

Attendance

Members of the Scrutiny Board

Cllr Philip Bateman MBE (Chair)
Cllr Val Evans
Cllr Rita Potter
Cllr Wendy Thompson
Cllr Susan Roberts MBE
Cllr Ellis Turrell (Vice-Chair)
Cllr Barbara McGarrity QN
Cllr Qaiser Azeem
Cllr Jacqui Coogan
Cllr Anwen Muston
Cllr Wendy Dalton (Substitute)
Cllr Alan Butt (Substitute)
Cllr Jenny Cockayne (Substitute)

In Attendance

Cllr Stephen Simkins (Cabinet Member for Inclusive City Economy)

Witnesses

Bilvir Chander-Kumar (West Side Traders Group)
Esme Stackhouse (West Side Traders Group)

Employees

Martin Stevens DL (Scrutiny Team Leader)
David Pattison (Chief Operating Officer)
Laura Noonan (Electoral Services and Scrutiny Manager)
John Roseblade (Director of Resident Services)
Richard Lawrence (Director of Regeneration)
Isobel Woods (Head of Enterprise)
Ruth Taylor (Service Lead – Placemaking)

Part 1 – items open to the press and public

Item No. *Title*

- 1 **Apologies for absence and substitutions**
Apologies for absence were received from Cllr Jacqueline Sweetman, Cllr Simon Bennett and Cllr John Reynolds.

Cllr Alan Butt was substituting for Cllr Jacqueline Sweetman.

Cllr Jenny Cockayne was substituting for Cllr John Reynolds.

Cllr Wendy Dalton was substituting for Cllr Simon Bennett.

2 **Declarations of interest**

There were no declarations of interest.

3 **Minutes of the meeting held on 7 March 2023**

Resolved: That the minutes of the meeting held on 7 March 2023 be approved as a correct record and signed by the Chair.

4 **Minutes of the meeting held on 14 March 2023**

Resolved: The minutes of the meeting held on 14 March 2023 be approved as a correct record and signed by the Chair.

5 **Minutes of the meeting held on 2 May 2023**

Resolved: The minutes of the meeting held on 2 May 2023 be approved as a correct record and signed by the Chair.

6 **City West Relaunch Grant Scheme - Payments**

The Chair stated that the item was in relation to the City West Relaunch Grant Scheme Payments and not the wider public realm project. He wanted to keep comments and questions relevant to the issue. He confirmed he had permitted two speakers from the West Side Traders Group to give a statement. The two speakers from the group were Bilvir Chander-Kumar and Esme Stackhouse. The Clerk to the meeting had received further documents from the West Side Traders Group at 1:31am on the morning of the meeting by email. These had been published as a supplement paper on the Council's website.

Esme Stackhouse gave the first presentation, a copy of the presentation slides had been circulated prior to the meeting and are attached to the signed minutes.

Bilvir Chander-Kumar gave the second presentation, a copy of the presentation slides had been circulated prior to the meeting and are attached to the signed minutes.

The Director of Regeneration outlined the Briefing Note which had been provided by Officers of the Council describing what each section covered.

The Vice-Chair commented that every Councillor in the authority should take the time to watch the recording back from the meeting if they were not physically present, so they could hear what the representatives from the traders had to say. There were two areas he wanted to focus on from the traders presentations, one was a hardship grant for the businesses impacted by the road works and the second was the proposal for free car parking in the City Centre. He asked why a similar scheme to the Bilston Road scheme had not been introduced. The Bilston Road Scheme had also used RSM Consultants. He commented that it was his opinion that the relationship with businesses and the Council had broken down, based on the evidence which had been submitted by the Traders. He was alarmed over misinformation and the information regarding the traders feeling hounded.

The Vice-Chair proposed that the next phase of the Public Realm Scheme should be put on hold until Scrutiny Board were confident that the businesses would be properly consulted, listened to and receive appropriate recompense for the disruption that would inevitably occur. The motion was seconded.

