

# Our Council Scrutiny Panel

Minutes - 17 March 2021

## Attendance

### Members of the Our Council Scrutiny Panel

Cllr Alan Bolshaw  
Cllr Susan Roberts MBE  
Cllr Simon Bennett  
Cllr Dr Paul John Birch J.P.  
Cllr Roger Lawrence  
Cllr Bhupinder Gakhal (Chair)  
Cllr Udey Singh (Vice-Chair)

### In Attendance

Cllr Paula Brookfield  
Cllr Louise Miles

Cabinet Member for Governance  
Cabinet Member for Finance

### Employees

Earl Piggott-Smith  
Alison Shannon  
Charlotte Johns  
Claire Nye  
Stephen Alexander  
Laura Phillips  
Stuart Malpass  
Paula Moore

Scrutiny Officer  
Chief Accountant  
Director of Strategy  
Director of Finance  
Head of Planning  
Deputy Director of People and Change  
Policy Officer  
Head of Organisational Development and  
Apprenticeships  
EDI Advisor - LGBT Equality  
Equality, Diversion and Inclusion Manager  
Scrutiny Officer  
Scrutiny and Systems Manager

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## Part 1 – items open to the press and public

*Item No.*    *Title*

- 1 Welcome and Introductions**  
Cllr Bhupinder Gakhal, Chair, welcomed everyone to the virtual meeting and advised it was being live streamed to the press and public. A recording of the meeting would be available for viewing on the Council's website at a future date.
- 2 Meeting procedures to be followed**  
Cllr Gakhal explained the protocol to be followed during the meeting for asking questions and reminded everyone that microphones should be muted and cameras off, unless they

have been invited to speak. Earl Piggott-Smith, Scrutiny Officer, confirmed the list of attendees at the meeting.

Please note that the following employees were also in attendance at the meeting:

Claire Nye  
Charlotte Johns  
Laura Phillips  
Mark Taylor  
Alison Shannon  
Stephen Alexander  
Laura Phillips  
Stuart Malpass  
Paula Moore  
Kieran Simpson  
Jin Takhar  
David Pattison  
Martin Stevens  
Julia Cleary

Cllr Paula Brookfield – Cabinet Member for Governance  
Cllr Louise Miles – Cabinet Member for Finance

3 **Apologies**

Apologies were received from the following:

Cllr Payal Bedi-Chadha  
Cllr Milkinderpal Jaspal

Cllr Jacqueline Sweetman – Cabinet Member for City Assets & Housing

4 **Declarations of interest**

The were no declarations of interest recorded.

5 **Minutes of previous meeting ( 20.1.21)**

The panel members voted and approved the minutes of the meeting held on 20 January 2021 as being a correct record.

6 **Matters arising**

There were no matters arising from the minutes.

7 **Specific Reserves Working Group Minutes (9.2.21)**

Earl Piggott-Smith, Scrutiny Officer, presented the minutes of the meeting for information and comment,

The panel members voted and approved the minutes of the meeting held on 9 February 2021 as being a correct record.

Resolved:

The panel agreed to support the recommendation that the Chief Accountant present a paper on the appropriateness of reserves held by the Council to a future meeting of the Specific Reserves Working Group.

8 **S106 Planning Agreements - Update (report to follow)**

Stephen Alexander, Head of City Planning and Alison Shannon, Chief Accountant, gave a joint presentation on how the Council collects S106 contributions received from developers and how the money allocated is spent on capital projects. The Head of City Planning gave a summary of S106 contributions and explained that the payments received can be used for public open space enhancement, the provision of affordable housing and transportation improvements. The funds are collected as part of major planning applications.

The Head of City Planning advised the panel that the Community Infrastructure Levy Regulations 2010 is the key regulation which details what funds can be collected from developers. The Council can only collect money if it is necessary to make the planning application acceptable and must be directly related to the development proposed. Furthermore, it must be fairly and reasonably related in scale to the planned development. The Council is also required under national planning policy to ensure that Section 106 agreements do not threaten the financial viability of a proposed development. This would be based on the findings of a financial viability assessment. This could mean in some situations that the Council would be unable to collect the full Section 106 financial obligations that would be normally be expected from a developer.

