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Monday, 11 December 2023

Dear Sir/Madam

OVERVIEW & SCRUTINY COMMITTEE

A meeting of the Overview & Scrutiny Committee has been arranged to take place **TUESDAY, 19TH DECEMBER, 2023 at 6.00 PM IN THE COMMITTEE ROOM** District Council House, Lichfield to consider the following business.

Access to the Committee Room is via the Members' Entrance.

The meeting will be live streamed on the Council's [YouTube channel](#)

Yours faithfully

A handwritten signature in black ink that reads 'Kerry Dove'.

Kerry Dove
Chief Operating Officer

To: Members of Overview & Scrutiny Committee

Councillors Norman (Chair), Leung (Vice-Chair), Ball, Booker, Ho, Hawkins, Holland, Trent, Ray, Robertson, Whitehouse, Woodward and B Yeates



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AGENDA

1. Apologies for Absence
2. Declarations of Interests
3. Minutes of the Previous Meeting 3 - 6
4. **Health Matters** 7 - 12

To receive updates of the work of the County Council's Health and Care Overview & Scrutiny Committee, feedback issues via our representative on that Committee (Cllr L. Leung) and consider any health-related matters devolved to us by that Committee. The work programme is attached to aid Members
5. **Task Group Notes**

Notes To Follow
6. **Planning Committee Protocol** 13 - 14

Item by the Assistant Director Resident and Business Services – item will include presentation slides to be circulated.
7. Work Programme 15 - 18
8. **Exclusion of Press and Public**

RESOLVED: "That as publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted, the public and press be excluded from the meeting for the following items of business, which would involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972"
9. Confidential Minutes of the Previous Meeting 19 - 20

IN PRIVATE



OVERVIEW & SCRUTINY COMMITTEE

30 NOVEMBER 2023

PRESENT:

Councillors Norman (Chair), Ball, Booker, Ho, Holland, Trent, Ray, Robertson, Whitehouse and Woodward

40 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Leung, Yeates, Hawkins and Booker. Councillor Booker later joined during Item 5.

41 DECLARATIONS OF INTERESTS

There were no declarations of interest received.

42 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting held on November 14th, 2023, taken as read, were approved as a correct record, subject to the following changes:

- Changing “Chase Terrace” to “Chase Town” in the Medium Term Financial Strategy Item.
- Correcting the attendance details of Cllr Ho and Cllr Whitehouse.

43 EXCLUSION OF PRESS AND PUBLIC

Item 4 was deferred until discussions on the publicly available main body of the Cinema report were completed. Item 4 was formally moved later, to facilitate members questions on the confidential appendix to the report.

RESOLVED: “That as publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted, the public and press be excluded from the meeting for the following items of business, which would involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972”.

A) A CINEMA FOR LICHFIELD - UPDATE

The Chair introduced the item by requesting members not to refer to the specifics in the confidential section of the report as that would mean the meeting would have to exclude the public at an earlier stage than he planned. Before inviting questions from members, he drew attention to the Recommendations that are to be considered by members.

The committee scrutinised the cinema report, due for Cabinet discussion on Tuesday 5th December, raising questions and providing feedback to be incorporated.

- Members asked who the independent valuer was.
It was confirmed that Aspinall Verdi were specialists in regeneration, with expertise in the holistic aspects of regeneration as well as valuation.

- Members asked why no business plan had been produced yet.
Cllr A. Smith (Deputy Leader and Cabinet Member for Leisure, Parks & Major Projects) agreed that he had raised the same question previously. He confirmed he wanted the finalised business plan to come before O&S when it is available. It was noted that the business plan would not cover the operation of the cinema as LDC would be operating as a landlord in that environment. Simon Fletcher (Chief Executive) added that the authority has a clear focus on development alongside the business case. The business plan will need to be approved before trading begins but development of the scheme would be focused on first.
- Members asked for clarification on the differing figures mentioned in the report.
Anthony Thomas (Assistant Director Finance & Commissioning) explained that £3.5 million is the figure that Evolve Estates have put forward as the potential cost of the buyout. The £3.999 million figure is related to the cost of the development but that an element of the calculation related to the development cost is a moveable number, and based on the Council's independently reviewed budget this would account for £200,000 of additional budget, and the potential for stamp duty land tax around £300,000 – this could potentially be mitigated, reduced or not payable. Mr Thomas highlighted it was his responsibility to put forward a budget that takes account of that risk.

It was confirmed that the sum of costs would include the £3.999 million in addition to the £5.788 million set out in the capital programme.

- Members asked when it would be possible to see the draft business plan.
Mr Fletcher confirmed the authority had worked closely with Evolve to understand both the cost of the development and the projected income from the first 3-5 years of trading. This would be shared with the committee following the meeting.
- Members asked when the legal advice would be available.
It was confirmed a draft version of the legal advice had been received. The outstanding parts remain 'best value' and that there are no subsidy control concerns. It was expected that would be closed by the time of Full Council on 12/12/2023.