Speaking on the motion, a Panel Member commented that there had been a lack of empathy from the Council towards the businesses impacted by the Public Realm works. Experience of running a business was crucial to understanding. She felt the offer of £5,000 was not substantial enough for the losses of the businesses during the last 17 months. She expressed dissatisfaction that it had taken until March 2023 for businesses who had applied to receive the £5,000 grant. She felt it was reasonable for the next phase on Lichfield Street to be put on hold until businesses could be reassured as to what scheme would be put in place to cover losses. The motion which had been proposed by the Vice-Chair and seconded by Cllr Wendy Thompson was put to the vote and was lost. 3 Members voted in favour and all other Members voted against.

A Panel Member expressed concern believing there had been a lack of communication and meetings with the Traders.

A Panel Member commented that they had voted against the motion proposed by the Vice-Chair because they did not know details such as whether there would be any financial penalties for if the scheme started later than planned. They were unsure of what consultation had already been completed with the businesses. When the Bilston Road works had taken place, it had been done in sections. They felt this was a good way of implementation, because traders knew when their section was coming up and the previous area worked on could be opened up. They hoped this could be considered for future projects. However they were aware that it could potentially slow the project down and end up costing more money ultimately.

The Cabinet Member for Inclusive City Economy stated that on 7 April 2022 he had been called to a meeting of the Traders. At the meeting they had made a number of complaints, including one on the lack of communication. As a consequence the businesses had setup the Traders Group. The Traders Group could represent all the businesses and report back to all Traders. He was happy with the arrangement. He agreed that the lack of communication was a challenge at the beginning but there were regular meetings over the 18 month period. There was an issue tracker at every meeting in order to ensure that issues could be resolved moving forward. An independent assessor was brought in. The Traders did not agree with their approach and so the Council brought a second assessor in, called RSM. Two options were presented to the Traders and they agreed on one of the options. Scrutiny Board also recommended the same option as chosen by the Traders. As far as he was aware, Wolverhampton was the only Council giving money to businesses to help them relaunch following a public realm scheme.

The Cabinet Member confirmed that the deadline to apply for the relaunch grant had been extended to the end of June 2023. If the Traders could give any evidence of bullying he would ensure that the matter was dealt with appropriately. He had not heard any of these accusations at any meetings he had attended and no one had mentioned any language barrier issues at the meetings he was in attendance.

The Vice-Chair asked the Cabinet Member why the decision had been made not to follow a similar scheme as to the Bilston Road one. The Director of Regeneration responded that under section 4.4 of the briefing note prepared by Officers for the meeting it referred to a vigorous approach recommended by RSM. This approach could have taken years and so the relaunch grant was implemented instead.

A Panel Member asked if the relaunch grant funding had been factored into the project from the start, the Head of Enterprise responded that this was additional funding which had been approved by Cabinet separately. She confirmed that 37 businesses had received payment of the £5,000 relaunch grant, which was 66% of the total businesses eligible. A further 4 more applications were currently being processed.

A Panel Member referred to the overall cost of the project which was at £16.5 million. She questioned whether the project had been value for money for the Council. She raised a concern having heard of a number of people who had tripped on a raised edge of pavement. She asked for this matter to be considered in the future.

The Head of Enterprise commented on the assurance processes that were in place to ensure that the relaunch grant was appropriately administered.

A Panel Member asked for assurances on the matter of all the data the Council held on the businesses and ensuring that the Council were compliant with data protection legislation. The Head of Enterprise replied that the information had been uploaded onto an online system, which Audit and the Information Governance Team were content with. The data was only used for the purposes for which it was held.

7

Statutory Scrutiny Guidance and Role of Scrutiny Board

The Chief Operating Officer gave a presentation on the Statutory Scrutiny Guidance and the role of Scrutiny Board. The presentation also covered potential proposed changes to the Scrutiny procedure rules within the Constitution. Any changes to the Constitution if they were to go forward would go to Governance and Ethics Committee and then to Full Council for approval.

The Chief Operating Officer remarked that the foreword of the Statutory Scrutiny Guidance was written by the current Prime Minister who at the time of publication of the guidance was a Local Government Minister. The guidance was published in May 2019 to ensure that local authorities were aware of the purpose of overview and scrutiny, what effective scrutiny looked like, how to conduct it effectively and the benefits it could bring.

