

## Notice of Meeting

# Overview & Scrutiny Committee

**Date:** Tuesday, 24 January 2017

**Time:** 17:30

**Venue:** Main Hall, Crosfield Hall (Romsey), Broadwater Road, Romsey,  
Hampshire, SO51 8GL

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**Legal and Democratic Service**

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The recommendations contained in the Agenda are made by the Officers and these recommendations may or may not be accepted by the Committee.

**PUBLIC PARTICIPATION SCHEME**

*If members of the public wish to address the meeting they should notify the Legal and Democratic Service at the Council's Beech Hurst office by noon on the working day before the meeting.*

## Membership of Overview & Scrutiny Committee

### MEMBER

Councillor C Lynn

Councillor I Jeffrey

Councillor N Adams-King

Councillor D Baverstock

Councillor J Cockaday

Councillor D Drew

Councillor C Dowden

Councillor B Few Brown

Councillor A Finlay

Councillor P Hurst

Councillor J Lovell

Councillor J Neal

Councillor B Page

Councillor T Preston

Councillor J Ray

Councillor K Tilling

Vacancy

Chairman

Vice-Chairman

### WARD

Winton

Dun Valley

Blackwater

Cupernham

St Mary's

Harewood

North Baddesley

Amport

Chilworth, Nursling and  
Rownhams

Tadburn

Winton

Millway

Harroway

Alamein

Cupernham

Valley Park

## Overview & Scrutiny Committee

Tuesday, 24 January 2017

## AGENDA

**The order of these items may change as a result of members  
of the public wishing to speak**

- |    |   |          |
|----|---|----------|
| 1  | Apologies   |          |
| 2  | Public Participation  |          |
| 3  | Declarations of Interest  |          |
| 4  | Urgent Items  |          |
| 5  | Minutes of the meeting held on:   |          |
| 6  | Call in Items   |          |
| 7  | Urgent decisions taken since last meeting   |          |
| 8  | <u>Review of Procurement Process for the tendering of the Leisure Centre Management Contract</u>                            | 4 - 45   |
|    | Report to explain and review the process adopted for the procurement of the Leisure Centre Management Contract (30 minutes) |          |
| 9  | <u>Overview and Scrutiny Handbook</u>   | 46 - 96  |
|    | To consider and adopt the revised Overview and Scrutiny Handbook (20 minutes)   |          |
| 10 | <u>Work Programme Report</u>  | 97 - 114 |
|    | To enable Members to keep the Committee's future work programme under review (15 minutes)                                   |          |

## **ITEM 8      Review of Procurement Process for the tendering of the Leisure Centre Management Contract**

Report of the Head of Community and Leisure Services

### **Recommended:**

**That the process for the procurement of the new Leisure Centre Management Contract, be endorsed.**

#### **SUMMARY:**

- At its meeting in December, OSCOM asked for a report outlining the tender process for the re-letting of the leisure centre management contract.
- The process has been rigorous and followed industry best practice guidelines as structured within the Sport England Toolkit. This report seeks to set out the procurement process.
- Whilst the project is still 'live' and contracts are yet to be signed, the purpose of this report is to remind OSCOM of the process followed to date.

## **1      Introduction**

- 1.1 In October 2014 the Council formally commenced a full market testing exercise for the re-letting of its Leisure Centre Management Contract (see appendix 1 – Cabinet minute 144 refers).
- 1.2 The approach followed industry best practice as outlined by Sport England through a dedicated procurement toolkit (developed for Local Authorities) - the outcome of which culminated in a presentation to Cabinet and Full Council for approval in November 2016.
- 1.3 This report seeks to set out the detail of the procurement and evaluation process.

## **2      Background**

### **2.1      Proposal to market test**

- 2.1.1 Prior to formal consideration for full market testing of the Leisure Centre Management Contract (presented to Cabinet in October 2014) informal consultation was undertaken with other local authorities which had recently undertaken or were going through retendering exercises.

- 2.1.2 This consultation was intended to seek to understand what may be possible in the market (in the current economic climate), what approaches other authorities had considered and why, and ultimately why they approached the process in the way they did. It was also helpful to learn what had gone well and not so well. These site visits and consultations were also helpful in understanding the detail of the significant savings and improved facilities that many had achieved through such processes.
- 2.1.3 At the time, detail was emerging regarding the new Procurement Directives which included only minor changes to the Competitive Dialogue procedure. (CD). The key feature of CD was that it enabled authorities to consider and compare emerging proposals against key outcomes and performance measures, when details of specifically how they may be achieved were not fully prescribed. For this reason CD is the preferred route to market for complex, high value procurements – especially those involving construction and management of facilities. Similarly, both the market and Sport England know what to expect from CD and using it gave us the opportunity to give bidders scope to define parts of the details within our specification.
- 2.1.4 Prior to formal consideration of full market testing, consultation was undertaken with National Governing Bodies (NGB's) regarding future demands for local sporting facilities. This was based upon population forecasts and projected facility demands and fed into the preparation of Test Valley's Sport and Recreation Strategy.
- 2.1.5 Given the above, and the value, potential complexity and importance of the Leisure Centre Management Contract, legal and procurement consultancy support was proposed for 'helping to take us through' such a process – with the nature of what that process might look like being the product of a future report. A corporate project board and project team were also established consisting of a Corporate Director, Heads of Legal and Democratic, Estates and Economic Development, Finance and Community and Leisure Services, along with project management and professional officer support. This approach is both pragmatic (and necessary given the value and importance of the project) and is consistent with the approach taken by many of the Authorities visited at pre-feasibility stage.

## **2.2 Proposal to appoint independent procurement consultants**

- 2.2.1 Formal approval to market test was quickly followed by a procurement process to appoint appropriate independent procurement support - which culminated in a report to Cabinet in March 2015 (see appendix 2 – Cabinet minute 299 refers) seeking to appoint RPT consulting.
- 2.2.2 The brief for RPT was to lead on the development of the procurement process, specification, scope of contract and the approach to the evaluation of prospective bids and bidders for the contract. It was also to provide professional corroboration and independent reassurance surrounding the use of a procurement process which we were not experienced at using. This in turn informed our understanding of market positions in relation to the Sport England Toolkit, where to 'pitch' our initial specification, and provided a suite of document templates.

- 2.2.3 Following RPT's appointment, further consultation was undertaken with stakeholder such as HCC (as landowner for the Andover Leisure Centre site), VL (as incumbent operator) and Sport England and high level key outcomes were refined. This culminated in a third report to Cabinet in September 2015 outlining the proposed procurement approach and seeking formal authority to tender (see appendix 3 – Cabinet minute 116 refers).

## **2.3 Procurement Strategy and Authority to Tender**

- 2.3.1 In addition to setting out the procurement strategy, the report also sought to delegate authority to commence with a CD procurement process and report back to Cabinet (and full Council) in November 2016.
- 2.3.2 Crucially, this report also set out high level outcomes which were believed to be feasible. Based upon market intelligence, this included;
- (a) Reduced revenue subsidy (diminish management fee paid to operator)
  - (b) Risk transfer (life cycle / maintenance costs transferred to operator)
  - (c) Major capital investment (in particular at ALC), and
  - (d) On-going service development
- 2.3.3 This report also highlighted the proposed use of the Sport England toolkit, DBOM (Design, Build, Operate and Maintain) contract, and the approach to dealing with the VL pension deficit liability – which was subsequently (and confidentially) reported to Cabinet in September 2015.

## **2.4 Procurement and evaluation process**

- 2.4.1 Being informed by market intelligence and having prescribed the outcomes to be achieved, the Sport England Toolkit drove a prescriptive process that followed the CD procedure. Whilst extremely rigorous, the process had to follow a prescribed format to mitigate the risk of subsequent challenge, once authority to tender had been granted.
- 2.4.2 The template documents in the Toolkit and guidance from RPT provided clear stages and milestones to progress from advertising to awarding the contract. The Sport England DBOM contract provided a framework for the contract that was adapted to our requirements. The Toolkit and DBOM contract have been refined over a number of years by Sport England and provide a structured, standard approach to procurements of this nature in a format that is understood by the market and is compliant with procurement legislation.

### **Specification**

- 2.4.3 The development of the contract specification was grounded in the Council's own Sport and Recreation strategy which included consultation with all NGB's as to the suitability and supply of current facilities and intelligent forecasting of future need based on participation and population forecasts. (This justified the requirement for our specifying an increase in swimming pool capacity in Andover, for example).

- 2.4.4 At over 40 years old, what was less clear was the suitability of the current ALC building for the ‘lifespan’ of the next contract. Equally there was uncertainty whether requiring tenderers to bid on the basis of a full capital replacement of ALC was achievable in addition to the outcomes described in 2.3.2 therefore the option for either a major refurbishment or a new-build was ‘left open’ in the tendering process for bidders to ‘bid back’ on, based upon their own assessment of viability against the service and evaluation outcomes.

Whilst it may be obvious to say that a ‘new build’ will inevitably cost more than a refurbishment (in capital terms) the lifecycle costs for a new build are likely to be significantly less (in terms of overall capital and revenue) so this ‘option’ was left open to bidders to consider based on their own experience / expertise.

- 2.4.5 In terms of service provision, ALC (and the portfolio generally) was considered to be fit for purpose and not ‘lacking’ in terms of capacity or need other than for swimming. In fact, with many schools now making their sports halls available to the community (something that wasn’t prevalent when the contract was first let) the need for sports hall space has actually reduced. However, because of the need for a hall for civic events, elections etc the requirement for a main hall of similar size to that which is there currently, remained.
- 2.4.6 What was clear however is that with ALC as one of the oldest and most expensive building to manage and maintain within the Council’s property portfolio significant investment in the facility would be necessary to enable service continuity. (Ultimately and in its simplest terms, what is proposed is a new building to enable service continuity, as opposed necessarily, to a new service).
- 2.4.7 The proposed specification, summarised to Cabinet in September 2015, was based upon data analysis, supply and demand forecasts, market intelligence and independent professional advice. The specification itself is a large document, but the descriptive document (which forms part of the suite of contract documents) outlines ‘the opportunity’ as it was to be described to the market and via our OJEU notice. For completeness, the descriptive document is attached – appendix 4

### **Evaluation Model**

- 2.4.8 Contract Standing Orders set out standard terms for running procurement processes. However, having sought authority to use the Sport England toolkit, the evaluation model criteria were established in general accord with the weighting proposed in the methodology within it. This placed equal emphasis on financial performance as it does on service, legal and technical performance.

2.4.9 Evaluation criteria weighting is shown in table 1 below

Tier 1	Tier 1 Weighting	Tier 2	Tier 2 Weighting
<b>Services</b>	40%	Delivery against Outcomes Framework	20%
		Quality and Customer care	5%
		Operational Delivery and Service Development	15%
<b>Technical</b>	10%	Capital Development & Design	5%
		Planning Risk	2%
		Maintenance Proposals	3%
<b>Commercial</b>	50%	Usage, Expenditure and Revenue	10%
		Affordability	20%
		Risk and Contract Acceptance with Performance Guarantees	10%
		Capital Investment Plan	7.50%
		Delivery & Risk	2.50%

2.4.10 Evaluation within each of these criteria was broken down into further sub-criteria (3 levels) in some cases to within 0.5%. For every area, scores were allocated on a scale of 0-5. So for example, for criteria that may score 1% of the overall marks and where the bidder scored 5, they would be given full marks (1%). If they scored 4, they would receive 80% of the marks (0.8%) and so on.

2.4.11 The evaluation criteria is outlined in full in appendix 5

2.4.12 Whilst this proved to be a labour intense element within the process, it also ensured a very robust and objective score based entirely on the prescribed evaluation criteria. ('Liking' elements of one bid or bidder over another would not and could not influence the final score. It is to this end that the process, once started, becomes automated, but is extremely robust).

### **Procurement process and timeline**

2.4.13 Competitive Dialogue gives the opportunity to advertise the broad aims of our requirement and gives bidders the chance to discuss the options that they are considering with us before submitting their final tender. This increases the chances that we will receive one or more affordable bids that meet our requirements and gives the market more scope for innovative solutions.

2.4.14 The amount of work involved for bidders and buyers is far higher than a standard tender process. This is partly due to CD only being used for complex, high value projects or requirements and also due to CD requiring more communication over a longer period than a standard tender.

2.4.15 During the process the number of bidders is reduced to minimise bidding costs for those who are unlikely to win and to ensure effort is focussed on those who have a reasonable chance of winning.



- 2.4.16 The opportunity was advertised in OJEU in early November 2015 and the full suite of procurement documents were made available on our website to allow potential bidders to review the information before deciding if they wished to submit a Pre-Qualification Questionnaire before the deadline of 8th December 2015.
- 2.4.17 The PQQ was based upon the standard Government template and is used to check bidders' experience and that we are able to do business with them - e.g. financial standing, insurances, no history of bribery or corruption, etc.
- 2.4.18 A Bidders Open Day was held on 20th November 2015 and was attended by nine organisations. The open day included a presentation that gave an overview of the opportunity and a tour of our leisure facilities.
- 2.4.19 Eight PQQs were received of which five passed. The unsuccessful bidders were given feedback as to the reasons why they were not progressing to the next stage.
- 2.4.20 The next stage was Invitation to Submit Detailed Solutions (ISDS) during which Dialogue Meetings with bidders started.
- 2.4.21 Dialogue is what sets CD apart from other procurement procedures as it gives bidders the chance to discuss the opportunity with the buyers and get feedback on their approach before submitting a bid. This allows bidders to discuss innovative solutions without risking that their bid is rejected if the buyers are not able to accept something that is suggested.
- 2.4.22 To ensure that all bidders are treated equally all bidders are given the same amount of time for Dialogue. All Dialogue Meetings were attended by the core evaluation team with further input as and when required from the legal/contracts, financial technical/facilities and leisure evaluators.
- 2.4.23 Due to the amount of work put forward from bidders, and the commercially sensitive nature of this information, strict protocols were adhered to regarding 'non-disclosure' of information. This is in part why it was a 'closed' process to Councillors until final evaluation (along with also ensuring absolutely impartiality and objectivity for the integrity of the process).
- 2.4.24 In addition to dialogue we shared non-commercially sensitive questions and answers with all bidders to ensure that all bids were based upon the same assumptions. While sharing information in this way is common to any procurement process the volume of questions during CD is far higher than for a standard tender given the complexity of the subject and the importance of every detail in high value contracts.
- 2.4.25 During this stage one bidder informed us that they were withdrawing from the process and the remaining four bidders submitted their proposals (ISDS).
- 2.4.26 These were evaluated fully by the core evaluation team (comprising of officers from Community and Leisure, Legal, Finance, (including audit and procurement) and Estates and Economic Development Services, with relevant sections also being evaluated by independent experts in legal/contracts, finance, technical/facilities and leisure.

- 2.4.27 The scores were collated by RPT and then moderated by the evaluation team to ensure that each score was allocated in accordance with the evaluation methodology and that there were adequate reasons why that score had been given.
- 2.4.28 One bidder was removed at this stage and three proceeded to Invitation to Submit Final Tenders (ISFT). It is common to invite two or three bidders to ISFT and this is usually decided by the margin between the scores of the second and third placed.
- 2.4.29 Feedback was given to all bidders so that the unsuccessful bidder knew why they were not proceeding and the remaining bidders could see which parts of their bid were strong and which could be improved.
- 2.4.30 The documents were reviewed and updated before ISFT to incorporate information that had been clarified during CD and to update the affordability threshold as all bidders had scored full marks for this section despite there being a significant margin between the bidders' projected income to the Council.
- 2.4.31 The ISFT were issued on 5 August 2016 with tender opening due by 26 September 2016. Two further Dialogue meetings were held with each bidder. In this stage bidders updated their ISDS submission to improve areas where they did not score highly or where the requirement had changed - such as affordability.
- 2.4.32 All three bids were received and evaluation was undertaken as at ISDS. Bidders were informed of the decision along with a feedback letter that included scores each of which were backed up by a justification that was linked to the evaluation criteria.
- 2.4.33 Given the granular nature of the evaluation criteria and the amount of care taken by bidders to refine their scores between ISDS and ISFT it is not surprising that scores were very close. A difference of 1 or 2 percent is not unusual for CD.
- 2.4.34 The evaluators' role is to apply the evaluation criteria as described in the documents and to demonstrate impartiality to all bidders. We are required to use objective criteria and to provide justification for each score in the feedback letters to bidders. This ensures fairness and transparency and provides a defensible position if a procurement decision is challenged. Throughout the process evaluators are required to maintain confidentiality with each bidder.
- 2.4.35 During this time, from September 2015 to November 2016 progress was reported via the Members Information Bulletin;
- (a) November 2015 – confirming expressions of interest received and 'bidders day' being held.
  - (b) January 2016 – confirming the formal submission of eight PQQ's, the shortlisting of these down to five companies to enter the next stage of the procurement process and to engage in dialogue with these companies from Jan to March 2016.

- (c) June 2016 – confirming that of the five companies invited to submit proposals, all had been evaluated, and that three would be taken through to the final stage (to engage in further dialogue from July to September 2016 and to then submit a final tender by the end of September 2016).

2.4.36 In January 2016, Cllr Ward was invited to OSCOM to present and discuss the performance of his portfolio. Much of this discussion centred on the Leisure Contract, and the potential to improve upon the commercial position of the contract for the Council, and that a formal report would be presented to full Council towards the end of the year once dialogue had closed and proposals evaluated.

2.4.37 The next report to Cabinet was November 2016 (recommending contract award) – this is the same confidential report that was presented to Full Council (it is not included in the appendices to this report as it contains commercially sensitive information).

### **3 Corporate Objectives and Priorities**

3.1 The Council's Corporate Plan 2015-19, 'Investing in Test Valley' outlines our vision and priorities for the four years to 2019. The Corporate Plan sets out four priority aims which focus on ensuring the Borough remains a great place to:

- Live, where the supply of homes reflects local needs
- Work and do business
- **Enjoy the natural and built environment**
- Contribute to and be part of a strong community

3.1.1 As part of "**Enjoy the natural and built environment**" aim, the Council made a commitment to improve and deliver new leisure facilities for the Borough. Through the Corporate Action Plan (CAP) which shows in detail how the Council will make progress against these priority aims, Cabinet included the project to prepare and let a new Leisure Management Contract.

3.2 It is perhaps premature to evaluate the success (or otherwise) of the procurement process and the achievement of the outcomes required, as the process remains 'live' as due diligence continues and contracts are still to be signed.

3.3 In terms of a structured process that allows the development of solutions and options with bidders, it is fair to say that the CD process has been suitably flexible to allow open dialogue to refine bids, whilst at the same time being robust in terms of providing structure and absolute objectivity to evaluation (and the evidencing of this).

### **4 Conclusion**

4.1 The CD process is the best way to ensure the Council achieves the best 'bang for its bucks' and the best outcome for the community. That said, it is unlikely that the Council will use it in the near future as reasons for using CD are closely linked to the subject of the contract.

