures Review Report as the report was due to be considered at the Cabinet/Council meetings on 13 October 2022.)

Chairwoman