The Chief Operating Officer stated that effective overview and scrutiny should:

- Provide constructive, critical friend challenge.
- Amplify the voices and concerns of the public.
- Be led by independent people who take responsibility for their role.
- Drive improvement in public service.

Scrutiny was more than just holding the Executive to account it was also about having a defined impact on the ground, with the Committee making

recommendations that would make a tangible difference to the Local Authority and the lives of Wolverhampton residents. He gave an example of the scrutiny of the Blue Badge Service conducted by Scrutiny Board which had led to significant improvements and made a real positive difference in people's experience of the service. He also cited the work of the Fire Safety Scrutiny Review Group which had led to a great deal of improvements in fire safety following the tragedy of the Grenfell Tower Fire.

The Chief Operating Officer spoke on the matter of culture. Identifying a clear role and focus was important as was prioritisation. It was also important to have early and regular engagement between the executive and scrutiny. It was good to bring the executive work programme regularly to Scrutiny Board. The Statutory Guidance stated that it was for the Chair of the Scrutiny Committee to determine the extent of an Executive Member's participation in a Scrutiny Committee. An Executive-Scrutiny protocol was one way of helping to manage the relationships between the Executive and Scrutiny.

The Chief Operating Officer commented that the Statutory Guidance had a section on performance monitoring and Members access to information. The guidance stated that Scrutiny Members should have access to a regularly available source of key information about the management of the authority and in particular information on performance management and risk. A quarterly performance report was received by Scrutiny Board on the performance of the authority, alongside an assessment on the budget.

The Chief Operating Officer stated Scrutiny must be aware of the context in which it was operating and seek to understand how national and regional issues could impact on the City. There were implications on how the City worked with the West Midlands Combined Authority and other organisations.

The Chief Operating Officer stated that effective scrutiny needed to have a clear idea of what it was going to do over a long period of time, whilst maintaining enough flexibility for it to respond to any unexpected or short-term issues that might occur. The Statutory Guidance stated that when considering an item for the work plan the following questions as a minimum should be considered:-

1. Do we understand the benefits that scrutiny would bring to the issue?
2. How do we best carry out the work on this subject?
3. What do we expect to be the outcome of this work?
4. How does this work link and engage with the work of the Executive, other decision making bodies, partners and the Council Plan.

The Statutory Guidance also covered the topic of training, outlining that authorities should ensure Committee Members were offered an induction when they took up the role and ongoing training so they could carry out their role effectively. He recommended that Councillors should attend two seminars by Link Support Services over the Summer. These were on:-

- Best Practice Scrutiny – Useful for new Members and also as a refresher for experienced Scrutiny Members.
- Committee Scrutiny – Assisting Members to prepare, participate and add value in the Scrutiny Committee environment.

He advised that the Scrutiny Team and Organisation Development Team would be in contact with Councillors about the courses in due course.

The Chief Operating Officer spoke on the overall purpose of Scrutiny Board. He commented that the Scrutiny System in Wolverhampton was based on a “Hub and Spoke” approach. There was a co-ordinating Scrutiny Board with a series of Scrutiny Panels. The Centre for Governance and Scrutiny Good Practice on Scrutiny recommended that where multiple work programmes existed that it was necessary for them to be co-ordinated to avoid duplication and imposing too great a burden on reporting Officers.

The Chief Operating Officer presented a slide on the official remit of Scrutiny Board. There was a proposal to strengthen the emphasis on Scrutiny Board’s role in its co-ordinating role and determining the most suitable Scrutiny Panel for a particular agenda item to be looked at. Major infrastructure projects that cross-cut Scrutiny Panels had been added to the Board’s remit to avoid future duplication of items.

The Chief Operating Officer outlined some suggested changes to the Call-in rules, but he made clear it was ultimately for Members at Full Council to decide if they wished to change the Constitution. Currently the decision to call-in could be made by:-

The Chair of the Scrutiny Board
The Vice-Chair of the Scrutiny Board
The Leader or Deputy Leader of the main opposition group

It was suggested to make it possible for more Members to call-in a decision by recommending that three members who were not members of the Cabinet could call-in a decision. This would make it more in line with the region.