- 4.2 There needs to be a lack of certainty as to the detail of what is to be procured and flexibility for bidders to respond to the means of achieving the outcomes described. The contract must also be worth many £Millions, otherwise the bidding costs associated with CD is likely to result in no bids coming forward and/or a lot of wasted time.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
<u>Confidentiality</u> It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	5 <ul style="list-style-type: none"> <li>• 3 Cabinet reports as referenced (excluding Pensions report 28 October 2015 and Preferred Bidder report from 2<sup>nd</sup> and 9<sup>th</sup> November 2016 which were both confidential)</li> <li>• extract from descriptive documents</li> <li>• evaluation criteria</li> </ul>		
Author:	Dave Tasker	Ext:	8801
File Ref:			
Report to:	OSCOM	Date:	January 2017

CABINET REPORT – 1 OCTOBER 2014

## **Leisure Centre Contract**

Report of the Community and Leisure Portfolio Holder

### **Recommended:**

- 1. That the Council undertakes a full market testing exercise as its approach to procuring the Leisure Centre Management Contract (due for renewal from April 2017)**
- 2. That in preparing to do so, the Council seeks support from appropriate market and technical consultants to assist with the development of a robust procurement and evaluation process.**
- 3. That a further report will be presented to Cabinet to outline the scope and cost of this support work and to seek authority to appoint consultant(s).**

### **SUMMARY:**

- The Council's key leisure facilities are currently operated by Valley Leisure (VL) under a management contract that runs to March 2017. The portfolio includes Andover Leisure Centre (ALC) Romsey Rapids (RR) Knightwood Leisure Centre (KLC) Charlton Lakeside Pavilion (CLP) and also now includes Romsey Sports Centre (RSC)
- With quite recent and significant changes in the leisure market and economic climate since the VL contract was let (in 2002), the opportunity exists to review (and improve) the scope, structure and terms of the contract when it is re-let.
- Under VL's management and our joint investment, the Council's flagship leisure facilities have flourished. However, ALC, RR and the whole portfolio require substantial and ongoing investment in order that they may continue to meet the needs and expectations of our communities. The opportunity therefore exists to potentially restructure the contract and seek (for example) risk reduction, revenue subsidy reduction and capital investment, as part of a renewed contract over a longer period of time.
- Whilst the working relationship with, and performance of VL remains strong, in order to exploit the opportunity to improve the contract legally requires an undertaking of a full market testing exercise (as opposed to consideration of a simple extension).
- Market and technical advice has been sought as part of early feasibility work regarding the approach that can be taken to procurement and is set out in this report.

## **1 Introduction**

- 1.1 The VL contract runs to March 2017, and whilst this is some way off, timely decisions need to be made regarding future demands on these facilities, the needs of the community and service development beyond 2017, what we may wish to procure in line with corporate priorities and the approach taken to said procurement process.
- 1.2 It is therefore essential that we set out a clear and unambiguous approach to this contract as early as possible. This will enable us, the current operator, and the market generally, to prepare as fully as possible for this exercise.

## **2 Background**

- 2.1 As is the case with many local authorities and leisure facility operators currently, the need to continually invest in key flagship leisure centres is an ever present challenge. Whilst inward investment has continued throughout the contract term, it is recognised that potentially more major investment will be required in all of these facilities in the coming years.
- 2.2 Currently the Council is paying a management fee for the running of its portfolio, with shared responsibilities for liabilities such as maintenance. Through exploring more innovative ways to construct the new contract, market intelligence suggests it may be possible to vastly improve this position and achieve sustained investment from the operator throughout the lifespan of the contract. In addition to investment in service development, the opportunity to provide a new / refurbished ALC and improvements to the whole leisure centre stock is also believed to be a real possibility.
- 2.3 Discussion have been held with VL regarding the potential to extend current arrangements, however legally, in order to introduce changes to the terms of the contract and explore and achieve a better contract position, an open market procurement exercise is required. For the avoidance of doubt, it must be stated that there is no implied criticism of the current operator, however in order to amend the contract in any material way, the contract must be market tested.
- 2.4 Early feasibility work has highlighted the opportunity to seek to diminish Council subsidy (through both a reduced or even nil management fee and exposure to shared risk such as maintenance liabilities) without compromise to service. The emerging Procurement Directive which includes a 'Competitive Procedure with Negotiation (CPWN) has also been identified as an approach and methodology that may be appropriate to explore and exploit given our circumstances and the current market.

- 2.5 Designed for complex projects, the key feature is that CPWN allows the Council to enter into dialogue with bidders and refine scope and specification, when they are not necessarily fully prescribed. It also enables the Council to consider and compare emerging proposals against key outcomes, deliverables and performance measures.
- 2.6 Given the value and importance of this contract, the need to ensure community and market benefits can be maximised, and the fact this is such a potentially complex contract, it is proposed that the Council seeks independent technical and market support. In particular this must focus on procurement and legal assistance in scoping and preparing for proceeding through, this relatively new, process.
- 2.7 This will require our tendering for consultative support and reporting back to Cabinet with detailed timeline, process, scope and costs, and to appoint the preferred consultant(s).

### **3 Corporate Objectives and Priorities**

- 3.1 One of the Council's key corporate projects is to realise ambition to develop existing facilities such as Andover Leisure Centre (CAP 012).
  - 3.1.1 Ensuring our existing community facilities are fit for purpose forms part of our corporate plan aim of "*encouraging all of our communities to reach their full potential.*" To achieve this requires the Council to develop its approach to how capital investment for such projects can be secured. This is reliant on our agreeing our approach to the scope and procurement of this contract in the build up towards 2017.

### **4 Consultations/Communications**

- 4.1 Early background feasibility work has included seeking independent professional market, procurement and legal advice and informal engagement with other Local Authorities that have recently been through similar experiences with their leisure centre contracts. This has highlighted the absolute need to market test the contract, aided with professional technical support, as a means of ensuring the best possible outcome for the Council and the local community from this contract.
- 4.2 National Governing Bodies (NGB's) have been consulted regarding demand for local sporting facilities based upon current and projected demographics, population forecasts, trend analysis and existing supply of facilities as part of the preparation of a Sports and Recreation Strategy for Test Valley. This data will be used as evidence in consideration of the Local Plan and to assist in identifying future service demands and facility provision, and should be concluded in the next few months.
- 4.3 VL has been engaged in discussions regarding the build up to and process for the letting of the contract beyond 2017.



- 4.4 Further Member, stakeholder and community consultation will be undertaken in due course and at the appropriate stages of the procurement process.

## **5 Options**

- 5.1 In order to ensure a robust and transparent process which delivers the best possible outcomes from the contract for the long term benefit of the local community, it is proposed that consultative support is sought. Consultants will work alongside officers in the development of the procurement process, scope and specification of the contract.
- 5.2 A further report will be presented to Cabinet outlining how this will be achieved, whom will be appointed, how much their support will cost and with timescales for delivery.

## **6 Option Appraisal**

- 6.1 Consideration could be given to not seeking consultative support, and managing the process in-house. However, given the significant value of the contract, the complexity of the process and importance of getting this right, it is considered that the cost of consultative support is entirely necessary.
- 6.2 For this reason it is considered that seeking consultative support is the only viable option and that by seeking external technical support, it is anticipated the process will be robust and a more optimal contract position achieved.

## **7 Risk Management**

- 7.1 A risk assessment has been completed in accordance with the Council's Risk management process and has identified significant (Red or Amber) risks as detailed in the risk assessment. The Required Actions proposed to reduce these risks will incur additional control costs/insurance as outlined in the Resource Implications section of this report

## **8 Resource Implications**

- 8.1 A resource allocation will need to be made for all consultative support costs. Until the exercise to tender for consultative support is agreed and undertaken, the costs can only be estimated and are entirely dependant upon the scope of works and the level of complexity and support needed.
- 8.2 Assuming there is support to proceed, once a full tendering exercise has been completed, the scope of works, key milestones, timeline and resource implications will be fully detailed for Cabinet consideration and approval.

## **9 Legal Implications**

- 9.1 Tendering for the appointment of consultant(s) will need to be undertaken in accord with Contract Standing Orders.



## **10 Equality Issues**

10.1 None

## **11 Other Issues**

11.1 Community Safety - none

11.2 Environmental Health Issues - none

11.3 Sustainability and Addressing a Changing Climate – none at this stage.

11.4 Property Issues – none at this stage

11.5 Wards/Communities Affected – All across Test Valley

## **12 Conclusion and reasons for recommendation**

12.1 It is proposed that, with Cabinet Authority support for full market testing of the leisure contract, detailed work will be undertaken to tender for consultative support to assist with the procurement and evaluation process.

12.2 In order to ensure benefits are maximised in developing the next leisure contract, this consultative support will provide confidence and assistance with the development of the procurement process, specification, scope of contract and approach to evaluation of prospective bids and bidders.

12.3 A full costed proposal and business case will be produced for Cabinet consideration and for the appointment of preferred consultant(s).

### Background Papers (Local Government Act 1972 Section 100D)

#### Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes: none

File Ref:

(Portfolio: Community and Leisure) Councillor Ward

Officer: D Tasker

Ext: 8801

Report to: Cabinet

Date: 01 October

CABINET REPORT – MARCH 2015

**Appointment of Consultants to Support for Leisure  
Facilities Contract Procurement**

Report of the Community and Leisure Portfolio Holder

**Recommended that:**

- 1. Following a full market testing exercise, RPT Consulting Limited be appointed to support with the procurement process for the next Leisure Centre Management Contract.**
- 2. The sum of £XX,XXX be allocated from Special Projects Reserve to fund this work.**
- 3. A further report(s) will be presented to Cabinet to report on the outcome from this work and potentially to seek Authority to proceed, as and when necessary.**

**SUMMARY:**

- A scoping report for this consultancy work was reported to Cabinet on 01 October 2014 – minute 144 refers. In this report it was proposed that the outcome from the tendering exercise would be a report to March 2015 Cabinet for Authority to appoint consultants and to proceed with the project.
- Following this report in October, a market testing exercise was scoped and undertaken, the outcome of which is presented in this report, ultimately seeking Authority to appoint RPT Consulting Limited to support TVBC throughout the process of scoping, procuring, evaluating and awarding the next Leisure Centre Management Contract for TVBC.

**1 Introduction**

- 1.1 The VL contract runs to March 2017, and whilst this is some way off, timely decisions need to be made regarding future demands on these facilities, the needs of the community and service development beyond 2017, what we may wish to procure in line with corporate priorities and the approach taken to said procurement process.
- 1.2 It is therefore essential that we set out a clear and unambiguous approach to this contract as early as possible. This will enable us generally, to prepare as fully as possible for this exercise.

- 1.3 As is the case with many local authorities and leisure facility operators currently, the need to continually invest in key flagship leisure centres is an ever present challenge. Whilst inward investment has continued throughout the contract term, it is recognised that potentially more major investment will be required in all of these facilities in the coming years.

## **2 Background**

- 2.1 Following the approval from Cabinet in October (to seek to market test for suitably skilled and qualified consultants) a tender was published online (through the TVBC procurement portal) on 19<sup>th</sup> November 2014 and in a National Trade Journal (Leisure Opportunities) on 20<sup>th</sup> November 2014.
- 2.2 Five Companies submitted tender responses. From these tender submissions, 4 organisations met the Essential Evaluation Criteria to move to formal evaluation by the officer project team. (This team included a Corporate Director, 4 Heads of Service, procurement officer and project manager). From these 4 bids, 3 were invited in to present their proposals in detail. .
- 2.3 Details of these organisations can be found in confidential appendix 1 for organisations A, B, C and RPT Consulting Limited.
- 2.4 RPT Consulting have been informed of their successful bid and that they will be awarded the contract for consultancy support subject to Cabinet Authority (as per TVBC Contract Standing Orders).
- 2.5 It is anticipated for the procurement process to run for approximately 18 months. A detailed timeline and milestones for the project will be agreed in due course, including timing and scope of formal updates and reports as appropriate.

## **3 Corporate Objectives and Priorities**

- 3.1 All of the Council's key leisure facilities currently operated by Valley Leisure (VL) under a management contract that runs to March 2017. The portfolio includes Andover Leisure Centre (ALC) Romsey Rapids (RR) Knightwood Leisure Centre (KLC) Charlton Lakeside Pavilion (CLP) and also now includes Romsey Sports Centre (RSC). One of the Council's key corporate projects is to realise ambition to develop existing facilities such as Andover Leisure Centre (CAP 012).
- 3.2 Ensuring our existing community facilities are fit for purpose forms part of our corporate plan aim of "*encouraging all of our communities to reach their full potential.*" To achieve this requires the Council to develop its approach to how capital investment for such projects can be secured. This is reliant on our agreeing our approach to the scope and procurement of this contract in the build up towards 2017.

#### **4 Consultations/Communications**

- 4.1 Early background feasibility work has included seeking independent professional market, procurement and legal advice and informal engagement with other Local Authorities that have recently been through similar experiences with their leisure centre contracts. This has highlighted the absolute need to market test the contract, aided with professional technical support, as a means of ensuring the best possible outcome for the Council and the local community from this contract.
- 4.2 Further Member and stakeholder consultation will be undertaken in due course and at the appropriate stages of the procurement process.

#### **5 Options**

- 5.1 In order to ensure a robust and transparent process which delivers the best possible outcomes from the contract for the long term benefit of the local community, it is proposed that consultative support is confirmed with RPT Consulting Limited. RPT Consulting Limited will work alongside officers in the development of the procurement process, scope and specification of the contract.

#### **6 Option Appraisal**

- 6.1 Consideration could be given to not seeking consultative support, and managing the process in-house. However, given the significant value of the contract, the complexity of the process and importance of getting this right, it is considered that the cost of consultative support is entirely justified and necessary.
- 6.2 For this reason it is considered that seeking consultative support is the only viable option to ensure the process is robust and the optimum contract position can be achieved.

#### **7 Risk Management**

- 7.1 An evaluation of the risks associated with the matters in this report indicate that further risk assessment is not needed because the changes/issues covered do not represent significant risks or have previously been considered by Councillors (Cabinet 01 October 2014 – minute 144refers).

#### **8 Resource Implications**

- 8.1 The tender price submitted by RPT Consulting Limited is £XX,XXX. This sum is capped (based upon the tendered scope of the project) and inclusive of expenses.
- 8.2 As costs could not be accurately estimated in time for the setting of the 2014/15 budget, no allocation was made for the project. It is proposed therefore that the full sum is allocated from the Special Projects reserve.

## 9 Legal Implications

- 9.1 A standard contract for appointment of consultants will be prepared by Legal Services in accord with Contract Standing Orders.

## 10 Equality Issues

- 10.1 none

## 11 Other Issues

- 11.1 Sustainability and Addressing a Changing Climate – none at this stage.
- 11.2 Property Issues – none at this stage (updated Conditions / dilapidations surveys will be required)
- 11.3 Wards/Communities Affected – All across Test Valley

## 12 Conclusion and reasons for recommendation

- 12.1 In order to ensure benefits are maximised in developing the next leisure management contract, this consultative support will provide confidence and assistance with the development of the procurement process, specification, scope of contract and approach to evaluation of prospective bids and bidders for the next Leisure Centre management Contract.
- 12.2 Following a full market testing exercise, the contract for consultancy support has been awarded to RPT Consulting Limited (subject to Cabinet Authority).

### Background Papers (Local Government Act 1972 Section 100D)

#### Confidentiality

It is considered that this report does contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, on the basis that it contains commercially sensitive data regarding consultancy rates.

This data has been extracted from the body of the report and is contained within a separate (Confidential) annex. Data cannot be attributed to any one company within this annex and is stated in terms of total bid cost for organisation A, B, C and RPT Consulting Limited.

No of Annexes:	Confidential- ONE	File Ref:	
(Portfolio: Community and Leisure) Councillor Ward			
Officer:	D Tasker	Ext:	8801
Report to:	Cabinet	Date:	March 2015

CABINET – 2 SEPTEMBER 2015

## **Leisure Facilities Contract – Procurement Strategy and Authority to Tender**

Report of the Community and Leisure Portfolio Holder

### **Recommended:**

- 1. That procurement of a new leisure facilities contract commences from September 2015 by way of a competitive dialogue process.**
- 2. That the Head of Community and Leisure, in consultation with the Community and Leisure Portfolio Holder, be authorised to prepare contract documentation and publish an OJEU notice seeking expressions of interest from suitably qualified and experienced organisations to tender for this contract.**
- 3. That the Head of Finance, in consultation with the Economic Portfolio Holder, be authorised to initiate discussions with Valley Leisure Ltd (VL) and the Hampshire Pension Fund Service for the reasons set out in paragraph 7.5.**
- 4. That future reports relating to progress of this contract be presented to Cabinet as necessary.**

### **SUMMARY:**

- This report seeks authority to commence with the procurement of a new leisure facilities contract starting with the publication of an OJEU notice to seek expressions of interest from suitable organisations. This will start the process for enabling the preparation and evaluation of an approved shortlist for invitation to tender.
- Progress reports will be presented to Cabinet as necessary. In terms of the timescales for the necessary work and due diligence, it is anticipated that the council will be in a position to award the contract by November 2016, in readiness for the contract to start from April 2017.

## **1 Introduction**

- 1.1 Cabinet have received regular reports regarding preparatory work for the procurement of this contract – most recently in 01 October 2014 and 11 March 2015 (minute 144 and 299 respectively refers).
- 1.2 Following an open tendering exercise, RPT Consulting were appointed to advise and support the council throughout the process to scope, procure, evaluate and award the next leisure facilities contract. This report seeks authority to commence with the process and seek to alert the market of the opportunity to bid, and submit an expression of interest.

- 1.3 It is proposed that the Council proceed via a Competitive Dialogue process which in particular will seek:
- (a) a long term contract (up to 30 years)
  - (b) Reduced costs and risk transfer to the operator
  - (c) Capital investment across the portfolio, and in particular at Andover Leisure Centre (ALC)
  - (d) On-going service development in line with corporate priorities and community need

## **2 Corporate Objectives and Priorities**

- 2.1 Improving and delivering new leisure facilities for the borough is a primary objective within the new corporate plan (Investing in Test Valley) – this includes a commitment to redevelop ALC and investment in the leisure portfolio generally.

## **3 Consultations/Communications**

- 3.1 Early feasibility work has included seeking independent market, procurement and legal advice regarding leisure facilities contracts. It has also included engagement with National Governing Bodies (NGB's) regarding current and future demands for facilities for their respective sports in line with trends and regional strategic priorities.
- 3.2 RPT consulting – commissioned to support on all aspects of the project.
- 3.3 Hampshire County Council (HCC) – in connection with securing the freehold to the ALC site and future service provision.
- 3.4 Informal engagement with neighbouring local authorities in reviewing best practise.
- 3.5 Sport England – informal consultation about their toolkit, funding and sector specific procurement advice and support.
- 3.6 VL (as the incumbent operator) regarding appropriate information sharing and the impact to day-to-day business of this procurement process between now and March 2017.

## **4 Options**

- 4.1 Support proposed approach and authorise officers to alert the market and advertise for expressions of interest.
- 4.2 Seek to suspend the current process and propose an alternate approach.