The Head of City Planning explained the process when a planning application is received and advised that the Open Space Strategy and Action Plan would also need to be considered. The strategy sets out the Council's priorities for spending on public open space and is regularly reviewed. The strategy was last reviewed in 2018 and the next review is planned for the financial year 2021 to 2022. The final draft is sent out to Councillors for consultation and is subject to final approval by Cabinet.

S106 contributions from developers is based on a legal agreement, which requires them to pay when a specific trigger point in the agreement has been reached. For example, an agreement may specify that a contribution must be paid when more than 80 per cent of houses on a site are occupied. The money will then be passed to the relevant spending authorities. The money can only be spent for the purpose specified in the legal S106 agreement. The agreement will detail the timescale for delivery. Approval from Cabinet Resources will be required before the contribution can be spent and once approved, the contribution will be included in the capital programme.

Alison Shannon, Chief Accountant, presented a table which gave a summary of the total S106 contributions spent between 2010-2011 to 2019-2020. The Chief Accountant presented details of the S106 contributions expected. The funds are monitored on a quarterly basis and are only allocated to projects when they have been received. The Chief Accountant advised that wherever possible, the Council will aim to leverage external funding to enhance the planned project. The Chief Accountant presented details of scheme improvements in the Parks and Open Spaces Committed contributions since 2010-11 and planned projects for 2021-22. The Chief Accountant presented a list of uncommitted contributions for parks and open spaces where no specific spend date has been agreed.

The Head of City Planning gave details of parks and open planned projects for 2021-2022 and also details of uncommitted S106 contributions. These are relatively small amounts which are available to be spent on particular areas in the future.

The Head of City Planning advised the panel that S106 Affordable Housing Contributions are relatively rare and such payments are made when a contribution cannot be spent on a site. In this situation the money is either spent on new build affordable housing, or to purchase from the open market, which is then allocated through Homes in The City, a choice-based lettings system.

The Head of City Planning advised the panel that S106 Transportation Contributions are used to make highway or junction improvements, lighting schemes, road safety improvements and contribution to larger corridor improvements to make a development safe. The Head of City Planning gave examples of how previous funds have been used to make improvements.

The Head of City Planning concluded by reassuring the panel that there is a robust system in place for collecting and spending S106 contributions. The spend is monitored quarterly by the S106 monitoring group and no funds have been repaid back to a developer. The aim is to use the contributions to maximise the outcomes to benefit the residents of Wolverhampton.

The panel thanked the presenters for the report. The panel queried what would happen in a situation where during the consultation process there was a concern that the planning proposal would be unlikely to meet the required building standards.

The Head of City Planning responded that some S106 agreements have time limits, whereby if the funds are not spent within a certain time period then it will have to be repaid to the developer. The Head of City Planning added that he was not aware of a situation where a suggestion about use of funds from the public during the consultation process did not comply with the S106 agreement. The service would provide guidance to the public during the consultation process to explain what is within scope and what is outside. As long as the money was spent to enhance the provision of a public open space, it will be generally acceptable in planning terms.

The panel queried what would happen in a situation where a developer goes out of business and if there was an obligation on any new developer to make a S106 contribution previously agreed. The Head of City Planning confirmed that in this situation the new developer would not be liable to make a S106 payment.

The panel queried the time limit for the Council to retain S106 contributions and also details on contributions allocated to each ward. The Head of City Planning responded that the S106 agreement will detail when and where the money should be spent.

In some situations, this could be Council wide to support housing or more specific in, for example funds have to be spent on a particular junction, or public open space or park as part of the agreement.

In the past the Council has had some flexibility about where the funds could be spent but Government regulations have since changed to restrict this and increasingly there is a need to be more specific in the agreement about where the money can be spent.