The Chief Operating Officer presented a slide on agenda setting. The current constitution allowed for any Scrutiny Member to request an item to be included on the next available agenda. Taking the Statutory Scrutiny guidance on prioritisation into account, it was not always practical to consider every requested agenda item within the Scrutiny Work Programme. There was therefore an option available to be recommended that all agenda items requested go through Board or the relevant panel to determine if the item could be considered. Thought should be given to the key questions set out in the statutory guidance on determining the suitability of an item to be added to the work plan. Consideration must also be given to where it was best placed for the discussion to take place.

The Chief Operating Officer stated that he recommended for a Constitution update report to be received by the Governance and Ethics Committee on 6 July, but he wanted feedback from Scrutiny Board.

The Vice-Chair commented that over recent years the Scrutiny function had improved at the Council. There had been more items coming forward for debate and discussion. Scrutiny Board had a very busy agenda in the previous municipal year.

The Vice-Chair remarked that Call-in was rarely used at the Council and this was because most items did receive scrutiny. He agreed with widening the rules so more backbench Members could call-in a decision, but he did not believe the ability should be removed from the Leader of the Opposition and the Deputy Leader of Opposition and the Vice-Chair of Scrutiny Board.

The Vice-Chair commented on the importance of recommendations. He asked the Chief Operating Officer to strengthen how the Scrutiny process could make recommendations and be monitored.

The Vice-Chair also questioned the need to change how items could be added to agendas, he was not aware of any issues in the previous municipal year. He commented that the Chairs of Scrutiny Panels and Board at Wolverhampton were all from the Administrative Group, which was not the case at all authorities. He referred to the Statutory Guidance which referred to every authority considering having a secret ballot to select Scrutiny Committee Chairs. He was in favour of this proposal and proposed that the constitution be amended to allow Scrutiny Chairs to be selected by a vote by secret ballot. He was of the view that every Member outside of the Cabinet should be able to put themselves forward a position as a Scrutiny Chair. The motion was seconded by Cllr Wendy Thompson.

Cllr Thompson spoke on the motion and commented that she thought everything had been working successfully last year. She believed that Scrutiny Chairs should not be from the controlling group. She also spoke on the need for Members to be independent minded and not whipped. She expressed concern about the proposed changes to the Scrutiny rules in the constitution.

The Chair commented that the Constitution was being reviewed to ensure the authority and the Scrutiny process could be run efficiently and effectively.

The motion proposed by the Vice-Chair and seconded by Cllr Thompson on the secret ballot for appointing Scrutiny Chair's was put to the vote and was lost.

The Chair then proposed that the next steps outlined by the Chief Operating Officer in his presentation be put to the vote.

Resolved: That the next steps outlined in the report, namely that a report on the constitution be received by the Governance and Ethics Committee be agreed.

8

Forward Plan of Key Decisions

The Vice-Chair commented that there wasn't anything listed on the Cabinet Forward Plan of key decisions on hotel proposals in the City of Wolverhampton.

The Scrutiny Team Leader confirmed it was on the Economy and Growth Scrutiny Panel for the November meeting but the Vice-Chair was correct in saying that it was not currently on the Forward Plan of Key Decisions.

The Chief Operating Officer remarked that he would ensure it was added at an appropriate time when more information was known.

9 **Scrutiny Work programme**

The Chair remarked that it was a first draft of the Scrutiny Work Programme and there would be further meetings with Members and Officers over the coming weeks to refine the programme. It was a live document and would be updated throughout the Municipal year.

The Vice-Chair referred to Task and Finish Groups as detailed in the Statutory Scrutiny Guidance issued by the Government. He suggested a Task and Finish Review into the City's night time economy. He felt it was important to consider what the night time economy was offering and what it was missing.

The Vice-Chair suggested an item on the lessons learnt from the public realm phases to date and how they would do things differently moving forward. The Chair thought such a report was not required at the present time.

The Chief Operating Officer agreed to bring a proposal about how scrutiny could consider the City's night time economy to a future meeting. Members were in agreement with the suggestion.