## **5 Options Appraisal**

- 5.1 **Support proposed approach and authorise officers to alert the market and advertise for expressions of interest.**
- 5.1.1 The competitive dialogue process is a public sector tendering option that will allow bidders to develop alternative proposals in response to the key contract outcomes shown in paragraph 1.3. This is the preferred and recommended

option following a thorough and robust review of current market intelligence and likely market interest, undertaken with independent support. It is believed to be both a means of securing a ‘better contract’ for Test Valley and its residents, whilst still being attractive to the market commercially.

- 5.1.2 It is proposed that it will be a DBOM (Design, Build, Operate and Maintain) contract, as this transfers most of the risk to the operator. It also ensures that any interface issues between capital build and operation are the responsibility of the operator – this is consistent with the approach taken for a number of recent new contracts let by other authorities around the UK (leading to ‘better contracts’ going forward) and is fast becoming a more mainstream approach.
- 5.1.3 It is recommended that the Head of Community and Leisure in consultation with the Community and Leisure Portfolio Holder be authorised to advertise the opportunity, in order to commence the process and seek expressions of interest.

## **5.2 Seek to suspend the current process and propose an alternate approach**

- 5.3 The Council could choose to undertake any capital investment project itself and seek to appoint a leisure operator entirely separately. Whilst this might be considered to be a more traditional approach, given the inherent link and immense dependency that any capital build will have on operations, it is likely that this approach would lead to increased costs and risks that would remain with the Council compared to the more innovative approach proposed.
- 5.4 It is also likely that any ‘rethink’ will lead to delays in commencing with the letting of the contract.

## **6 Risk Management**

- 6.1 A risk assessment has been completed in accordance with the Council’s Risk management process and the existing risk controls in place mean that no significant risks (Red or Amber) have been identified.

## **7 Resource Implications**

- 7.1 There are no direct resource implications to commence the process other than officer time.
- 7.2 The current management fee payable to VL is £445,000 p.a. In addition to this, an average of £227,000 p.a. has been spent across the Leisure Facilities portfolio for the last 5 years (through the asset management plan). It is anticipated that this revenue position will be improved upon as a consequence of the contract and procurement method proposed.
- 7.3 Future asset management costs (across the leisure facilities portfolio) are estimated to be £2.8M for the next 5 years (albeit if needed, it is intended for the vast majority of responsibility for this to be passed to the operator under the proposed new contract arrangements).
- 7.4 Costs will be incurred when legal and financial advisors are appointed (this will be reported separately and in due course).



- 7.5 Currently, VL is carrying a significant pension liability in its balance sheet, but has also prudently set aside cash reserves to offset this liability. The Head of Finance has requested an up-to-date actuarial assessment from the Hampshire Pension Fund Service to establish the current level of shortfall or surplus in the net position with a view to removing this variable from the tendering process at the request of VL. A separate report will also come forward to agree terms for dealing with this matter later in the year.

## **8 Legal Implications**

- 8.1 OJEU notice to be prepared and legal support required throughout process.
- 8.2 Appointment of independent legal advisors to be agreed.
- 8.3 Preparation of a suite of contract documentation to be prepared and approved before commencement of invitation to submit detailed solutions (from bidders) – this includes contract, specification and a list of schedules (all of which are based upon the Sport England toolkit).

## **9 Equality Issues**

- 9.1 No equality issues have been identified at this point. As a result, a full Equality Impact Assessment has not been completed in accordance with the Council's EQIA methodology as a result.

## **10 Other Issues**

- 10.1 Wards / communities affected - All Wards.
- 10.2 Property issues – preparation of long term leases will be required, along with other agreements relating to regular bookings / subletting.

## **11 Conclusion and reasons for recommendation**

- 11.1 In order to secure good quality and accessible leisure facilities for the community for the long term future, it is recommended that the Head of Community and Leisure, in consultation with the Community and Leisure Portfolio Holder be authorised to commence with the procurement for the 2017 Leisure Facilities Contract and alert the market of the opportunity by publishing an OJEU notice seeking expressions of interest.

Background Papers (Local Government Act 1972 Section 100D)

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	none	File Ref:	N/A
(Portfolio: Community and Leisure) Councillor Ward			
Officer:	Dave Tasker	Ext:	8801
Report to:	Cabinet	Date:	02 September 2015

Test Valley Borough Council

Descriptive Document

## **Contents**

Section 1: The Opportunity

Section 2: Outcomes and Objectives

Section 3: The Project & Key Commercial Terms

Section 4: Background to the Council and Facilities

## Foreword

We have great pleasure presenting an opportunity for the right partner to support Test Valley Borough Council in developing and operating our Leisure Facilities. Promoting healthy communities is a key objective of the Council and we wish to make the most effective use of our resources (including leisure facilities and parks) in maintaining and improving community health alongside working on wellbeing initiatives from partner organisations that improve the quality of the natural and built environment of Test Valley.

Being more active at recommended levels has a clear and positive effect on a person's physical and mental health and wellbeing. Test Valley Borough Council is therefore committed to providing opportunities for people to participate in sport and physical activity through investment in and the provision of our swimming pools and leisure centres.

The Council is now seeking to procure an appropriate partner organisation to invest in, develop and manage these facilities on our behalf, to ensure they continue to run cost effectively, are sustainable and remain inclusive and accessible to everyone who lives or works in the Council area.



Councillor Tony Ward

Community and Leisure Portfolio Holder

Test Valley Borough Council

## Section 1 – The Opportunity

Test Valley Borough Council (the Council) is committed to high quality leisure provision and is seeking a partner (or partners) who they can work with to deliver their vision and outcomes set out in Section 2. As a result the Council is inviting tenders from prospective Partners to enter into an agreement to design, build, operate and maintain the Council's Leisure Centres.

Following the development of a business case, the Council took the decision in September 2015 to proceed with the procurement of a Partner (or Partners) to both develop and deliver the ongoing management of the Leisure Centres.

The facilities are currently managed by

- Valley Leisure Limited

The existing facilities are as follows

- Andover Leisure Centre (ALC)
- Romsey Rapids (RR)
- Charlton Lakeside (CL)
- Knightwood Leisure Centre (KLC)
- Romsey Sports Centre (RSC)

In order to achieve its outcomes and vision, the Council encourages submissions from all Leisure Operators including existing Leisure Not for Profit Organisations and other Operators or Social Enterprises which may have relevant experience.

This Descriptive Document, together with the Pre Qualification Questionnaire (PQQ) sets out the background to the existing facilities, the Council's vision and outcomes and the process by which interested parties should express their interest. As part of this process the draft ISDS has also been prepared to provide bidders with further detail on the proposed contract and future requirements, and to assist bidders in their decision to bid.

## Section 2 – Outcomes and Objectives

The Council has a number of core outcomes and objectives they are seeking to deliver from the project which support and deliver the overall corporate objectives of the Council. These are set out in a number of corporate documents (including the Test Valley Sport and Recreation Strategy) and we summarise below the objectives which are of key relevance to leisure provision.

The key outcomes which the Council is seeking to achieve from any future leisure provision include the following

- **Facility Investment**

- Redevelopment of ALC, through either a total replacement or major refurbishment, with a facility mix which meets the needs analysis but in particular should seek to include:
  - Enhanced pool provision over and above the existing provision, to address the shortfall in provision identified. This is anticipated to be at least a 6 lane, 25 metre pool, with learner pool provision as minimum provision, with the potential to deliver additional capacity for swimming (such as through a moveable floor or through larger water space)
  - Sports Hall provision to deliver on the current programmes of use (recognising the need for events)
  - Squash Court provision to meet the needs identified, possibly through flexible space (utilising moveable walls to deliver studios when not being used for squash)
  - Health and fitness provision to meet the identified demand, including studios
  - Possible space allocated for community health provision (this is identified as circa 800 square metres of space)
  - Supporting facilities to ensure the delivery of an effective leisure facility
- Investment in RR and RSC to deliver a future facility which provides more commercial opportunities and provide a holistic approach to the management of the site, which reflects the ambition from Romsey Future.
- Life Cycle costs responsibility to sit with the contractor
- New or refurbished facilities to be environmentally sustainable, through striving to achieve BREEAM (Building Research Establishment Environmental Assessment Method) excellent.

- **Service Delivery**

- Maintain the level of quality of provision as current as a minimum, with continuous improvement
- Deliver on the Council's key objectives for provision of sport and physical activity
- Increased participation in sport and physical activity, based on improving the current levels of participation
- Provision of pricing for disadvantaged groups and core prices

- **Financial Implications**

- Capital Investment may be considered from a number of sources including the market, bidders, Council capital reserves, Section 106, possible grant funding and Council prudential borrowing
- The revenue position is expected to be significantly improved on the current costs.
- Surplus Share to be included based on simple 50:50 share of surplus above management fee submission, to provide income generation for the Council.

- Utilities benchmarking to be included based on price benchmarking only – Contractor responsible for energy consumption

The Contractor shall ensure that the Services contribute towards and shall evidence the Services' contribution towards the following documents (or the future equivalent/replacement strategies/documents):

- Test Valley Sport and Recreation Strategy

In particular the Council is seeking for a partner to invest in certain facilities and deliver the outcomes through a Design, Build, Operate and Maintain (DBOM) contract, together with the leisure management. The business case outlines potential investment opportunities, which the Council is particularly keen to deliver

- A new Andover Leisure Centre as set out above and investment in Romsey Rapids

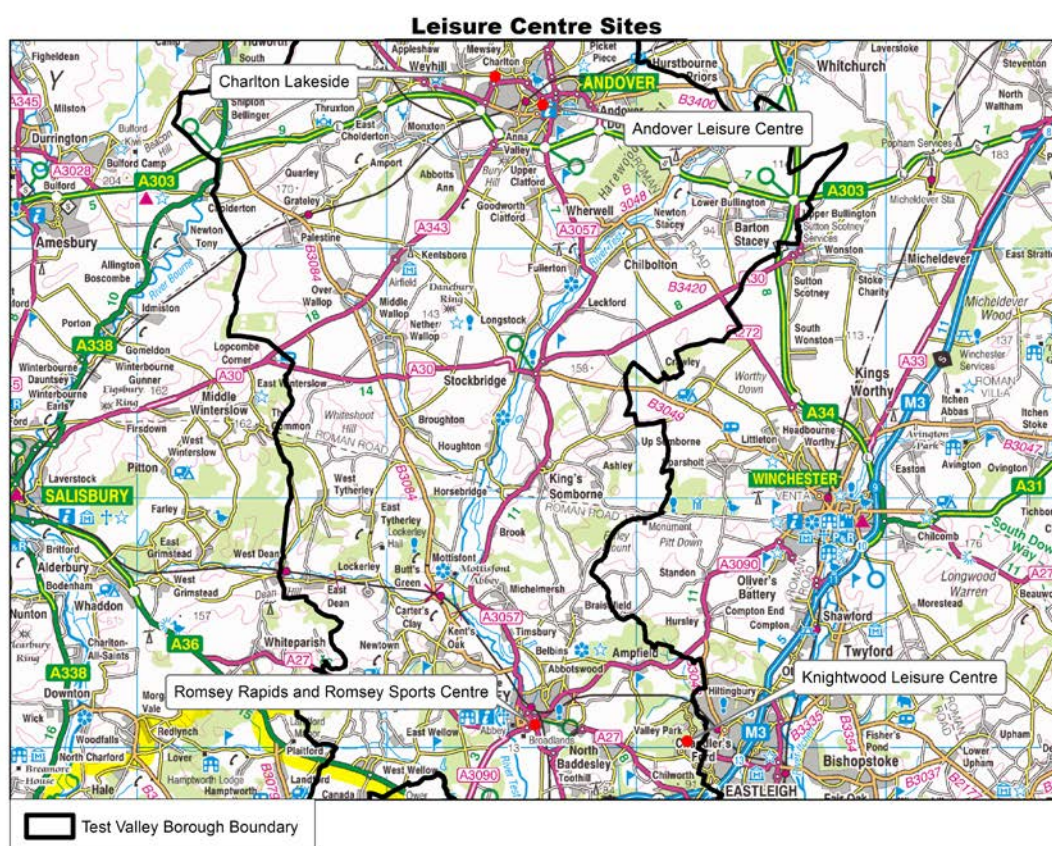


## Section 3 – The Project and Key Commercial Terms

## Scope of the Contract

The Council wish to appoint a Partner (or Partners) to deliver the Leisure Centres for the Council and in particular to operate, manage and invest in the following Facilities

### Map 1 – Leisure Facilities in Test Valley



Further detail is provided below about the existing facilities, with more details available on the websites.

£'000's	ALC	RR	RSC	CL	KLC
Income	2,477	2,502	8	153	152
Expenditure	2,572	2,271	16	165	197
Net Surplus/ (Deficit)	(95)	231	(8)	(12)	(44)
User Numbers '000's	ALC	RR	RSC	CL	KLC
2012/13	476	470		14	47
2013/14	501	489		16	52

## Approach to the Partnership

### Bidders' Open Day

The Council is holding a Bidders' Open Day on **Friday 20 November** where Bidders will have the chance to hear and discuss the opportunity with the Council's project team and advisers and visit the Centres.

Interested parties are asked to confirm their attendance at the Open Day **by 16 November** including the number of people (maximum of 2) attending. Please e-mail **[leisurecontractprocurement@testvalley.gov.uk](mailto:leisurecontractprocurement@testvalley.gov.uk)**

The competitive dialogue process provides the opportunity for the Council and bidders to work together and develop the most appropriate long term solution taking into account the needs of residents and users of the facilities, and expertise of both parties.

The Council is seeking to develop an agreement(s) which is outcome driven with the onus on the partner's own expertise and a focus on self monitoring. A partnership approach with the successful partner which seeks to allow the facilities and services to evolve and adapt to new developments and ideas is favoured by the Council.

It is expected that the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) will apply to the award of these contracts and that staff may transfer to an incoming partner. Bidders are expected to seek independent legal advice on the application of TUPE in these arrangements. Further information and details will be provided in the Invitation to Submit Detailed Solutions.

The Council has a strategic commitment to achieving high environmental standards, particularly with respect to minimising carbon emissions through energy efficiency and renewable energy. High performance standards will therefore be expected and required as part of these contracts.

Dialogue issues which prospective partners may wish to consider to develop and inform their approach to the contracts may include:

- Potential capital investment proposals – the Council is keen to discuss proposals which deliver improved revenue positions and provide for a return on investment.
- Preferred contract length and the reasons why this is best value for the Council (the Council is currently considering up to a 30 year contract)
- Innovative proposals which improve the delivery or operation of the services
- How the solution will deliver enhanced service and the outcomes of the Council

## Key Commercial Terms

### Affordability

The Council has an existing revenue budget for the operation of the leisure facilities which it is expecting to deliver significant revenue savings on through investment in new and refurbished facilities. It recognises however that any capital will potentially need to be provided by the Council for this investment and could be funded by through revenue savings.

Alternatively the Council may decide to fund capital from its reserves, however this still has a financial implication for the Council. As a result the bidders will be asked to factor into their

submission a cost of capital financing, which will be part of the evaluation to enable the whole life costs of the proposals to be evaluated and compared.

If bidders require any capital funding the Council will consider providing up to £20 million assuming that the scheme stays within the affordability limits, for which bidders will need to account independently the financing costs.

At this stage of the project the Council has identified the potential to borrow the capital identified above but it will be dependent on overall affordability at the time and subject to any changes in legislation, etc when the capital is required.

The affordability evaluation will be undertaken based on the capital being provided by the Council through prudential borrowing.

For any capital that is provided through prudential borrowing the following repayment costs should be clearly shown within bidders submissions.

- Based on interest rate of 3.63% with a 30 year term
- £59,378 per annum per £1 million borrowed

Thus if a bidder is borrowing £3 million then they should include a repayment of £178,134 per annum in their financial submission.

The actual interest rates (including the provision for MRP) which will be used for any borrowing will be determined at the time of drawdown, but for the purposes of evaluation bidders should use the above figures.

The Council anticipate that any capital investment schemes should deliver significant revenue savings in order to fund the capital investment required as set out above through prudential borrowing.

### **Data Room**

The Council has provided an electronic data room on its website that is available exclusively to Bidders. Access has been arranged separately for this.

The information provided in the data room has been prepared by the Council in good faith but does not purport to be comprehensive or to have been independently verified. Bidders should not rely on the information contained within the data room and should carry out their own due diligence checks and verify the accuracy of such information. Nothing in the data room is or shall be a promise or representation as to existing or future circumstances.

The Council reserves the right to supplement and amend information at any time during the bidding process. Bidders will be advised of any changes through email contact with an appointed representative of each Bidder.

### **Contract documents and key issues**

The project documentation used by the Council follows the Sport England Standard Form Design Build Operate and Maintain (**DBOM**) contract template, and represents the Council's position.

Bidders have been provided with the Contract in [[Volume 4] of the ISDS]. The Council reserves the right to make drafting amendments to the Contract during the dialogue phase and final tender periods.

The Council proposes to discuss the terms set out in the Contract during the dialogue phase and work with the Bidders to arrive at amendments acceptable to the Council provided such amendments are raised by Bidders and agreed by the Council prior to the final tenders period.

## **Risk**

The efficient allocation of risk between the Council and the Contractor is an essential part of a successful long-term relationship. For the contract to be a success, it is important that each element of risk is managed by the party best positioned to do so.

The Council has undertaken a preliminary risk analysis and the proposed share of risks between the Council and the Contractor has been reflected in the draft contract and the risk allocation matrix. Bidders should note that the risk allocation matrix must be read in conjunction with the Contract and that in case of any inconsistency between the Contract and the risk allocation matrix, the provisions of the Contract shall take precedence.

Where bidders propose using a sub-contract structure the Council expect a relevant pass-down of key terms to the sub-contractor. Details of sub-contract and interface arrangements will be discussed during dialogue.

## **Subcontracting Arrangements and performance guarantees**

The council's preference would be to enter into one contract with the provider of the Services rather than a special purpose vehicle. Sub-contractors are permissible and all key sub-contractors will be required to enter into collateral arrangements with the Council providing the Council with collateral warranties and step-in rights and to include the Authority's rights as a third party beneficiary of the sub-contract. It is assumed that the sub contracts will be entered into by the Contractor at the time of execution of the Contract, but if that is not the case, further details must be provided on timings. All contracting parties must be robust entities capable of taking on the obligations included within the relevant contracts. Where entities are not sufficiently robust, in the view of the Council, Parent Company Guarantees may also be required to support an entity's contractual obligations and liabilities.

## **Term of the Contract**

The term of the Contract is 30 years from commencement.

## **Annual Payment**

The Annual Payment (management fee) may be a surplus or deficit payment (ie a payment made by the Contractor to the Authority or the Authority to the Contractor) dependant on the agreed commercial proposals, and the Contract shall be adjusted to allow for either to occur.

Any Management Fee will be subject to inflationary increase based on CPI or an equivalent agreed index. The Council expects Bidders to deliver continuous improvement through annual efficiencies and innovation over the term of the Contract.

The Annual Payment should be presented as a profiled management fee in accordance with the tender submission, and will be paid (by the Bidder or Council) in 12 equal monthly payments

## **Benchmarking**

It is not proposed that there will be any income or expenditure benchmarking (other than utilities). If the Bidders believe they can offer better value for money through benchmarking then the Council would be willing to discuss this in dialogue.

## **Utilities**



The energy consumption at the Facilities will be at the Contractor's risk.