The panel queried the formula used to calculate the level of financial contribution from a developer. The Head of City Planning explained that the method of calculation is based on a complex formula which is set out in the supplementary planning document guidance on public open space. In addition, there will be a need to consider factors such as how much is required to make the demand acceptable to make the development proceed. There will be a negotiation between the Council and the developer to agree this. The Council will try to maximise the contribution from the developer, whilst recognising what is reasonable for the developer to pay and the impact of the level of the contribution on the overall financial viability of the scheme.

The panel expressed concern about the lack of awareness across the Council about the uncommitted funds set aside from S106 contributions and how this was being communicated to ensure the funds were used as intended.

The panel welcomed the information presented and were reassured that only small sums were uncommitted, and also that the funds were being regularly monitored.

The panel welcomed the information that the Council has not had to repay any S106 contributions to a developer.

The panel thanked the presenters again for the report.

Resolved:

The panel agreed to note the report.

## 9 **Portfolio Holder Statement and Question Time**

Claire Nye, Director of Finance, introduced the presentation. The Director of Finance outlined the link between the Relighting Our City agenda, the five priorities and the Council Plan. The plans are intended to ensure that the Council has all the resources, skills, and tools it needs to be a robust and agile organisation and capable of delivering agreed policies.

The Director of Finance outlined the responsibilities of each Cabinet Member for each of the themes under the Our Council Programme. The Director of Finance advised that there would be a short presentation under each of the themes.

The Director of Finance outlined the key portfolio responsibilities of the Cabinet Member for Resources. Cllr Louise Miles, Cabinet Member for Resources gave an overview of the specific areas within her portfolio. The Cabinet Member commented on the huge impact on the portfolio area as result of managing the COVID 19 pandemic and explained the work done to ensure continued effective financial management and governance needed to keep within budget for 2020-21 and achieve an approved balanced budget for 2021-22. The Cabinet Member commented on the range of work done to manage and effectively distribute Government grants to support businesses and residents impacted by COVID.

The Council experienced a major increase in the number of enquiries from residents wanting help with their council tax bills when compared to the previous year. The Cabinet Member advised the panel that the Council will continue to manage its resources carefully and monitor the ongoing impact of COVID 19 on the budget, and the medium-term financial strategy. The aim will be to ensure the Council continues

to deliver services to its residents during the COVID restrictions supported by the rollout of technology services that are safe and secure.

The panel thanked the Cabinet Member for Resources for the presentation. The Chair invited Cllr Paula Brookfield, Cabinet Member for Governance to present her report. The Cabinet Member outlined the key portfolio areas of responsibility, which include governance and legal services. The legal service is self-financed and also generates income by providing legal services to other authorities in the surrounding area.

The Cabinet Member advised the panel that health and safety issues are monitored and will continue to be in the future. The Cabinet Member commented on the new approach to equalities which is being led by the workforce. Four equalities forums have been set up - gender, maternity and paternity, disabilities group and the LGBTQ+ groups. The work of these forums has been considered to be fundamental in providing the impetus for change going forward. The Cabinet Member commented on the governance and membership of the forums and the positive feedback received from those who have attended about the impact of the meetings.

The Cabinet Member commented on changes introduced to support workforce development and organisational change and how COVID 19 has provided an opportunity to make changes which might not have been considered before. The work has highlighted and raised awareness about their adapting their skills and knowledge to respond to the different service challenges presented by managing the COVID 19 pandemic and the ability of employees to move across to other areas. This has created a desire among employees to improve and attend training courses to support their learning and ongoing development.

The Cabinet Member commented on the new approach to Councillor induction training which will be supported by a new Councillor enquiry system to report issues. A number of Councillors are involved in the pilot test programme and the feedback will be used to make changes as necessary before a larger scale rollout. This work will be supported by the new Councillor handbook which is currently being developed.

The Cabinet Member commented on the preparation for combined elections in May 2021 and offered reassurance about the plans to make sure that the process is safe for everybody involved in the polling process and also for residents who want to vote either at the polling station.