The Council recognises that energy prices can be volatile, but would still seek for the Contractor to take significant tariff risk. The Council is however willing to discuss proposed approaches to tariff risk during the competitive dialogue process.

### **National non domestic rates**

The Council's policy with regard to National Non Domestic Rates (NNDR), commonly known as Business Rates, is currently 80% mandatory relief. This would be granted if all the relevant charitable organisation criteria is satisfied. This is subject to policy change and as such bidders should complete their submissions based on 80% NNDR relief but recognise this may be subject to policy change. Bidders must propose models that can achieve this level of relief or better.

NNDR Relief may also be available where bidders adopt an alternative structure using a Not for Profit Distribution Organisation (NPDO). Bidders should clearly set out their proposed structure in this regard and confirm that they will be entitled to seek mandatory or discretionary rate relief as applicable to its legal status.

The Bidder will be expected to assume the risk of any changes in law relating to NNDR relief associated with an NPDO structure, and to guarantee that any changes in NNDR law will not affect the level of the management fee. If the Bidder is unable to accept this risk, the Bidder must make its tendered position clear, and such matters can be considered and addressed in relation to an alternative approach for discussion during dialogue.

### **Services Specification**

The detailed Services Specification, which set out the Council's requirements for the sport and leisure services at the facilities are available in the data room. These are not a pro forma and need careful consideration.

### **Surplus Share**

The principles of the proposed surplus sharing mechanism is:

Provision of detailed annual statements to the Council outlining any actual surplus levels achieved as measured against projected base target levels

Application of the mechanism on an annual basis through the Contract Period

The levels of surplus above those projected and agreed within the operator's base financial model will be shared between the Contractor and the Council on a 50:50% basis for every £1 excess achieved – unless agreed otherwise.

The Council welcomes bid-backs where the Bidders can offer alternative sharing ratios that better incentivise bidders to perform

### **Capital requirements**

The Council requires investment *in Andover Leisure Centre and also Romsey Rapids*

There has been a significant amount of work looking at the options for development and also the future business plans for these, which is in the Data Room, however bidders is asked to consider the most appropriate investment to deliver a commercial return.

It is recognised that the Council is asking for input on a number of options and as such at ISDS stage is seeking indicative plans and approaches to the capital to enable the Council to determine the most appropriate option to take forward to ISFT. Accordingly bidders should identify in their submissions any key provisional sums or areas of risk.

The Council do not have any other requirements for capital developments as part of the Solution.

However the Council is interested to explore Bidders proposals for capital investment in the optional Variant Solutions. It is expected any capital developments will be aimed at improving the service and revenues of the Facilities, providing a return on any investment.

The Council may have the potential to invest capital in the longer term as identified earlier and will want to assess the impact of the bidder providing capital and also the Council providing capital.

The Bidders proposals should assume that the contractor takes full risk on the delivery of the capital scheme(s) and the returns generated.

In relation to any capital developments Bidders are expected to provide a schedule of the equipment that they will provide together with a full breakdown of the costs associated with the provision and ongoing maintenance and renewal of such equipment.

### **Equipment**

An inventory of all existing equipment at the Facilities has been included in the Specification. Requirements relating to equipment upgrade and replacement is contained in the Specification.

### **Maintenance**

It is envisaged that that the Contractor will be expected to take full responsibility for all maintenance and lifecycle requirements relating to the Facilities. The Council expect the Contractor to manage the lifecycle fund for Capital Developments and to take responsibility for deficiencies in the fund.

### **Performance Monitoring System**

The Council intends to implement a Performance Monitoring System which is based on the Sport England DBOM template. This will be modified to allow for payment to be a surplus or deficit payment and for 'adjustments' rather than 'deductions' to be levied where there are availability or service standard failures to meet the Services Specification.

The Performance Monitoring System has been fully drafted and is set out in Schedule 14 of the Contract.

### **Insurance**

The Council intends to continue to take out property damage insurance for the Facilities. The insurances that the Contractor will be required to maintain are set out in the draft Leisure Management Contract. However, the Council is keen to discuss this during the Dialogue phase.

### **Title to the Sites**

The Council will provide the Disclosed Title Matters, the Replies to Enquires and the Disclosed Searches (as defined in the Contract). Bidders are responsible for performing title due diligence on viability of their proposals.

## **Leases**

It is envisaged that while providing the Services, the Contractor will have sole possession of the Facilities on a day-to-day basis. The Council intends to grant the Contractor leases and/or under leases in respect of the relevant Facilities, subject to any VAT and NNDR considerations.

The envisaged form of lease which has been included in the Contract is designed to be viewed in the context of the Services as a whole and not as a stand alone commercial lease, for example the maintenance and termination provisions in the lease will be linked to the Contract.

## **Employment and Pensions**

The Council considers that TUPE will apply. If TUPE does apply, those employees of the Council's existing service provider assigned to the provision of services at the Facilities may become employees of the successful Bidder on their existing terms and conditions of employment.

Under TUPE, there is an obligation to consult with recognised trade unions, professional associates and employee representatives about any likely consequences for staff (ie "measures") and the successful Bidder will be expected to provide all necessary information required by the Council's existing service provider to meet those obligations. "Measures" is usually given a wide interpretation and the successful tenderer is required to take this into account when collating information on measures.

Bidders are advised to seek their own professional advice in order to form their views on the question of TUPE and should specify the view that they have taken together with the reasons for that view.

Staff transferring from the Council must, in accordance with the 2007 best value authorities pension direction, be given a third party right to enforce their pension protection against the contractor/sub-contractors

## **Surveys**

The Council has commissioned condition surveys which bidders will be asked to comment on and it is expected that the warranties will transfer to the successful bidder for the condition survey if appropriate.

Bidders will have to satisfy themselves in relation to the extent of the surveys carried out. The risk in inherent defects in existing facilities which is not revealed and which could not have been revealed in the condition surveys will rest with the Council, all other responsibility sits with the contractor.

If any bidder wishes to commission any additional surveys or studies for the purpose of preparing their bid, then they must submit in writing their full proposals to the Project Manager. Bidders should not proceed with any additional surveys or studies unless the Council has given approval in writing. Any such surveys or studies will be taken at the bidder's own costs and risk unless agreed otherwise.

## **FINANCIAL ASSUMPTIONS**

We set out below the key financial assumptions bidders should use in their submission

- Bidders should provide an [average/profiled] Annual Management Fee
- Bidders should price the energy costs based on the tariffs (as set out in the data room), but are able to make their own assessment of the likely consumption, which will be used as the baseline position in the contract
- Bidders should include within their submission the financing costs for the capital

- Bidders should not change the format of the pricing sheet, (document; Supplier Response – Appendix A - Pricing Tables). If Bidders need to clarify where expenses or income are allocated then additional notes should be made in the sheet
- The mandatory bid should be based on the TUPE list provided
- Buildings Insurance for the facilities will be retained and procured by the Council. All other insurances will be the responsibility of the Contractor



## Section 4 – Background to the Council and Facilities

Test Valley covers 62,758 hectares on the western-side of Hampshire; the borough borders Berkshire to the North, Wiltshire to the West, and the New Forest and Southampton to the South. The Borough contains a mixture of urban, semi-urban and rural areas, with a large proportion of residents living in either Andover or Romsey, or in smaller towns and villages scattered across the Borough.

Test Valley Borough Council consists of 48 elected Councillors representing 24 wards. 38 Borough Councillors are members of the Conservative Party who are the Majority Group at the Council. 9 Borough Councillors are members of the Liberal Democrat Party who form the Council's Minority Group, and 1 Councillor is Independent.

Test Valley has 59 Parish areas. Each Parish Council comprises a number of elected (and possibly some co-opted) Councillors.

The population of Andover is currently 46,298 people and is set to increase to 49,784<sup>1</sup> people by 2019, an increase of 7.5% or 3,486 people over the next four years. The population of Romsey is 14,839 people and is set to increase to 15,176 people by 2019, an increase of 2.2% or 337 people over the next four years.

The borough is estimated to see its population increase as a whole from 121,783 in 2015 to 126,731 in 2019.<sup>2</sup> The number of households within the borough is estimated to increase from 51,263 in 2015 to 53,818 in 2019. As such Test Valley is experiencing significant change and development over the next four years.

Test Valley has a range of facilities which are accessible to residents; these include The Lights Theatre, the Odeon Cinema, Andover Leisure Centre, Charlton Lakeside and Finkley Down Farm at Andover. Two new large outdoor sports facilities are being provided at Augusta Park and Picket Twenty.

Serving Romsey there is The Plaza Theatre, Lantern Theatre, Romsey Rapids, Romsey Sport Centre and Hunts Farm which serve the town. These are complemented with recreation facilities at North Baddesley, Nursling & Rownhams and Valley Park.

The main sports centres and pitches are located at Andover, Romsey, North Baddesley and Valley Park. There are additional local facilities such as children's play equipment and informal recreation areas and parks serving these areas and the other settlements in the Borough. Most of these are controlled by Parish Councils. Meeting the future recreation needs of the Borough's population will be a key issue.

In Andover the Council has recently acquired the Former Magistrate Court site next to the Andover Leisure Centre. The Council is currently working up proposals for it's future. Although the

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<sup>1</sup> Hampshire County Council, Small Area Population Forecast 2014.

<sup>2</sup> Hampshire County Council, Small Area Population Forecasts 2014.

business case is being worked up separately, given its proximity, it may be that bidders explore the viability and potential synergy with development at this site.

|

Tier 1	Tier 1 Weighting	Tier 2	Tier 2 Weighting	Tier 3	Tier 3 Weighting
Services	40%	Delivery against Outcomes Framework	20%	Outcome Focussed Delivery	5%
				General reporting	0.5%
				Service Development Plan	5%
				Annual Marketing Plan	3%
				Major Incident Reporting	0.5%
				Participation Targets	3%
				Innovation	3%
		Quality and Customer care	5%	Quest Accreditation	2.5%
				Customer Care	2.5%
		Operational Delivery and Service Development	15%	Pricing Requirements	1%
				Opening Hours	1%
				Programming	3%
				Mobilisation and TUPE	1%

Test Valley Borough Council – Overview and Scrutiny Committee – 24 January 2017

				Staffing	2%
				Health and Safety Management	2%
				Security and CCTV	1%
				Equipment	1%
				Routine and Reactive Cleaning	1%
				Environmental and Energy Management	1%
				Catering and Vending	1%
<b>Technical</b>	10%	Capital Development & Design	5%	Development Opportunities	2%
				Design and Proposals	3%
		Planning Risk	2%		
		Maintenance Proposals	3%		
<b>Commercial</b>	50%	Usage, Expenditure and Revenue	10%	General Deliverability	3.3%
				Operational Income	3.3%
				Operational Expenditure	3.3%
		Affordability	20%		

Test Valley Borough Council – Overview and Scrutiny Committee – 24 January 2017

		Risk and Contract Acceptance with Performance Guarantees	10%	Degree of agreement to the terms of the Contract and Performance Monitoring System and, as applicable, the extent of any proposed changes.	8%
				Provision of a clear, robust contractual and performance structure with appropriate sub contract terms and performance guarantees	2%
		Capital Investment Plan	7.5%	Outline Business Case	4%
				Build costs and fees	3.5%
		Delivery & Risk	2.5%		

## **ITEM 9                                      Overview and Scrutiny Handbook**

Report of the Chairman

### **Recommended:**

**That the Overview and Scrutiny Handbook be approved.**

#### **SUMMARY:**

- To review and agree the revised Overview and Scrutiny Handbook.

### **1            Introduction**

- 1.1    On 21 April 2010 the Committee considered and agreed to adopt the Overview and Scrutiny Handbook. This is in accordance with recommended good practice advice by the Centre for Public Scrutiny, that all Overview and Scrutiny Committees should have a Scrutiny Handbook to which members and officers can refer for guidance.

### **2            Background**

- 2.1    In July 2016 members of the Committee held an Away Day in the Andover Guildhall where the day focused on reviewing current practices and looking at how OSCOM could operate in the future.
- 2.2    The Away Day was facilitated by Laura Murphy from the Centre for Public Scrutiny and following a very productive session an action plan was drawn up to shape and develop the Overview and Scrutiny function.
- 2.3    From the action plan six groups were identified to research and explore options to take Overview and Scrutiny forward.
- New form (covering how items are added to the work programme and the following processes) – lead by the Chairman, Councillor Lynn.
  - Call In – lead by Councillor C Dowden.
  - Panels Scoping – lead by Councillor Baverstock.
  - Training – lead by Councillor Finlay
  - Public Participation – lead by Councillor Drew
  - Job description for Overview and Scrutiny members – lead by Councillor Jeffrey.
- 2.4    The areas covered by the ‘new form’ ‘panels scoping’ and ‘job description’ have been incorporated into the revised Overview and Scrutiny handbook.
- 2.5    Areas covered by call in, training and public participation will be considered separately.

### **3 Corporate Objectives and Priorities**

- 3.1 The development of Overview and Scrutiny will help to underpin the Council's priority to contribute to and be part of a strong community by encouraging the public to engage with the Council to help shape their communities.

### **4 Legal Implications**

- 4.1 Any changes to the Constitution will require a Council decision.

### **5 Conclusion**

- 5.1 The Handbook was last reviewed and updated in 2013 and requires further amendment to bring it up to date. Changes will also need to be made to reflect the proposed changes by Overview and Scrutiny Committee, as highlighted in this report.

#### Background Papers (Local Government Act 1972 Section 100D)

#### Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	1		
Author:	Councillor Lynn	Ext:	8014
File Ref:			
Report to:	Overview and Scrutiny Committee	Date:	24 January 2017

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ANNEX



OVERVIEW  
AND  
SCRUTINY HANDBOOK  
  
(January 2017)

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## 1. INTRODUCTION

### 1.1 Who is this handbook for?

This handbook is a guide for Councillors and Officers at Test Valley Borough Council (TVBC) on how to carry out Overview and Scrutiny, and may also be useful to anyone with an interest in what TVBC's Overview and Scrutiny Committee (OSCOM) does.

Please read this guide together with the Council's Constitution, which contains the operating procedures, scope and protocols for the Committees within the Council.

### 1.2 What is this handbook for?

This handbook will help Members and Officers understand how OSCOM carries out its work, decides on what work it does, and what role both Members and Officers play in Overview and Scrutiny.

The sections in this handbook look at

- The principles and objectives of carrying out Overview and Scrutiny
- The mechanics of Overview and Scrutiny at Test Valley Borough Council
- A guide for Members on their role
- A guide for Officers on their role

### Further Information

If you would like any further information about this Handbook, or Overview and Scrutiny at Test Valley Borough Council, please contact:

~~Head of Administration~~ Democratic Services Manager

Test Valley Borough Council  
Beech Hurst  
Weyhill Road  
Andover  
Hants  
SP10 3AJ

Telephone: 01264 368000

Copies of this handbook can be made available in an alternative format on request.

January 2017

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## 2. WHAT IS 'OVERVIEW AND SCRUTINY'?

~~"Overview and Scrutiny is potentially the most powerful and exciting element of the entire local government modernisation process. It places non-Cabinet Members at the heart of policy-making and at the heart of the way in which Councils respond to the demands of modernisation."~~

The Development of Overview and Scrutiny, ODPM, September 2002

The national advisory body, the Centre for Public Scrutiny, defines 'scrutiny' as follows:

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"Public scrutiny is an essential part of ensuring that government remains effective and accountable. Public scrutiny can be defined as the activity by one elected or appointed organisation... examining and monitoring all or part of the activity of a public sector body with the aim of improving the quality of public services."

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Scrutiny ensures that decision-making processes are clear and accessible to the public and that the people taking decisions are held accountable for those decisions.

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### 2.1 Overview and Scrutiny – the legal framework

Overview and scrutiny was introduced by the Local Government Act 2000, as part of the modernisation of local government. Councils were required to implement a new, more streamlined structure for decision-making. At most Councils this resulted in the creation of a Cabinet (or Executive) of up to 10 councillors, responsible for taking the day-to-day decisions on running the authority within the budget and policy framework agreed by the full Council. The majority of councillors were given the new role of overview and scrutiny, which was designed to act as a check and balance, holding the Cabinet to account and contributing to policy development.

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Scrutiny work is focussed around its four main roles:

- holding the Cabinet to account
- policy development and review
- performance review and monitoring to ensure continuous improvement
- external scrutiny, such as health - investigating issues affecting the wider community

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Scrutiny also provides opportunities for community involvement and democratic accountability. Engagement with service users and with the general public can help to improve the quality, legitimacy and long-term viability of recommendations made by scrutiny bodies.

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Overview and Scrutiny is part of the way in which local government works, and aims at ensuring continuous improvement by monitoring and reviewing performance. The Local Government Act 2000 (LGA 2000) replaced traditional

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~~committee-based decision-making with a Cabinet, which makes most of the service-based decisions.~~

~~To balance Cabinet powers, the LGA 2000 introduced Overview and Scrutiny. The task is to ensure that decision-making is efficient, transparent and accountable, and that the Cabinet makes the best decisions in the interests of the people of At Test Valley Borough, Overview and Scrutiny Committee (OSCM). OSCOM is the Committee charged with carrying out the Overview and Scrutiny function, supported by a number of permanent and temporary panels. Cabinet Members are unable to serve on OSCOM or any scrutiny panels as there needs to be a separation of roles, and its Members must not be a Cabinet Member.~~

~~Test Valley Borough Council has one Overview and Scrutiny Committee, supported by a number of permanent and temporary panels~~

## **2.231 Under the provisions of the Local Government Act GA-2000**

Overview and Scrutiny **must:**

- Be given the power to review or scrutinise decisions or actions taken in respect of any function of the Council, apart from Planning and Licensing decisions;
- Be given the power to make reports or recommendations to the Authority or the Cabinet in respect of any functions of the Council;
- Be given the power to make reports or recommendations to the Authority or the Cabinet in respect of matters which affect the Local Authority's area or its inhabitants;
- Meet in public except where legislation allows the press and public to be excluded, and
- Ensure that any Member of OSCOM can place a matter relevant to the remit of the Committee on its agenda, and have the matter discussed at a meeting of the Committee.

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Overview and Scrutiny **may**:

- Following a call-in, recommend that a Cabinet decision not be implemented, and be reconsidered;
- Make arrangements following a call-in for the Full Council to review or scrutinise a decision (when it is a Full Council responsibility). *NB. Full Council can make only recommendations to the Cabinet on areas for which the Cabinet is responsible.*
- Conduct Reviews, and other tasks;
- Delegate to a Scrutiny Panel;
- Have non-voting co-opted Members;
- Exclude the press and public where legislation allows;
- Require Members and Council Officers to appear before OSCOM and give evidence or answer questions. *(It is a legal duty to comply with such a requirement, except that they cannot be required to answer questions that they would be entitled to refuse in a Court of Law), and*
- Invite any other person or body to attend and give evidence or answer questions.

Overview and Scrutiny **cannot**:

- Undertake any functions other than those specified by the Act;
- Make or implement decisions, or
- Include any Cabinet Member as a Member of the Committee.