The Cabinet Member commented on the work done to respond to the challenges presented by COVID 19 such as the loss of traditional venues because of safety concerns or not being able to comply with social distancing rules or their use as vaccination sites.

The panel thanked the Cabinet Member for the presentation.

Resolved:

The panel agreed to note the presentations.

10 **Our People Plan - update on work to support employee development (report to follow)**

Charlotte Johns, Director of Strategy, and Laura Phillips, Deputy Director of People and Change, gave a joint presentation to update the panel on the Our People Strategy and the specific focus on the digital aspects and developments during the year.

The Director of Strategy gave an overview of the workforce data analysis. The Council employees c.4000 people. The Our People Strategy 2019 – 2024 has been co-produced with employees through extensive engagement sessions and surveys and built around the employee lifecycle. The strategy was approved in 2019.

The Director of Strategy listed the key questions and the linked issues detailed in the development of the strategy. The Director commented on the key points from the data collected during the process such as a reduction in sickness absence from 2019 and increased take up of the employee benefit scheme. The information was collated into a series of action plans aligned to the six areas of the employee lifecycle, for example, attracting the best people to the Council and creating a good first impression.

The Deputy Director of People and Change commented on the work being planned as part of a refresh of the strategy. The Deputy Director gave a more details about work being done to attract the best people to work for the Council. The process for recruiting managers has been improved and managers no longer have to log on multiple times and have access to applicant tracking data in real time, this is an example of a digital enhancement which has been introduced.

The Deputy Director commented on other changes aimed at attracting the best possible talent to help the Council to deliver its priorities and vision and also other changes introduced to support the continuation of recruitment and selection activities while working remotely using Microsoft Teams during the pandemic.

The Deputy Director commented on the work done to support and enhance the health and wellbeing of employees. There is a series of dedicated pages on the Council intranet website Our People Portal which highlight the support and resources available to employees. The changes were introduced in response to feedback from employees on changes they would like to see. The site also gives employees access to counselling and bereavement support. The work has been supported by regular communication with employees to raise awareness of the site and weekly video messages from the Chief Executive, highlighting key activities, and the importance of health and wellbeing.

In addition, work is being done to jointly develop with employees a series of pledges to health and wellbeing as part of the Council's commitment to further improve support services available.

The Deputy Director commented on work done to better understand the diverse needs of the workforce through a series of the virtual engagement sessions. The sessions have been well attended and the feedback from employees has been positive and has led to a number of activities such as and yoga classes to encourage social interaction.

Kieran Simpson, EDI Advisor - LGBT Equality, gave a brief presentation to the panel on the work done to support a range of equalities initiatives across the Council.

The Deputy Director commented on the development of a new digital Learning Hub, which was launched in 2020 and is the one stop shop for all employees and Councillors to access information, learning and development activity and book courses. The service will be reviewed and improved in response to feedback.

The Director of Strategy commented on the plans for refreshing the Our People Strategy for 2021 and other linked developments. The panel were invited to comment on the presentation.

The Chair thanked the presenters for the excellent presentation. The panel queried the arrangements for staff appraisals as part of the employee lifecycle. The Director of Strategy confirmed that the appraisal process is a key part of that employee lifecycle in terms of people understanding how they're performing and contributing to delivering the Council's vision, aims and objectives. The appraisal process was reviewed, and changes made in response to feedback from employees where there was support for the idea of wanting to have a two-way conversation in meetings between an employee and their manager. These meetings are called 'professional conversations' and have replaced previous annual appraisal process.

The Director of Strategy gave further details about the frequency of the meetings and reassured the panel that there would be the opportunity to talk about all areas of work, including a specific discussion on health and wellbeing matters.

The panel thanked the presenters again for their presentation.

Resolved:

The panel agreed to note the presentation and progress made in the range of areas listed in the Our People Strategy 2019-2024.

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### **Treasury Management Strategy 2021-2022**

Claire Nye, Director of Finance, advise the panel the item was for information to provide an update on the treasury management strategy previously presented for comment.

Resolved:

The panel agreed to note the report.