Overview and Scrutiny **is not**:

- An alternative to normal appeals procedures, in respect of planning and development control, licensing, registration, consents and other permissions, and should therefore not become involved in reviewing decisions on individual applications, or
- A means of making a complaint against the Council. The Council's complaints procedure can be found on the Council's website at [www.testvalley.gov.uk](http://www.testvalley.gov.uk), or in writing at the Council offices.

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## **2.342 What are the aims and objectives of Overview and Scrutiny?**

Overview and Scrutiny seeks to ensure that the Council has the best policies in place and makes the best decisions for local people. It also acts as the focus for people's concern about other issues in the local area, [demonstrated by the fact that](#) ~~as~~ Overview and Scrutiny may examine the work of organisations that are not part of the Council.

It is the job of Overview and Scrutiny to look at the Council's key decisions, policies and service delivery. It is at the heart of the principle of open and transparent decision-making in local government and the drive for greater public involvement. Local people can be involved as co-opted Committee Members, providers of evidence, or can suggest topics for review.

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OSCOM cannot make decisions about policy or services, or alter those already made or prevent them being implemented. However, it can make recommendations based on evidence gathered, about how services could be better delivered, or policies changed or developed, or decisions altered.

These recommendations are passed to Cabinet or Full Council as appropriate, who may accept or reject them.

## 2.453 What are the key functions of Overview and Scrutiny?

There are ~~four~~ five key functions of Overview and Scrutiny in local authorities:

- Holding the Cabinet to account
- Policy ~~development and review~~ Review
  - ~~Policy Development~~
  - Performance Review ~~and monitoring~~
- External scrutiny

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These functions are carried out either by looking at individual decisions or whole policies and strategies. Councillors can develop new policies and look at service delivery through performance management information. Issues can be investigated in depth, or be looked at over one meeting, or be for information only.

All Members of the Council also have the right to 'call-in' a decision of the Cabinet. This means they can challenge a decision before it is implemented and ask the Cabinet to reconsider.

OSCOM cannot make decisions, but can make recommendations to the Cabinet or Full Council as appropriate.

## 2.564 What is the scope of Overview and Scrutiny?

OSCOM has a very wide range of issues it can investigate. Within the Council, OSCOM can look at all decisions and policies, although there are rules that may require some items to be considered in private, and some decisions can be exempted from call-in. (See Annex 2 Paragraph 15 of this Handbook and p.290 of the TVBC Constitution).

As well as scrutinising Cabinet decisions and key decisions delegated to Officers, Local Authority Overview and Scrutiny also has the power to scrutinise external bodies such as the Police ~~and Health services Authority, the Constabulary, Primary Care Trusts,~~ or any public, private or local organisation with or without the agreement of that body. It should be an issue that affects the authority's area or its residents, but OSCOM cannot compel people from other organisations to cooperate with a review. The guiding principle of Overview and Scrutiny is to avoid confrontational ways of working.

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## 2.675 **Principles of Overview and Scrutiny**

The Centre for Public Scrutiny has developed four key principles that should govern effective Overview and Scrutiny, which can be found in its Good Scrutiny Guide.

They are:

- To be a 'critical friend' in challenging Cabinets and other authorities and agencies;
- To reflect the voice and concerns of local people and communities;
- To lead and own the Overview and Scrutiny process, and
- To make an impact on service delivery.

In practical terms, these principles can guide the ways in which OSCOM carries out its work.

### ***The Critical Friend***

OSCOM should use an evidence-based method of working to arrive at its recommendations. The emphasis is on constructive challenge, not opposition politics. The Committee should conduct reviews, seeking information from as many sources as possible from a broad variety of opinions, and conduct its own research if necessary. Meetings should be non-aggressive and conducted in a manner that seeks out information, rather than places blame. Ways of working will be looked at in more detail later in this Handbook.

### ***Reflecting the local voice***

Overview and Scrutiny seeks to involve local people in several different ways. In planning what to scrutinise, the Committee consults, where appropriate, different groups to identify areas of concern to local people. In reviews, local people ~~sometimes often~~ provide evidence, sometimes in writing, or directly to Committee Members at a meeting.

OSCOM aims to work in different ways to traditional Committees, and may use different venues outside the Council offices, and more informal styles of meetings.

### ***Lead and own the process***

OSCOM decides its own agenda, the reviews that it will carry out, and will consult as appropriate to find out which issues are of most concern. To have meaningful reviews, the Committee looks at issues within the context of corporate priorities, as well as trying to ensure that the Committee does not ~~duplicate double up on issues under~~ reviews being undertaken elsewhere.

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OSCOM is also required by the Constitution to consider requests from Cabinet and Full Council to review issues and add them to the Committee's work programme.

### ***Make an impact***

With an evidence-based approach, the Committee can make recommendations about how services should be delivered, or how policies or decisions could change. [When identifying issues for scrutiny and making recommendations, the Committee should have regard to the timing of any activity, desired outcome, work being undertaken elsewhere and best practice in the sector. Recommendations will follow SMART principles : Recommendations should be SMART, that is:](#)

- Specific
- Measurable
- Achievable
- Realistic
- Timely/time-specific

OSCOM should also ensure that recommendations are followed up, to [measure their impact. see what has happened since they were made.](#) All OSCOM recommendations are monitored, recording whether or not they are accepted by Cabinet or Council. However well conducted a review, it serves no purpose if it has no impact on how the Council or other agencies deliver services.

## **2.7**

### **2.86**

### **What are the benefits of Overview and Scrutiny?**

OSCOM:

- Provides meaningful Member oversight and improvement of service performance;
- Complements the work of [decision makers](#) - Cabinet and Officers;
- Encourages greater public involvement in political management arrangements, contributing to an improved relationship between local communities and the Council;
- Develops deeper, more knowledgeable relationships with partner organisations, through involving them in the Committee's work;
- Contributes significantly to the Council's community leadership and planning roles;
- Helps develop better-informed Members, adept at investigating below the surface of policies and strategies, with the requisite skills and support, and
- Provides a full and valued role for non-Cabinet Councillors.

Successful Overview and Scrutiny will mean:

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- All the relevant stakeholders, partners and the public will be engaged;
- The community will benefit from effective policy development and initiatives;
- Transparency and a high level of awareness of what Overview and Scrutiny is and does;
- Non-partisan working, putting local people and their needs first;
- Better democratic decision-making, with greater public involvement, Councillor motivation and better debate;
- Open-mindedness, and an ability to challenge where necessary;
- Meaningful change in policy and services, and
- Adding value by building consensus on the best courses of action

### 3. THE MECHANICS OF OVERVIEW AND SCRUTINY AT TEST VALLEY BOROUGH COUNCIL

TVBC has one Committee (OSCOM) to carry out the Overview and Scrutiny role. This is supported by various temporary Panels, and the Budget and Audit Panels (which have distinct roles in the Overview and Scrutiny process).

#### 3.1 Committee Membership

OSCOM has 17 Members, and must reflect the political proportionality of the Full Council. Members of the Cabinet cannot serve on OSCOM.

#### 3.2 Committee Meetings

OSCOM meets 4-weekly, usually one week after Cabinet, throughout the municipal year. The Committee can call extra meetings should it wish, and also holds informal workshops and forums. It has a business calendar (its rolling Work Programme) which sets out when routine items are to be considered. Throughout the year, the Committee monitors progress on the Work Programme and adds or defers items as necessary. It also holds an informal annual Away Day.

##### Work Programme

OSCOM's rolling programme of work is maintained and updated as required by the Chairman and agreed by OSCOM Members. At each meeting, the Committee reviews the Work Programme and adds new items or defers items where appropriate. Items on the Work Programme are then incorporated into the Business Calendar. On occasion, Cabinet will refer an item to the Committee for detailed consideration and report back.

No item will be accepted onto the Work Programme unless a justification is given and a clear idea of the expected outcome of the review is provided.

#### 3.3 Help and Support

OSCOM is allocated appropriate officer support as required.

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This support will include:

- Assisting with Agenda planning and Work Programme co-ordination;
- Assisting with scoping and planning reviews;
- Project-managing reviews;
- Preparing briefing notes;
- Carrying out research for Committee reviews;
- Drafting reports for Committee reviews;
- Assisting Members with monitoring the progress of recommendations;
- Keeping Council informed about what the Committee is doing;
- Advising Members, Officers and contributors about the Overview and Scrutiny process;
- Liaising with Officers across the Council about the Committee's work;
- Working with partner agencies and voluntary organisations to inform them about Overview and Scrutiny work;
- Keeping up to date with best practice in Overview and Scrutiny, and
- Organising training for Members.

Senior Officers also support the Overview and Scrutiny function with information and reports about review subjects, appearing as contributors for reviews or the scrutiny of decisions, and providing technical advice.

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## 4. HOW TO CARRY OUT THE ~~four~~<sup>five</sup> KEY FUNCTIONS

This chapter looks at the ~~four~~<sup>five</sup> key functions of Overview and Scrutiny and the ways in which they are carried out.

### 4.1 Holding decision makers to the Cabinet to Account

OSCOM is responsible for examining decisions made by the Cabinet as a whole, and individual Portfolio Holders, as well as key decisions delegated to Senior Officers. With each agenda, the Committee receives copies of the [Cabinet Work Programme](#)~~Forward Plan~~. The Committee can then decide if it wishes to look at a decision in more detail, or use pre-scrutiny for forthcoming decisions on the [Cabinet Work Programme](#). ~~Forward Plan~~.

Scrutiny of decisions follows the same principles as for in-depth reviews. As well as hearing from the decision-maker and relevant Officers, OSCOM can invite external contributors to the meeting for additional information, and receive written evidence. The meeting is conducted to ensure that all available evidence is heard, and that questions focus on evidence. The Committee may make recommendations at the same meeting, or consider them later to have more time to look at the evidence.

#### ***Call-in***

~~OSCOM is responsible for hearing 'call-ins'.~~  
~~One of the tools open to Members is 'call-in'.~~

All [key](#) decisions taken by the Cabinet are subject to call-in and there is a criterion to be satisfied before a call-in can be accepted. [Call-ins that meet the criteria are considered by OSCOM.](#) ~~It should be noted that d~~Decisions of the Cabinet will not become effective until the call-in period has~~e~~ expired. [If a decision is called-in during the designated period it cannot be implemented until it has been reviewed by OSCOM.](#)

[Further details of the](#) ~~For full details of the~~ call-in procedures [are set out in Part 4 of the Constitution, Overview and Scrutiny procedure rules.](#)

[\(Insert link\)](#)

~~, see paragraph 15 of Annex 3 of this document.~~

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### 4.2 Standing Panels

OSCOM has two standing panels, Audit and Budget, for which Lead Members are appointed annually.

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### 4.3 Corporate Priority Reviews

On 21 March 2012, the Committee approved a report to align OSCOM's activities with the Corporate Plan "Doing Things Differently", and its four priorities.

Comment [BD1]: No longer undertaken. New work programme form makes this implicit in selection of topics etc.

As well as this alignment, the report also recommended a process by which the Committee was empowered to discuss and decide the focus of scrutiny of each of the four Corporate Priorities. Details of the process are outlined in Annex 2. Currently, the Corporate Priorities are:

- Developing a Competitive Local Economy;
- Enhancing and Preserving our Natural and Built Environment;
- Improving Access to a Decent Home, and
- Encouraging all our Communities to reach their Full Potential.

Members undertake a minimum of 2 reviews of each Corporate Priority, and maintain a watching brief over related activities. In addition, they contribute to the Chairman's Annual Letter, submitted to Council.

### 4.34 Policy Review and Development

Policy review often leads to policy development, that is, suggestions for better service delivery or areas where policy could change.

There have been several studies on how best to carry this out, and set out below is a ten-stage process developed by INLOGOV, at the University of Birmingham. Many of these ways of working are relevant to any piece of work carried out by OSCOM.

The work done on the review takes place separately from the Committee, but the working group and the officer team involved in the review report back regularly to the Committee.

Performance monitoring is an OSCOM responsibility, and the Chairman and Vice-Chairman receive the Council's quarterly performance management information. This allows them to see whether there are any issues with performance that they may wish to look at more closely.

### 4.45 External Scrutiny

This is a wide-ranging function, allowing Councils to review other public agencies, voluntary or private sector organisations, [providing public services](#). It is based on the principle of community leadership by the Council, and the idea that Councils can voice the concerns of local people about issues beyond the Council's own responsibilities.

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External review has tremendous potential, but also gives rise to issues as to whether it is meaningful and produces a useful outcome. It is important to remember that OSCOM has no power to compel contributors to attend meetings or cooperate with a review. External review can also be resource intensive, and therefore any topics need to be carefully considered before being reviewed.

Factors to consider include:

- Public interest - is this an issue that local people are concerned about?
- Partnership links - is this an issue that affects Council services in any way?
- Will the review receive cooperation from the organisation being reviewed?
- What is the review seeking to achieve?

In carrying out reviews of this type, the same process is used as for policy review. It can be very useful to involve other agencies from the outset, in looking at terms of reference, timetable, access to information etc., as well as building positive relationships to help ensure that the review is a success.

#### 4.56 **Getting the Public Involved**

One of the main aims of Overview and Scrutiny is to become forward-looking and engage with local people and organisations. There are several ways to achieve this, for example:

##### **Topics for review**

As part of the development of the annual Work Programme, the Committee consults widely about the issues that local people want the Council to review. This is done through a variety of sources, including Parish Councils. The Committee uses the results to inform their choice of topics for review.

##### **Involvement in reviews**

People have been able to contribute evidence in the following ways:

- As contributors during the review process;
- As participants in a public debate;
- Signing petitions, which are then presented to the Committee;
- Attending meetings;
- Asking questions at meetings;
- As presenters at a public debate;
- As members of organisations that the Committee has dealt with, and
- As co-opted members of the Committee for a particular review.

##### **Going out and about**

Meetings can be held outside the Council Offices, using venues such as community centres, church halls, etc. This also helps break down the old traditional Committee culture that is discouraged in Overview and Scrutiny.

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#### 4.67 **Tracking Recommendations (See Annex 5)**

For Overview and Scrutiny to have an impact, it is important that recommendations are followed up. The Constitution lays down the procedure for presentation of recommendations to the relevant body or individual decision-maker, and also on the response deadlines to those recommendations. At each meeting OSCOM considers follow-up action as part of the review of the Work Programme.

For each recommendation, OSCOM should know either what action will result from an accepted recommendation, or if it is not accepted, the reasons why. It should be pro-active in tracking what happens to recommendations.

The Committee must follow up accepted recommendations at reasonable intervals to see what progress the Council has made towards implementation, and once implemented, whether people have seen any changes as a result. All follow-up actions requested by the Committee are reported back to the next Committee meeting as part of the review of the Work Programme.

## 5. GUIDANCE FOR COUNCILLORS

### 5.1 Ways of Working

Scrutiny provides Councillors with an opportunity to question Cabinet Members, Officers and others in order to gain knowledge about an issue and make effective, evidence-based recommendations. It also provides an opportunity to represent the views of local constituents and to provide community leadership.

The principles of effective scrutiny should aspire to be:

- **Member-led**  
This means that OSCOM determines its own Work Programme and decides what evidence to seek. Members take an active role in the scrutiny process, for example by going on visits and consulting with service users, residents and local organisations.
- **Consensual**  
Non-party-political and consensus-based, focussed on the needs of service users and residents.
- **Evidence based**  
Taking evidence from a wide range of sources to develop a rounded view of the issue under consideration.
- **Relatively informal**

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OSCOM should aim to be less formal than other Council committees, to create an atmosphere that fosters open discussion with Officers and other witnesses. It's particularly important to put invited witnesses at ease to encourage them to share their views with the Committee.

## 5.2 **Members' interests**

Councillors are expected to declare any interest that is known to them at the start of meetings in the normal way. If such an interest becomes evident during a meeting, Councillors are expected to declare it immediately and say whether they consider that interest prejudicial. It may be appropriate for them to leave the meeting at that point.

Councillors must also bear in mind that a fundamental principle of scrutiny is the separation of executive and scrutiny functions, so that Councillors must not be involved in scrutinising a decision they have made or are about to make. It also applies to Councillors working with a Cabinet Member in an advisory capacity, or with members of external decision-making bodies.

## 6. **GUIDANCE FOR OFFICERS**

### 6.1 **How are topics decided?**

OSCOM decides its own agenda for meetings, having received advice from Officers about important items coming up that the Committee may want to discuss. The draft agenda is sent to the Chairman and Vice Chairman to look at and agree any changes.

The Committee also decides its Work Programme, which is at the core of its agenda. Throughout the municipal year the Committee receives information about what local citizens want them to address, as well as ideas from Officers, Members, the Mayor and the Cabinet. Items can be classified as either full reports or briefings for information or consultation. This programme builds in flexibility to allow for topics to be added during the year.

### 6.2 **How is Overview and Scrutiny carried out?**

OSCOM takes an evidence-based approach in looking at all topics, and bases its recommendations on that evidence.

Officers are involved in every stage, from the selection of items, project planning, providing information, evidence and then advising on possible recommendations being achievable and credible.

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The Senior Committee Officer will liaise between Officers and the Committee, assisting in the review process and co-ordinating the gathering of evidence and progress of reviews. The Senior Committee Officer also manages reviews, advises on best practice, and ensures that everyone is kept informed about the work done by the Committee. This includes agenda planning and updating work programmes.

### 6.3 **How long do I have to produce evidence for the Committee?**

OSCOM will allow time for Officers to produce the information required. If Officers have concerns about this, they should approach their Line Manager, or the Senior Committee Officer.

#### **Overview and Scrutiny should not be seen as secondary to the Cabinet.**

Officers need to take a 'two-hatted' approach in supporting both the Cabinet and OSCOM, as they are both part of the Council's decision-making process.

### 6.4 **How should I prepare and what should I include?**

OSCOM should inform Officers about not only the topic in question, but also possible areas of interest, such as progress on service delivery, customer comments or options available. Although the Committee aim is not to surprise Officers, questions will always arise as discussion takes place. Officers can offer a written answer where appropriate, or come back to the Committee later.

The Senior Committee Officer will contact Officers about the meeting and advise on what OSCOM wishes to discuss. The Senior Committee Officer can also ask the Committee for clarification and more detail.

Some items will require briefing notes that inform Members about the current position, or simply an oral report to update Members, whilst other items may require more detailed information. Officers can also make presentations to the Committee. OSCOM Members do not receive options for recommendations in the same manner as the Cabinet, but it can be useful to explain why a particular document is being presented to the Committee. Any written information such as briefing notes provided to the Committee should be regarded as reports in the legal sense.

### 6.5 **Will I need to attend?**

Appropriate Officers are required to appear before OSCOM. As part of a review, the Committee may also meet with Officers outside Committee meetings, such as at on-site visits. Officers will always be informed if a site visit is to take place.

### 6.6 **What will I be asked?**

Members should only ask Officers about factual and technical information, delegated decisions they are responsible for, and service delivery issues. Officers are not expected to comment on decisions made by the Cabinet, but may be asked about accompanying reports they have written, for example,

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- What consultation took place?
- What other options have been looked at?

Questioning should comply with the Member/Officer protocol, [as set out Part 5 of the Constitution](#). – (See TVBC Constitution, Part 5 page 360). Officers are entitled not to answer particular questions if they are of a political nature or not to account for the reasons that a decision has been taken (if the Officer did not take that decision). These questions should be addressed to the decision-maker/s.

The type of information provided could be:

- Background information or advice on a service area/issue/responsibility;
- To explain decisions Officers have been involved in, or accompanying reports, or
- Explanations of implementation of Council policy, or Performance Indicators for their areas of responsibility.

#### 6.7 **What feedback will I get?**

Any information from Officers included in a review or report by OSCOM will be checked with the relevant Officers to ensure correct interpretation of evidence by the Committee. The Senior Committee Officer is also available to provide feedback about the meeting or information provided.

#### 6.8 **Checklist for People Giving Evidence to OSCOM**

- Make sure you are certain of the topic and what the Committee is seeking. Speak to the Senior Committee Officer if you are unsure of what the Committee have asked for.
- Discuss your contribution with the Senior Committee Officer, especially if you haven't given evidence to OSCOM before.
- If you are making a presentation or a verbal report, or presenting papers at the meeting, check with Committee Services how many copies are required for Committee Members.
- OSCOM does not consider traditional reports recommending actions, implementation or additional expenditure. Expect to be asked your opinion on the best way of doing things, why a particular action or policy was recommended to the Cabinet, and how a service might be improved.
- The organisation of the report is largely up to the presenter, and can vary according to the subject matter. However, there should normally be a section on Background, the Issues and any proposals for consideration by the Committee. If the Committee has not initiated the item, explain why it is being brought before Members, and what is wanted from them.

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- Don't include large documents or previously published material as part of the evidence unless requested to do so. Instead, make reference to it, and where it can be found.
- All information given to OSCOM, including any other reports you might refer to, will be in the public domain and will be posted on the TVBC Website. If information being presented to OSCOM is confidential, discuss this with Committee Services well in advance of the meeting, and before the distribution of agenda papers.
- Don't assume that the Committee has specialist knowledge, but don't talk down to the Members.
- Don't be overly defensive. Overview and Scrutiny is about understanding and recommending improvements, not about confrontation or blame.

## 7. USEFUL SOURCES OF INFORMATION

### 7.1 Websites

Name	Link	Description
Local Government Association	<a href="http://www.lga.gov.uk">www.lga.gov.uk</a>	The LGA represents the interests of local authorities across the country
Improvement & Development Agency	<a href="http://www.idea.gov.uk">www.idea.gov.uk</a>	IDeA is an organisation dedicated to seeking improvement and sharing best practice in local government.
Centre for Public Scrutiny	<a href="http://www.cfps.org.uk">www.cfps.org.uk</a>	The main organisation for excellence in public scrutiny across all types of non-Cabinet functions, from regional assemblies to local government.

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Information for Local Government	<a href="http://www.info4local.gov.uk">www.info4local.gov.uk</a>	Information on websites of central government departments, agencies and public bodies.
Directgov	<a href="http://www.direct.gov.uk">www.direct.gov.uk</a>	The portal for links to all government departments and agencies, as well as local authorities. Also, provides information about individual subjects.
The Greater London Assembly	<a href="http://www.london.gov.uk">www.london.gov.uk</a>	This website also has information about its arrangements for scrutinising the Mayor of London's decisions.

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# **ADDITIONAL BACKGROUND INFORMATION**

## **NEXES**

**Annex 1:** Guidance for Contributors to OSCOM [link](#)

**Annex 2:** Overview and Scrutiny Procedure Rules (including the Call-in Procedure) [and Call-in form](#)

**Annex 3:** Job Description and Key Skills for Members [link](#)

**Annex 4:** Items for Work Programme, Scoping and Outcomes

**Annex 5:** Role Definition (Chairman of OSCOM)

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## **GUIDANCE FOR CONTRIBUTORS TO THE OVERVIEW AND SCRUTINY COMMITTEE**

### **What is Overview and Scrutiny?**

When the Local Government Act 2000 came into force, Test Valley chose to have a Leader with a politically proportionate Executive of 10 Members as the main decision-making body of Test Valley Borough Council. This changed to a single party, 7-Member Cabinet in May 2008.

The Act also introduced the idea of 'Scrutiny and Overview' to balance the powers of the Cabinet. Councils could choose how they would carry this out. Scrutiny focusses on the Cabinet's decisions, whilst Overview engages in policy review work and in-depth studies of issues that concern the local community, whether or not they are part of the Local Authority's responsibilities.

Test Valley Borough Council has one Overview and Scrutiny Committee (OSCOM) of 17 Members, from which are selected several permanent or temporary Panels of up to 5 Members each. The Audit and Budget Panels are permanent, while Members of temporary Panels are appointed as and when required by the Committee.

### **Being invited to a Committee meeting - what to expect and how it works**

OSCOM Councillors are keen to hear what people in Test Valley Borough have to say about the place where they live and the services they receive. As part of the policy review process, the Committee will invite people to meetings as contributors to assist them in their work by providing information and expert advice.

If you are invited to attend a meeting, you will receive copies of relevant information such as the Review's terms of reference, and guidance about the particular area of interest which the Committee would like to discuss with you. If you think there are documents such as leaflets or reports that may be of interest to the Committee under the Review's terms of reference, these are also very welcome. An Officer will contact you before the meeting to discuss any questions you may have.

Meetings are held in public, so anyone can attend, including the media. The Senior Committee Officer keeps written notes of the proceedings. Once the minutes of a Committee have been agreed, they are available to the public.

## **Time and Place**

OSCOM meetings usually take place in either the Council Chamber at the Council Offices, Beech Hurst, Andover, or Crosfield Hall, Broadwater Road, Romsey, beginning at 5.30pm. Meetings are relatively informal, with the Committee Members sitting in a boardroom layout. The Senior Committee Officer will be available to answer any questions and make introductions prior to the start of the meeting.

## **After the Meeting**

If your evidence is used in the final report of a Scrutiny Review, you will be sent a copy of the minutes and asked for your comments. We are also keen to hear what contributors thought of the process, both positive and negative.

## **Contacts**

The Senior Committee Officer supports OSCOM's work and assists in project planning and administration, arranges for contributors to attend meetings, assists with report work and fulfils a wide variety of support roles for the Committee. This Officer also provides a contact point for any queries about Scrutiny and Overview in Test Valley Borough Council. Please feel free to get in touch with any questions about the meeting you have been invited to attend.

Caroline Lovelock

Senior Committee Officer  
email: [clovelock@testvalley.gov.uk](mailto:clovelock@testvalley.gov.uk)

01264 368014

## ANNEX 2

### Overview and Scrutiny Procedure Rules\*

#### 1. **What will be the number of and arrangements for Overview and Scrutiny Committee(s)?**

The Council will appoint one or more Overview and Scrutiny Committees to discharge the functions conferred by section 21 of the Local Government Act 2000 and regulations under section 32 of the Act. The number, size and composition of these committee(s) will be determined by Council from time to time as it sees fit.

The terms of reference of the Overview and Scrutiny Committee(s) will be:

- (i) The performance of all Overview and Scrutiny functions on behalf of the Council;
- (ii) The appointment of such sub-committees as it considers appropriate to fulfil those Overview and Scrutiny functions;
- (iii) To approve an annual Overview and Scrutiny Work Programme, including the programme of any sub-committees it appoints, to ensure that the committees' time is effectively and efficiently utilised, and
- (iv) To consider any items called in by members and to make recommendations to the Cabinet on this.

#### 2. **Who may sit on Overview and Scrutiny Committee(s)?**

All Councillors, except members of the Cabinet, may be members of an Overview and Scrutiny Committee. However, no member may be involved in scrutinising a decision which he/she has been directly involved in.

#### 3. **Co-optees**

The Overview and Scrutiny Committee (OSCOM) shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

#### 4. **OSCOM Meetings**

At least 6 ordinary OSCOM meetings shall be programmed for each year. In addition, extraordinary meetings may be called from time to time. An OSCOM meeting may be called by the Chairman, by any 6 Members of the Committee in writing to the Democratic Services Manager, or by him/her if he/she considers it necessary or appropriate.

***\*Extract from TVBC Constitution, Part 4 – Overview and Scrutiny Procedure Rules pp.299-305***



5. **Quorum**

The quorum for OSCOM shall be as set out for committees in Rule 27 of the Council Procedure Rules in Part 4 of the Constitution.

6. **Who chairs OSCOM meetings?**

Council, in appointing members to OSCOM, will also appoint a Chairman. (*OSCOM appoints its own Vice-Chairman*).

7. **Work programme**

OSCOM will be responsible for setting its own Work Programme.

8. **Agenda items**

- (a) Any Member of an Overview and Scrutiny Committee or sub-committee shall be entitled to give notice to the Democratic Services Manager that he/she wishes an item relevant to the functions of the Committee or sub-committee to be included on the agenda for the next available meeting of the Committee or sub-committee. On receipt of such a request the Democratic Services Manager will ensure that it is included on the next available agenda.
- (b) Any Members of the Council who are not Members of OSCOM may give written notice to the Democratic Services Manager that they wish an item to be included on the OSCOM agenda. If the Democratic Services Manager receives such a notification, then he/she will include the item on the next available OSCOM agenda for consideration by the Committee.
- (c) OSCOM shall also respond, as soon as their Work Programme permits, to requests from the Council and the Cabinet to review particular areas of Council activity. Where they do so, OSCOM shall report their findings and any recommendations back to the Cabinet and/or Council.
- (d) OSCOM will have access to the Cabinet's Forward Plan and timetable for decisions and intentions for consultation.

9. **Policy review and development**

- (a) The role of OSCOM in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, OSCOM or sub-committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.

- (c) OSCOM may hold enquiries and investigate available options for future direction in policy development, and may appoint advisers and assessors to assist them in this process. They may make site visits, conduct public surveys, hold public meetings, commission research and do all they reasonably consider necessary to inform their deliberations.

**10. Reports from OSCOM**

Recommendations from OSCOM will be reported to the next available meeting of the Cabinet or, in the case of a matter referred to it directly by Council, to the next available meeting of the Council.

**11. Rights of OSCOM Members to documents**

- (a) In addition to their rights as Councillors, Members of OSCOM have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 – page 107-115 of the Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and OSCOM as appropriate.

**12. Procedure at OSCOM Meetings**

- (a) OSCOM and sub-committees shall consider the following business:
- (b) Minutes of the last meeting;
- (c) Declarations of interest (including Whipping declarations);
- (d) Consideration of any matter referred to the Committee for a decision on Call-in of a decision, and
- (e) The business otherwise set out in the agenda for the meeting.
- (f) Where OSCOM conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at meetings conducted in accordance with the following principles:
- (g) That the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- (h) That those assisting the Committee by giving evidence be treated with respect and courtesy, and
- (i) That the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

**13. Members and Officers giving account**

- (a) OSCOM or its sub-committees may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the Scrutiny role it/they may require any member of the Cabinet, other Member, the Head of Paid Service and/or a Head of Service to attend before it to explain in relation to matters within their remit:
  - (i) Any particular decision or series of decisions;
  - (ii) The extent to which the actions taken implement Council policy, and/or
  - (iii) Their performance. It is the duty of those persons to attend if so required.
- (b) Where any Member or Officer is required to attend OSCOM under this provision, the Chairman will inform the Democratic Services Manager. The Democratic Services Manager shall inform the Member or Officer in writing giving at least 5 working days notice of the meeting which he/she is required to attend. He/she may incur reasonable expenditure in so doing.

The notice will state the nature of the item on which he/she is required to give account and whether any papers are required for the Committee. Where the account to be given will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.

- (c) Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, the Democratic Services Manager shall in consultation with the Chairman of OSCOM and the Member or Officer arrange an alternative date for attendance.
- (d) Where someone requested to attend is genuinely unable to attend, then he or she may nominate another Member or Officer who is able to speak on the topic to attend
- (e) Speakers shall be entitled to a copy of any draft minute or other record taken of their contribution for comment. Should they feel that such record is not accurate, they can make a written representation asking for a correction to be submitted to the next meeting of OSCOM.
- (f) OSCOM meetings shall be open to the press and public except where they are considering matters which would give rise to the disclosure of confidential or exempt information as defined in Schedule 12A of the Local Government Act 1972.

**14. Attendance by others**

OSCOM may invite people other than those referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and may invite such people to attend. They may incur reasonable expenditure in so doing.

**15. Call-in**

**1. 'Call-in' by whom**

An individual Member may, with the support of another Member who is a Member of OSCOM, and with the agreement of the Chairman and Vice-Chairman of OSCOM, call-in a decision of the Cabinet.

Alternatively, an individual Member may call-in a decision of the Cabinet if it directly concerns his/her ward or at least 3 Members acting together may call-in a decision not specifically ward-related, provided the call-in request meets the criteria under 3 below.

**2. 'Call-in' to whom?**

A request for a decision of the Cabinet to be "called-in" will be made in the first instance to the Democratic Services Manager who will notify the Monitoring Officer who will decide whether a request falls within the criteria. No judgement on the merits, or otherwise, of the request will be made.

Where a call-in request is to be rejected the OSCOM Chairman shall be consulted before a final decision is reached.

**3. 'Call-in' Criteria**

**3.1 A Cabinet decision will be called-in:**

If the Member(s) calling it satisfy the Monitoring Officer that one or more of the following conditions apply:

- The decision has been made without compliance with Standing Orders;
- The decision is outside the Terms of Reference of the Cabinet;
- The decision is in conflict with existing policy or the Corporate Plan;
- There is no budget, or insufficient budget provision to implement the decision, or
- That information contained within the report, and/or considered by the Cabinet which would have been likely to have affected the decision, was incomplete or inaccurate.

In all cases the Member(s) must provide reasons to support the belief which has given rise to the call-in request, or, if the belief is that the information was inaccurate or incomplete, must provide details of the alleged inaccuracies or missing information.

It will not normally be possible to call in a decision simply because a Member or Members do not agree with it.

However, a decision may be called in for this reason, or any other reason, if the request for call-in is made by at least one-half of all Members collectively. Decisions called in on this basis will be referred to full Council and not to OSCOM.

#### **4. 'Call-in' Procedure**

All Members will receive the reports which go to the Cabinet at least 3 clear days before the appropriate meeting.

A list of the decisions of the Cabinet will then be distributed to all Members by the second day after each meeting.

Members who wish to 'call-in' a decision must do so, in writing, to the Democratic Services Manager by noon on the 6th working day after the meeting of the Cabinet.

The Democratic Services Manager will receive the request and notify the Monitoring Officer who will either:

- (a) Accept the request as being in accordance with the criteria, or,
- (b) Following consultation with the Chairman of OSCOM, reject the request on the grounds that it is not in accordance with the criteria.

#### **Notes:**

- (i) In both cases the Member(s) who made the request, the Chairman of the Cabinet, the Chairman of OSCOM, the Management Team, the author of the report and the appropriate Committee Administrator will be advised accordingly.
- (ii) To assist Members, action lists will contain dates for call-in.

#### **5. Effect of Call-in**

Decisions of the Cabinet will not become effective until the call-in period, set out in sub paragraph 4 above, has expired (unless the urgency procedure applies). Further, if a matter is properly called-in, the decision will not become effective until considered by OSCOM or dealt with under the call-back arrangements.

**6. 'Call-Back'**

At the discretion of the Cabinet Chairman, it will be possible for the Cabinet to "call-back" a decision without it first going to OSCOM. This may occur:

- (a) At the request of the Cabinet because further information has come to light, or
- (b) When the Chairman of the Cabinet, having heard the reason for the call-in request, considers that it would be appropriate to look again at its decision.

**7. Other Procedural Matters**

- (a) In the event of a "called in" matter remaining unresolved between the Cabinet and OSCOM, the matter shall be the subject of a report to Council, and Council will determine the issue.
- (b) Councillors who have "called in" a matter shall have the right to attend and address OSCOM, but not to vote.

**16. Call-In and Urgency**

The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would *for example* – seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in.

The Chairman of OSCOM must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Vice-Chairman's consent shall be required. In the absence of both, the Head of Paid Service's or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

The operation of the provisions relating to call-in and urgency shall be monitored by the Appeals and Ethics Committee, and a report submitted to Council with proposals for review if necessary.

**17. The Party Whip**

When considering any matter in respect of which an OSCOM Member is subject to a Party Whip, the Member must declare the existence of the Whip, and the nature of it before the commencement of the committee's deliberations on the matter. The declaration, and the detail of the Whipping arrangements, shall be recorded in the minutes of the meeting.

## JOB DESCRIPTION AND KEY SKILLS FOR MEMBERS

This section draws together advice about the key skills that Overview and Scrutiny requires and provides a brief guide on some of the most important. Training is available if required. Please contact the Committee Section for more information.

### 1 Questioning Technique

Most questions are either open or closed. Both have their uses, but open questions will gather more information.

#### Open Questions

These are the type of questions that encourage the contributor/respondent to provide information and detail. They are usually the 'who, what, why, when, where and how' type of questions.

**Table 1 Examples of Open Questions**

<i>Purpose</i>	<i>Examples</i>
To establish rapport	Introductory questions to put respondent/contributor at ease
To show interest and encouragement	"and then?..." "I see..." "That's interesting"
To seek further information	"why?" "why not?" comparison explain further hypothetical (not ideal for evidence-based working)
To explore in detail	"how do you feel about...?" "What do you think about...?" "To what extent do you feel/think...?"
To make sure you've understood	"As I understand it..." "So what you are saying is..."

#### Closed questions

These tend to be very focussed on gaining specific information, such as:

- 'how many?',
- 'how long?',

An open question would be: "Tell me about your holiday"

A closed question would be: "Where did you go on holiday?"

Most people will add information to a closed question, but it may not be the information you want.

**Be careful to avoid:**

- Leading questions – “You must admit that...”, or “Isn't it a fact that...”
- Several questions in one - this will confuse the respondent, and you may not get all the answers.
- Ambiguous questions - these are very broad and unfocussed, leaving the respondent unsure what is being asked.
- Rhetorical questions - don't answer your own questions!
- Discriminatory questions - this is where an assumption is made, or the question may suggest the questioner is judging the answer and therefore the respondent, e.g. in a job interview, asking “When do you intend to start a family?” is discriminatory.

Given the need to think carefully about questions, it can be useful to plan what you want to ask, either as individuals or as a Committee, prior to a meeting. This does not have to be exclusive or exhaustive, but can be a useful framework to ensure you get all the information you need for your review / investigation.

It is also important to consider how non-verbal communication can affect a respondent. For example, asking a question but then looking away could suggest to the respondent that you are not actually interested in their answer.

Be clear, relevant, concise and open in your questions. Avoid using jargon or acronyms. Think about the order of questions, to put the respondent at ease, and to find out more basic information before getting into detail.

**Tips for Effective Questioning**

- Keep questions short, simple and succinct - think through the aim or purpose of the question, and what you want to find out.
- Plan your questions to structure the inquiry and make sure you get the information needed.
- Use different types of questions.
- Use questions that draw out as much information as possible - not that reinforce your own views.
- Plan the questions to start with open questions, then ask for more detail later.
- You can be searching, but avoid appearing argumentative or critical.
- Make sure you are clear and concise.
- Build on the work of other Members.
- Ask for clarification if you have not understood something (chances are that you are not the only one).
- Don't ask questions designed to show how much you know.



## **Tips for Effective Listening**

- Be prepared to work hard at listening - try to concentrate on the speaker and not become distracted. Don't give up on difficult material, but work at understanding.
- Demonstrate interest and involvement - don't fiddle with pens etc., don't interrupt, and keep an open and relaxed posture.
- Do withhold judgment and evaluation until the speaker has finished - don't jump to conclusions.
- Judge content, not delivery - concentrate on the information, rather than the manner of delivery.
- Listen for ideas and overarching themes - avoid focussing on individual facts.
- Keep an open mind - don't debate, or react to controversial ideas. Don't listen selectively to only those points you agree with.
- Note bias, both in the contributors, and in yourself.
- Don't fill the silence - allow speakers to develop their comments, and let people use brief silences to think about their answers.
- Help speakers get their point across - let them know how much information is needed.
- Clarify and summarise - ask speakers to check that you have grasped what they have said, and admit if you failed to catch something.

## **2. Chairing OSCOM**

The Chairman has a different role in Overview and Scrutiny Committees from the traditional style of meetings. The Chairman needs to be clear about the purpose of the meeting and ensure that Members are also aware. S/he also needs to keep in mind the protocols for Overview and Scrutiny, especially in relation to questioning people at meetings, and the preparation for meeting people. Specialist training for Overview and Scrutiny chairmen is available.

### **The Role of Scrutiny Chairman**

- The Chairman is proactive and creative.
- The Chairman is responsible for ensuring a proper understanding of the topic, and for ensuring the Committee works effectively and efficiently. S/he continually reviews the working of the Committee.
- The Chairman stimulates debate and ensures that Committee Members participate.
- The Chairman considers what background information or research might be required, who might be invited to give evidence, what questions might be asked, and the frequency and location of meetings. Officer support and advice is available.
- The Chairman ensures that people giving evidence are briefed, and that they are aware that their evidence will be made public unless they ask for confidentiality to be considered.
- The Chairman ensures that Officers understand that they are giving evidence, not presenting formal recommendations for implementation or action. Officer presentations reflect this.

- The Chairman considers informal invitations to the Leader, Cabinet Members, and relevant Officers to sit in on meetings as observers even if they have not been called to give evidence.
- The Chairman ensures that the Committee does not become confrontational or adversarial with people giving evidence. Overview and Scrutiny is about understanding the issues and recommending improvements, not about confrontation or blame.
- The Chairman encourages the Committee to reach a consensus on the recommendations, which should clearly reflect the work undertaken and the spread of views expressed.
- Clear recommendations are presented that don't simply recommend more expenditure without real justification. The Chairman is responsible for producing an Annual OSCOM Letter to Council. Minutes from the meetings act as background along with other evidence considered. The Chairman works closely with the Officers over the content of the final report and is selective as to what is included. Officers can offer advice on presentation and format.
- The Chairman presents the Annual OSCOM Letter to Council.

The role of the Chairman of the Committee is a key position in ensuring that Overview and Scrutiny is effective and will involve:

**Providing leadership to the Committee by:**

- Keeping it focussed and 'on track' in pursuit of its priorities.
- Building good working relationships with Cabinet Members and Senior Officers, through securing their engagement in discussions about the Work Programme and keeping them informed of progress in carrying this out.

**Preparation for the meeting:**

The Chairman must have:

- Knowledge of the terms of reference of the Committee and the area covered, and
- Knowledge of the Members and the advisory Members.

**Opening the meeting:**

- Start the meeting on time.
- Welcome those attending, and clarify roles and responsibilities.
- Create a powerful first impression: gain commitment to the agenda, and focus on what the meeting must achieve.
- Establish ground rules and enforce them.
- Agree when the meeting will end (experience shows that meetings should not normally last more than 2 hours).

**Managing the business:**

- Ensure agenda items are not too heavy and are discussed in a logical, structured way.
- Avoid becoming personally involved, concentrating on managing the process.

- Manage time to ensure that agenda items receive the appropriate level of discussion.
- Manage personalities, making sure everybody has a chance to speak.
- Handle conflict positively to channel energy or commitment.
- Summarise to confirm agreement and ownership of actions/decisions/important points. At key stages, refocus discussions.

#### **Closing the meeting:**

- Clarify how outstanding issues will be resolved.
- Confirm arrangements for follow-up documentation.
- Agree details for the next meeting.
- Ending on a positive note, thank everyone for his or her contribution.

#### **Post-meeting follow up:**

- Review the effectiveness of the meeting.
- Identify opportunities for improvement.
- Review the action points - developing implementation plans.
- Actively follow up progress on action points with those who accepted ownership.
- Ensure key people are kept informed of progress, maintaining their support.

### **3. The Role of Committee Members**

The role of a Committee Member will involve some or all of the following activities:

- Agreeing a manageable Work Programme with other Members of the Committee.
- Receiving and examining information regarding service areas.
- Monitoring the performance of services, including participating in best-value reviews as appropriate.
- Taking an active role in reviews, which could include research, site visits, questioning contributors and developing SMART recommendations.
- Participating in working groups set up to develop policy or practice in specific areas or to scrutinise particular services or practices in detail.
- Ensuring that the principles of equality and fairness are integral to all actions and policies of the Council.
- Holding Cabinet Members and Senior Officers to account and ensuring that agreed decision making and consultation processes are followed in respect of decisions.
- Taking a full part in training and development programmes to ensure that this role is undertaken as effectively as possible.

#### 4. **Research Methods**

Members need to familiarise themselves with the different research methods available to them, and the benefits and limitations of each type. They can be broken down into two groups: quantitative (statistics) and qualitative (interpretation of information). The table below lists some of the commonest types of research used in Overview and Scrutiny, the type of information that can be gathered, and the benefits and limitations of each one.

Whatever the review, often more than one technique will be used. Committees need to think about the most suitable and most cost-effective. The Officers supporting the Scrutiny process will be able to advise on this.

**Table 2 Research Methods**

Type of Research	When to use it	Benefits/Limitations
Statistical methods (Quantitative)	For looking at large quantities of numerical data. For example, how many people own one car or more, which can be broken down by age, gender, area, economic indicators etc. One of the most familiar forms of this type of research is the Census.	Requires specialist knowledge to produce meaningful results. Only suitable if large quantity of data is available to analyse or else the results are not robust.
Questionnaires (Qualitative)	When looking for views of lots of people about a subject. Useful for a quick response and reaching many people.	Questions should be carefully thought through. If asking questions that require a detailed response, coding and analysing results will take time. It is also difficult to prove that the questionnaire is representative of the population as a whole. Use of the Citizens Panel is recommended. It can be costly and time-consuming to produce a useful questionnaire.
Focus Groups (Qualitative)	When looking for opinions and views about issues from particular groups	This is a very popular method, but must be carefully carried out to ensure robust results. It is resource and time intensive. Results will not necessarily be representative, but can be very informative. Requires training in convening, carrying out and analysing.

Mystery Shopper (Qualitative)	For a random check on a service e.g. response to a query.	This can be a great ‘quick-hit’ tool, and easy to carry out. It can highlight areas that might need more detailed analysis.
Desk-based/archival research	To seek out other research and reports available.	This is often done at the first stage of a review, and will look for relevant reports etc published about the topic. It is most productive if the results are summarised and annotated for their value e.g. bias of authors, date when produced.
Ask the experts	To inform the review	Committees may find it useful to use experts to contribute to the review, either through questions in a meeting, or as co-opted Members to ask more specialist questions and analyse detailed complex evidence. It is important to select the experts with care.

## **OVERVIEW AND SCRUTINY CHECKLIST SOME DO'S AND DON'TS**

### **Do's**

- Remember the 'critical friend' role, and take a positive approach.
- Take an overview and keep an eye on the wider picture.
- Check performance against national and local standards and targets.
- Ask informed questions based on what you have learned.
- Take account of local needs, priorities and policies.
- Be persistent and inquisitive.
- Ask effective questions.
- Be open-minded.
- Listen to a wide variety of views, and seek out opinions not often heard.
- Praise success and good practice.
- Think about consequences of challenge.
- Review your own performance.
- Seek improvement and enhanced performance.
- Provide feedback to those who have been involved in the review and to stakeholders.
- Anticipate difficulties in Members challenging colleagues from their own party and Officers challenging their colleagues.
- Ensure that a consensus view is reached before accepting items for the Work Programme.

### **Don'ts**

- Overview and Scrutiny should not be a witch-hunt or punishment.
- Party politics should not dominate.
- Don't stifle initiative, risk-taking or creativity.
- Don't dismiss Overview and Scrutiny or treat it as a sideline.
- Don't get tangled up in detail.
- Don't assume everyone knows the details.
- Don't get sidetracked.
- Don't take overlong on one review.
- Don't be afraid of failure - it can provide valuable lessons for improvement.
- Don't be frightened of asking basic questions.
- Don't undertake too many issues in insufficient depth.
- Don't start without a clear brief and remit.
- Don't underestimate the task.
- Don't lack sensitivity towards other stakeholders.
- Don't succumb to organisational inertia.
- Don't accept reports or presentations that don't get straight to the point.

## **Items for Work Programme, Scoping and Outcomes**

### **Part 1 – Items to be added to Work Programme**

<b><u>Business Item/Issue</u></b>		
<b><u>Proposed by</u></b>	<b><u>Date</u></b>	<b><u>Number</u></b>
<b><u>Reason(s) and evidence for Proposal</u></b> <b>Why has this topic been proposed for discussion/review</b>		
<b><u>Desired Outcomes/Benefits</u></b> <b>What would we wish to achieve, is it likely and why?</b> <i>(Information Only, Hold to account, Current Performance, Change policy, Discuss any changes etc)</i>		

Official use only – complete as appropriate

<b>Accept</b> <b>Reject</b>	<input type="checkbox"/> <input type="checkbox"/>	<b><u>Any additional information</u></b>
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## **Part 1 - page 2**

<b>Overview and Scrutiny Criteria</b> Holding to Account <input type="checkbox"/> Performance Management <input type="checkbox"/> Policy Review <input type="checkbox"/> Policy Development <input type="checkbox"/> External Scrutiny <input type="checkbox"/>	<b>What type of report</b> Full report <input type="checkbox"/> Briefing note <input type="checkbox"/> Round table discussion <input type="checkbox"/> Panel <input type="checkbox"/>
<b>Democratic Services Support</b> Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>Details of support requested</b> Attendance at Meetings <input type="checkbox"/> Help with writing report <input type="checkbox"/>
<b>Responsible Officer/s</b>	
<b>Officer support required</b> Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>Details of support requested</b> Attendance at Meetings <input type="checkbox"/> Writing report <input type="checkbox"/> More than one officer <input type="checkbox"/>



## **Part 2 - Scoping Form**

### **Test Valley Borough Council Overview and Scrutiny Committee Panel Reviews - Scoping Template**

1	<b>Corporate Priority/Service Area (may be more than one)</b>											
2	<b>Lead Member(s)/Chairman of Panel</b>  <b>Panel members</b> <table border="1"> <tr> <td rowspan="4">Panel members</td> <td>North</td> <td>South</td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> </table>			Panel members	North	South						
Panel members	North	South										
3	<b>Portfolio Holder(s)</b>											
4	<b>Key Areas of Focus</b>											
5	<b>What will be developed or reviewed?</b>											
6	<b>Rationale – Why now/why at all?</b>											
7	<b>Anticipated Benefits</b>											
8	<b>Resource Implications</b>											
9	<b>Are there any Partner Organisations involved in the Project? If so, which</b>											

10	<b>Does the Project require Public Involvement?</b>
11	<b>How will the Project assist the achievement of a Corporate Priority or Priorities?</b>
12	<b>What do you want OSCOM to do now?</b>

<i>Number of panels Requested</i>	<i>Start Date Month</i>	<i>Interim Month</i>	<i>Finish date Month</i>
<b>Approximate no. of hours required:</b>			
<b>Democratic Services Support</b>	No Panels Estimated Hours	Report writing Estimated Hours	TOTAL Hours
<b>Officer support required</b>	No Panels Estimated Hours	Report writing Estimated Hours	TOTAL Hours

## Part 3 – Background Documents and Results

<u>Decision Date</u>	<u>Report</u>	<u>Officer Report</u>	<u>Minutes</u>
	<a href="#">Link to agenda</a>	<a href="#">Link to agenda</a>	<a href="#">Link to agenda</a>

Report template guide – for full template please contact Democratic Services

### ITEM

Report of the Head of (Portfolio: )

### Recommended:

1. (Note: Set out in the recommendations exactly what you want the Committee to agree to, having regard to the objectives you have set out in the report).

SUMMARY: (Note: This summary should contain the main points of the report, including the alternative options considered and rejected)

- 
- 

- 1 **Introduction** (Note: Why is the report being written?)
- 2 **Background** (Note: Set out a brief history of the topic under discussion – how did we get here and why?)
- 3 **Corporate Objectives and Priorities** (Note: Why are we doing it at all? How does it fit with what we are trying to achieve?)
- 4 **Consultations/Communications** (Note: What do the stakeholders think? To what extent have we asked their opinion and taken it into account?)
- 5 **Options** (Note: What are the issues that need to be addressed, and what options are available – with individual resource and legal implications if necessary)
- 6 **Option Appraisal** (Note: What are the advantages/disadvantages of each option?)
- 7 **Resource Implications** (Note: The resource implications of the recommended option)
- 8 **Legal Implications (Note: Of the chosen option)**
- 9 **Equality Issues**
- 10 **Other Issues**
  - 10.1 Community Safety

- 10.2 Environmental Health Issues
- 10.3 Sustainability and Addressing a Changing Climate
- 10.4 Property Issues
- 10.5 Wards/Communities Affected
- 11 Conclusion** (Note: Include here the reasons for report recommendations)

## Part 4 - Outcomes

Recommendation to Cabinet (CC) or full Council (FC)				
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
Recommendation	Agreed	Implementation Date	Not agreed	If not, reason
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

## Part 5 – Action Tracking

Report on									
	Agreed			Disagreed			Start Date	Progress Update	Completion date
Recommendation	OSCOM	Cabinet	Council	OSCOM	Cabinet	Council			

### **Round Table Discussion**

- Open to all Members
- Officer/s present
- No public allowed
- Open discussion re subject
- Guest speakers may be given a topic or specific information that Members wish to be briefed on
- May lead to a briefing note or agenda item.

### **Briefing Note**

- Provided by Officers upon request from Members
- Sent out to OSCOM Members by email and put on Members' Portal.
- Members alerted about briefing notes via MIB
- Does not appear on OSCOM agenda.

### **Full Report**

- Officers and Portfolio Holders in attendance
- Detailed document with supplementary information
- Officers present report
- Report discussed and actions agreed
- Recommendations to Cabinet (if any) agreed

### **Status Report**

- Update of what has happened since last OSCOM
- Included with meeting agenda
- Can be brought to future OSCOM agenda with Officer attendance
- Progress reports will continue until reporting process signed off by OSCOM

### **Holding to Account**

The strength of resolve to hold others to account for agreed targets and to be held accountable for delivering a high level of service.

### **Performance management**

An ongoing process of communication to help support the accomplishment of the strategic objectives of the organization, and ensuring that goals are consistently being met in an effective and efficient manner.

### **Policy Review**

A formal assessment of something with the intention of instituting change if necessary.

### **Policy Development**

Suggested process steps for developing a policy, including identifying and defining the problem or issue that necessitates the development of a policy.

### **External Scrutiny**

Inviting independent organisations to attend, so that their operations can be looked at in greater detail.

**ANNEX 5**

**CHAIRMAN OF OVERVIEW AND SCRUTINY COMMITTEE**

**The Chairman of an Overview and Scrutiny Committee will have the following responsibilities over and above that of other Chairmen.**

**Overall Role**

To chair the Overview and Scrutiny Committee and develop and maintain a working knowledge of the practices, procedures, services and functions which fall within the terms of reference of the Committee and to monitor the progress of the work programme.

**Main Responsibilities:**

- To take a lead role in scrutinising policy decisions and in liaison with appropriate senior officers to contribute to the agenda for the meetings.
- To contribute actively to the formation and scrutiny of the authority's policies, budget strategies and service delivery.
- To lead the scrutiny of policy proposals referred to the Committee by the Council or Cabinet by guiding the Committee in obtaining preliminary background information and determining a timetable of scrutiny.

**I confirm that I accept the responsibilities set out above in my capacity as Chairman of the Overview and Scrutiny Committee of Test Valley Borough Council.**

**Name** .....

**Signed** .....

**Dated** .....



## ITEM 10

## Programme of Work for the Overview & Scrutiny Committee

Report of Head of Legal and Democratic Services

### Recommended:

The Committee is requested to:

1. Review the outcomes on the work programme and recommendations update.
2. Approve the future work programme.

#### SUMMARY:

- The purpose of this report is to enable members to keep the Committee's future work programme and recommendations update under review.

### 1. Background

- 1.1 The OSCOM Work Programme is presented at Annex 1 for review and approval.
- 1.2 The OSCOM Recommendations Update is presented at Annex 2 for the Committee's review and comments.
- 1.3 The Cabinet Work Programme is attached at Annex 3 for the Committee to consider.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	3		
Author:	Caroline Lovelock	Ext:	8014
File Ref:			
Report to:	Overview and Scrutiny Committee	Date:	24 January 2017

**ANNEX 1****OVERVIEW & SCRUTINY WORK PROGRAMME 2016/17**

	*Scrutiny Indicator	Requested by	Purpose of Report (Responsible Officer/ Member)	Expected Outcome
<b>2017</b>				
<b>24 JANUARY (ROMSEY)</b>				
Tender process and criteria	3	Committee	To consider and discuss the tender process and criteria.	To consider and make recommendations as appropriate
Outcomes from the actions following the Away Day	3	Committee	To consider and discuss the outcomes from the actions following the Away Day	To agree the outcomes
<b>22 FEBRUARY (ANDOVER)</b>				
Update by Andover Town Centre Manager	5	Committee	Update on the last 12 months <b>(Andover Town Centre Manager) (30 mins)</b>	To comment on the presentation
<b>22 MARCH (ROMSEY)</b>				
OSCOM Annual draft Briefing	2	Committee	To consider the OSCOM Annual Briefing <b>(Chairman) (10 mins)</b>	To consider and make recommendations as appropriate
<b>26 APRIL (ANDOVER)</b>				
OSCOM Annual Briefing	2	Committee	Report of the Chairman <b>(Chairman) (10 mins)</b>	To comment on the draft report
<b>24 MAY (ANDOVER)</b>				
Round table discussion Web Strategy	2	Committee	To discuss and consider the web strategy <b>(Head of Communications)</b>	To consider the web strategy
<b>26 JUNE (ANDOVER)</b>				
<b>26 JULY (ROMSEY)</b>				
Garden Waste Collection Service	2	Committee	To consider the Garden Waste Collection Service <b>(Head of Environmental Health) (20 mins)</b>	To consider and make recommendations as appropriate

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\* Scrutiny Indicator Key:

1 : Holding to Account	2 : Performance Management	3 : Policy Review	4 : Policy Development	5 : External Scrutiny
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Test Valley Borough Council – Overview and Scrutiny Committee – 24 January 2017

	*Scrutiny Indicator	Requested by	Purpose of Report (Responsible Officer/ Member)	Expected Outcome
<b>20 SEPTEMBER (ANDOVER)</b>				
Annual Review of Corporate Action Plan	2	Committee	To receive an update on the Key Performance Indicators <b>(Policy Manager) (20 mins)</b>	To consider and make recommendations as appropriate
<b>25 OCTOBER (ANDOVER)</b>				
Round table discussion review on Waste and Recycling in Test Valley	3	Committee	A general update on waste and recycling in the Borough, <b>(Head of Environment and Health)</b>	To consider performance and initiatives and ask questions and make comments.
Annual Audit Report	2	Committee	To receive the report <b>(Head of Finance/Auditor Manager) (20 mins)</b>	To comment and make recommendations as appropriate
Draft Budget Fees and Charges	4	Committee	To consider the draft Budget Panel report <b>(Vice Chairman) (20 mins)</b>	Comment and make recommendations as appropriate.
<b>22 NOVEMBER (ROMSEY)</b>				
Romsey Economy	2	Committee	To receive an update on the Andover Economy <b>(Economic Development Officer (20 mins)</b>	To comment and make recommendations
<b>20 DECEMBER (ROMSEY)</b>				
Update on the Council Tax Support Scheme	3	Committee	To receive an update on the Council Tax Support Scheme <b>(Acting Head of Revenues, Benefits and Customer Services) (20 mins)</b>	To comment and make recommendations

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\* Scrutiny Indicator Key:

1 : Holding to Account	2 : Performance Management	3 : Policy Review	4 : Policy Development	5 : External Scrutiny
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Test Valley Borough Council – Overview and Scrutiny Committee – 24 January 2017

DATE TO BE AGREED				
Round table discussion on Tourism	3	Committee	To explore opportunities and ideas for increasing tourism	To consider ideas and opportunities
Housing Strategy (including Homelessness Strategy and Homes Energy Conservation Act Action Plan (full report)	4	Committee	To present the position of these three Housing strategies ( <b>Head of Housing and Environmental Health</b> ) ( <b>20 mins</b> )	To comment and make recommendations
Briefing on Devolution (full report)	5	Committee	Presentation on Devolution ( <b>20 mins</b> )	To comment and make recommendations

**BRIEFING NOTES**

2016		Date Circulated
<b>12 October</b>	Outcomes of the Hampshire Safeguarding Children Board Audit (Community Engagement Manager)	22 September 2016
<b>8 November</b>	Cemetery Rules and Regulations Review (Head of Community and Leisure) Andover Levy (Accountancy Manager)	24 October 2016 27 October 2016
2017		
<b>24 January</b>	Planning Enforcement (Planning Enforcement Officer)	
<b>22 February</b>	Community Engagement (Community Engagement Manager)	
<b>22 March</b>	Car Park Strategy and Management (Planning Policy Manager) Affordable Housing Update (Head of Housing)	
<b>26 April</b>	Performance Management Arrangements (Policy Manager)	
<b>26 June</b>	Risk Management (Principal Auditor) Equalities Scheme (Corporate Director)	
<b>26 July</b>	Complaints Handling (Complaints and Improvements Officer)	
<b>25 October</b>	Shared Services Update (Corporate Director)	
<b>Date to be agreed</b>	Protocol on how to engage internal audit resources for Scrutiny purposes	

\* Scrutiny Indicator Key:

1 : Holding to Account	2 : Performance Management	3 : Policy Review	4 : Policy Development	5 : External Scrutiny
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Test Valley Borough Council – Overview and Scrutiny Committee – 24 January 2017

	Hampshire County Waste Strategy Community Infrastructure Levy	
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\* Scrutiny Indicator Key:

1 : Holding to Account	2 : Performance Management	3 : Policy Review	4 : Policy Development	5 : External Scrutiny
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Review Area	Title	Lead Member	Progress Update	Report back to OSCOM
Economy	A Competitive Local Economy	Councillor Hamilton	As part of phase 2 of the review consideration will be given to the schemes we already provide to support business projects and initiatives in the community. All members are asked to provide information about schemes that work well in other areas that could be considered.	Review Completed
Environment	Members Role in Planning (part 2)	Councillor Tilling	The key issues raised will be picked up by the two newly established OSCOM Planning Panels.	Review Completed
Environment	Animal Welfare pilot project	Councillor Tilling	Borough Council led workshops being held in September for Parish Councils to promote the approach developed by Councillor Tilling and endorsed by OSCOM.	Review Completed
Housing	Affordable Housing update briefing note	Councillor Page	Matter only recently reviewed at OSCOM meeting in April 2015	Update given on 16 March 2016

Panel	Lead Member	Progress Update	Report back to OSCOM
Community Safety Panel	Councillor Baverstock	Phase 1 complete Phase 2 final report in July	3 August 2016
Planning Advisory, Process and Planning Control Panel	Councillor Adams-King	Report on PAP and PCC	12 October 2016
Public Involvement Panel	Councillor Drew	Meeting to be arranged	24 January 2016

Item	Meeting Date	Officer Owner	Recommendation	Estimated Progress	Progress Update
<b>OSCOM Corporate Priority Review (2011-15): A Competitive Local Economy</b>	2 December 2015	David Gleave	<p>Recommended to Cabinet:</p> <ol style="list-style-type: none"> <li>1. To consider the inclusion of the ideas derived through the OSCOM review, including those raised at the round table discussion and additional forms of Member Communications, and that these ideas are taken forward through the formulation of the economic development strategy.</li> <li>2. To work closer with schools and employers.</li> <li>3. To review the training fund to achieve a more sustainable way of funding apprentices.</li> <li>4. To review the Business Incentive Fund budget and the amount of individual grants.</li> </ol>	50%	<p>Reported to Cabinet on 16 December 2015</p> <p>Development of Strategy now underway. Final Strategy expected to be submitted to Cabinet in November 2016.</p> <ol style="list-style-type: none"> <li>1. OSCOM Members' comments are being incorporated within a draft Test Valley Economic Development Strategy. A new strategy will be considered by OMT in the near future en route to Cabinet, possibly by the end of the year.</li> <li>2. To work closer with schools and employers. David Gleave has been working with businesses and schools and, for example, encouraged a number of employers to attend the recent joint Careers Day, involving all 3 Andover Secondary Schools at JHS – which TVBC also attended as a local employer. He would like Harrow Way Community School to hold a similar event, but for parents rather than students, next February. He is also supporting the schools with their promotional magazine which is being distributed across Andover, called The Edge.</li> <li>3. To review the training fund to achieve a more sustainable way of funding apprentices Cabinet recently approved the Council becoming a National Skills Academy under the Construction Industry Training Board's Client Based Approach. This means that, once accepted by the CITB, the Council can use Section 106 Agreements to require applicants for major residential schemes to provide an employment and skills plan listing the various training obligations defined in the CITB scheme. This will formalise current practice under the national CITB format.</li> <li>4. To review the Business Incentive Fund budget and the amount of individual grants. Cabinet reviewed the Business Incentive Grant in February 2016 and restored its original monetary value by increasing the grant from £500 to £750 whilst retaining the total number of grants payable per year.</li> </ol>

<b>2016/17 Budget Update</b>	20 January 2016	Will Fullbrook	Recommended to Cabinet: That Cabinet be advised that the Panel were open minded with regards to the two proposals to increase the Council Tax on a Band D property subject to further information becoming available.	Reported to Cabinet on 10 February 2015 <b>Resolved:</b> <b>That Cabinet be advised that the Panel were open minded with regards to the two proposals to increase the Council Tax on a Band D property subject to further information becoming available.</b>
<b>Councillor Role Definition</b>	12 October 2016	Bill Lynds	Recommended to Cabinet:  1. That subject to the Member and Community Development Group considering the suggestions put forward by the Committee, the Councillor Role Definition for all Members be approved. 2. That all Councillors be sent a copy of the Councillor Role Definition for all Members, and that they be requested to read and sign the document. 3. That the Councillor Role Descriptions for all other areas be reviewed and updated where appropriate.	Reported to Cabinet on 2 November 2016 <b>Resolved:</b>  1. <b>That subject to the Member and Community Development Group considering the suggestions put forward by the Overview and Scrutiny Committee, the Councillor Role Definition for all membe be approved.</b>  2. <b>That all Councillors be requested to read and sign the document.</b>  3. <b>That the Councillor Role Descriptions for all other areas be review and updated where appropriate.</b>
<b>Fees and Charges 2017-18</b>	12 October 2016	Will Fullbrook	<u>Recommended:</u> That the proposed fees and charges for 2017 as set out in the annexes to the report, be reviewed and endorsed.	Reported to Cabinet on 2 November 2016 <b>Resolved:</b> <b>That the proposed fees and charges for 2017/18, as set out in the annexes to the report, be reviewed and endorsed.</b>
<b>Plans and Planning Process Panel</b>	12 October 2016	Councillor Adams-King	<u>Recommended:</u> That the following recommendations of the Plans and Planning Process Panel be approved for consideration by Cabinet:  In relation to the Plans Panel it is recommended that	Reported to Cabinet on 2 November 2016 <b>Resolved:</b> <b>That Overview and Scrutiny Committee's recommendations be noted a response issued in due course.</b>



			<ol style="list-style-type: none"> <li>1. The Plans Panel, which is currently responsible for advising on the development of the Local Plan, should become a formal panel of the Council.</li> <li>2. The composition of the new Plans Panel should be calculated using a political balance formula that reflects the overall make-up of the Council and take into account geographical representation.</li> <li>3. The Plans Panel does not have any delegated authority and is advisory in nature. As a result and as it is likely to be dealing, in the main, with confidential policy development matters it proposed that it is not open to the public to attend.</li> <li>4. Meetings of the new Plans Panel will be open to any member who wishes to attend.</li> <li>5. Meetings should feature on the corporate calendar and agendas and notes (marked CONFIDENTIAL) should be circulated to all members.</li> </ol> <p>In relation to the Area Committees it is recommended that:</p> <ol style="list-style-type: none"> <li>6. An alteration to the Scheme of Delegation such that where a minor application is contrary to policy this is only brought to the Area Committee when there has been objection or adverse comment from a consultee or third party.</li> </ol>		
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			<p>7. An alteration to the Scheme of Delegation such that where there is an officer or member interest in an application this is only brought to the Area Committee when there has been objection or adverse comment from a consultee or third party.</p> <p>8. If a member has identified an application as one that should be called to committee upon it being initially advertised, the member should be contacted to ask if they still wish it to be heard once an officer recommendation has been agreed.</p> <p>9. When the Area Committee votes against an officer's recommendation, officers should assist members in ensuring the appropriateness of the new Motion.</p> <p>10. The Peer Review of Planning Committees offered by the Planning Advisory Service should go ahead.</p>		
					<p>Reported to Cabinet on 21 December 2016</p> <p><b><u>Resolved:</u></b></p> <p>1. That the Planning Advisory Panel should retain its current name and responsibility for advising on the development of planning policy documents; it should be recognised as an advisory panel of the Council.</p> <p>2. As Cabinet's changes to the membership and style of the Planning Advisory Panel had yet to be implemented OSCOM's recommendation 2 was noted at this point; a review of the new arrangements would be undertaken once they have been in place for a year.</p>

					<p>3. That the Planning Advisory Panel did not have any delegated authority and was advisory in nature. Accordingly, it was not open to the public; this was currently the position and Cabinet endorsed OSCOM's views that no change was necessary.</p> <p>4. That OSCOM's Recommendation 4 as set out in the report, be endorsed.</p> <p>5. That OSCOM's Recommendation 5, as set out in the report, be approved.</p> <p>6. That the spirit of OSCOM's Recommendation 6 be endorsed but as "minor" could be difficult to define the Council's previous decision in this regard, be supported.</p> <p>7. That the proposal contained in OSCOM's Recommendation 10, as previously supported by Portfolio Holders, be endorsed.</p> <p><b><u>Resolved and recommended to Council:</u></b></p> <p>8. That Cabinet recommends to Council that the Local Code for Officers and Councillors Dealing with Planning Matters be amended to be consistent with the position described in both the Officers' Code of Conduct and the Member and Officer Interests Protocol in respect of planning applications by Council Officers.</p> <p>9. That the proposal contained in OSCOM's Recommendation 8 be supported and recommended to Council for approval and the Scheme of Delegation be amended accordingly.</p> <p>10. That the proposal contained in OSCOM's Recommendation 9 be supported and recommended to Council for approval.</p>
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<b>Medium Term Financial Strategy 2017-20</b>	7 December 2016	Councillor I Jeffrey	<p><b><u>Recommended:</u></b></p> <p><b>That the strategy be approved.</b></p>		<p>Reported to Cabinet on 21 December 2016</p> <p><b><u>Resolved:</u></b></p> <p><b>That the support and comments of Overview and Scrutiny Committee be noted.</b></p>
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# Cabinet Work Programme

## Further information

1. This is a formal notice under Regulation 9 of The Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012. This edition supersedes all previous editions.
2. Documents submitted to the Cabinet or Cabinet Member(s) for decision will be in the form of a formal report, which if public and non-urgent, will be available for public inspection on this website at least 5 clear working days before the date that the decision is due to be made.
3. Background papers for such reports are listed in this Programme where their identity is known in advance of the report being written
4. Documents shown will be available from the Democratic Services Manager at Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hants, SP10 3AJ. They can also be contacted at [admin@testvalley.gov.uk](mailto:admin@testvalley.gov.uk).
5. Please note that additional documents relevant to those matters mentioned in the Work Programme may be submitted to the decision maker.
6. Whilst the majority of the Cabinet's business at the meetings listed in this Work Programme will be open to the public and media organisations to attend, this is formal notice under the above regulations that part of the Cabinet meetings listed in this Work Programme may be held in private because the agenda and reports for the meeting will contain exempt information under Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 (as amended) and that the public interest in withholding the information outweighs the public interest in disclosing it.
6. To view details of the members of the Council's Cabinet who will be making these decisions, please click the link below:  
[Cabinet Members](#)

## **KEY DECISIONS**

A key decision is one which is likely

1. to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates;  
  
or
2. to be significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

The Council's thresholds are

- |    |  |   |                   |
|----|--|---|-------------------|
| a. | Decisions on spending which are within the annual budgets approved by the Council      | NO THRESHOLD  | NOT KEY DECISION  |
| b. | Decisions on spending above £50,000 included, with reservations, in the annual budget. |   | ALL KEY DECISIONS |
| c. | Decisions on cash flow, investments and borrowings.                                    | NO THRESHOLD  | NOT KEY DECISION  |
| d. | Decisions for spending beyond any approved budget.                                     | SPENDING EXCESS OF £50,000 PER ITEM IS A KEY DECISION |                   |

### **Arrangements for making representations to the cabinet regarding decisions contained within the work programme**

A member of the public may address the Cabinet in accordance with the Public Participation Scheme. Notice must be given to the Democratic Services Manager by noon on the day before the meeting.

Members of the public are welcome to write to the appropriate Head of Service as listed in the last column of the Work Programme on any matter where a decision is to be made.

Date of Decision (Location)	Item	Key Decision	Decision maker	May include information which is not to be made public*	Documents to be Submitted for Consideration	Head of Service	Notice of proposed decision first published
18 Jan 17 (R)	Romsey Flood Alleviation Scheme	Yes	Council	No	Report of the Planning Policy and Transport Portfolio Holder	Corporate Director	9 Dec 2016
18 Jan 17 (R)	Budget Forecast Update	No	Cabinet	No	Report of the Economic Portfolio Holder	Head of Finance	24 Oct 2016
18 Jan 17 (R)	Updates to the Council's Constitution	No	Council	No	Report of the Corporate Portfolio Holder	Head of Legal and Democratic Services	9 Dec 2016
18 Jan 17 (R)	Amendments to the Council's Contract Standing Orders	No	Council	No	Report of the Corporate Portfolio Holder	Head of Legal and Democratic Services	9 Dec 2016
15 Feb 17 (A)	Update of Contaminated Land Strategy	No	Cabinet	No	Report of the Housing and Environmental Portfolio Holder	Head of Housing and Environmental Health	14 Nov 2016

Date of Decision (Location)	Item	Key Decision	Decision maker	May include information which is not to be made public*	Documents to be Submitted for Consideration	Head of Service	Notice of proposed decision first published
15 Feb 17 (A)	Community Car Scheme	Yes	Cabinet	No	Report of the Planning Policy and Transport Portfolio Holder	Corporate Director	23 Dec 2016
15 Feb 17 (A)	Leisure Contract – Financing Options	No	Council	Yes	Report of the Economic Portfolio Holder	Head of Finance	23 Dec 2016
15 Feb 17 (A)	Valley Housing Matters	Yes	Cabinet	Yes	Report of the Economic Portfolio Holder	Acting Head of Revenues (Local Taxation and Project Enterprise)	18 Nov 2016
15 Feb 17 (A)	Revenue Budget and Council Tax Proposals	No	Cabinet	No	Report of the Economic Portfolio Holder	Head of Finance	5 Jan 2016
15 Feb 17 (A)	Capital Programme Update	No	Council	No	Report of the Economic Portfolio Holder	Head of Finance	5 Jan 2016



Date of Decision (Location)	Item	Key Decision	Decision maker	May include information which is not to be made public*	Documents to be Submitted for Consideration	Head of Service	Notice of proposed decision first published
15 Feb 17 (A)	Treasury Management Strategy	No	Council	No	Report of the Economic Portfolio Holder	Head of Finance	5 Jan 2016
15 Mar 17 (R)	Valley Housing Matters	Yes	Cabinet	Yes	Report of the Economic Portfolio Holder	Acting Head of Revenues (Local Taxation and Project Enterprise)	18 Nov 2016
15 Mar 17 (R)	Test Valley Electoral Review Ward Pattern Submission	Yes	Council	No	Report of the Corporate Portfolio Holder	Corporate Director	18 Nov 2016
tbc	Devolution for the People of Hampshire and Isle of Wight	No	Cabinet	No	Leader	Chief Executive	29 Feb 2016

\* Members of the public will be excluded from the discussion during the consideration of these reports in the event that they contain information which is not to be made public in accordance with the relevant legal provisions.

## MOVED/DELETED ITEMS

Original Date Of Decision	Item	Moved/Deleted	Reason For Move/Deletion	Informed By	Date Informed
7 Sept 16 (R)	Tree Management Contract	Deleted	Approval has previously been agreed as part of the budget setting process	Head of Community and Leisure	17 August 2016
21 Dec 16 (R)	Community Toilet Scheme	Deleted	Within scope of officer delegations	Corporate Director	9 December 2016
18 Jan 17 (R)	Fees and Charges for Leisure Centres	Deleted	Fees and charges are being agreed as part of the negotiated contract with the new provider	Head of Community and Leisure	14 December 2016
18 Jan 17 (R)	Valley Housing Matters	Deleted	No items for business	Acting Head of Revenues (Local Taxation and Project Enterprise)	16 December 2016
18 Jan 17 (R)	Leisure Contract – Financing Options	Moved to February 2017	Further information required	Head of Finance	5 January 2017