Cllr A. Smith confirmed the Cabinet decision is fully dependent on that legal advice.
- Members asked for reassurance on changes to the original budget.
Mr Thomas explained that the original proposal in October 2022 went to Cabinet with a figure of £5.3 million. Subsequent independent scrutiny by a Quantity Surveyor and Price Waterhouse Coopers (PWC) recommended further increases to the contingency budget to take inflationary pressures into account inflation. He confirmed all contingency budgets are based on independent advice and are therefore robust.

Members highlighted that a commitment to buy-out represented a change from the previous position that this was just an opportunity.

- Members asked how secure the £3.5 million pre-agreed figure is.
Mr Thomas explained that figure is a higher number with contingency built in. However, within two years the economic landscape could change in relation to stamp duty and land tax regime. The figures included are based on what is known at the present time.
- Members asked when the buyout clause would take effect.
Mr Fletcher stated that he believed this should be when construction is done and retail units are trading, not from when the contract is signed. This will be defined very clearly in the contract.

Members suggested that if the situation outlined in 3.17b occurs, then the authority should take an additional 1% share to create a 51/49 balance and mitigate potential issues on future agreements. Mr Fletcher agreed this was a smart suggestion and should be kept as an option going forward. He stated that what Evolve is asking for is a commitment to exercise the buyout clause in 2 years' time, regardless of whether LDC choose to buy out or take things to market.

Members recommended that the contract should include a commitment that Evolve will seek the 'best possible price' when taking this to market. Mr Fletcher agreed to include this.

- Members asked for clarification on how the future of the Limited Liability Partnership (LLP) was envisioned.
Councillor Doug Pullen (Leader of the Council) explained there were a number of options available including dissolving the LLP, taking it to an LTD company, or connecting it to LWMTS to replace the other 50% share.

Members recommended that the possibility of dissolving the LLP should be included in the report.

- In reference to recommendation 2.2ii, members requested clarification on what future scrutiny of the ownership model would members have.
Mr Fletcher welcomed members views on this. He agreed to take the question away and return to O&S with proposals on this.

Cllr Pullen confirmed the wording of recommendation 2.2 would be clarified if not amended for the Cabinet recommendation. He explained that the decision currently before members was on whether to commit to exercise the right of the buyout clause in two years' time. It was not a commitment on what the ownership model looks like.

Members recommended that reference to the ownership model should be included at 3.17.

- Members raised concerns about the 5% central running void figure in Appendix A.
Cllr A. Smith agreed it was quite right to raise the risks, although highlighted that the Lichfield high street is in a much better position than most other districts.

Mr Thomas explained that vacant void and sinking fund are effectively risk management tools. 3 scenarios modelled (optimistic, central & pessimistic) and robust amounts set aside.

- Members asked why risks E and F appeared to not be reduced via mitigation.

Mr Thomas explained E and F had been assessed prudently. Regarding E, there is not currently full visibility on the service change arrangement. Until full visibility is available the authority cannot know how effective mitigation is. Regarding F, there is an element of risk around cost increase here, whilst contingency had been built in there is always a risk that that may not be enough.

- Members asked for clarification on the difference in figures between the three scenarios outlined in the table.
Mr Thomas explained that the rental income stays consistent through all scenarios, but increasingly cautious assumptions are then applied, meaning the amount of net income generated is calculated as lower the more pessimistic the scenario. The level of the borrowing need also changes across the three scenarios.

Members highlighted that "considering" was not an ideal word to be used in the report in relation to the costs included. Mr Fletcher agreed to obtain assurance on the allocation of this money to the Council given its significance in the funding budget.

- Members requested clarity on the figures relating to the Greater Birmingham & Solihull Local Enterprise Partnership (GBS LEP).
Cllr A. Smith agreed that references to the GBS LEP would be reworded where possible.

The committee formally moved Item 4 – Exclusion of Press & Public to continue discussions on the confidential appendix.

B) A CINEMA FOR LICHFIELD - UPDATE - APPENDIX

(The Meeting closed at 7.54 pm)

CHAIR



Health and Care Overview and Scrutiny Committee Work Programme 2023/24

This document sets out the work programme for the Health and Care Overview and Scrutiny Committee for 2023/24.

The Health and Care Overview and Scrutiny Committee is responsible for:

- Scrutiny of matters relating to the planning, provision and operation of health services in the Authority's area, including public health, in accordance with regulations made under the Health and Social Care Act 2001 and subsequent guidance.
- Scrutiny of the Council's work to achieve its priorities that Staffordshire is a place where people live longer, healthier and fulfilling lives and In Staffordshire's communities people are able to live independent and safe lives, supported where this is required (adults).

Link to Council's Strategic Plan Outcomes and Priorities

- Inspire healthy, independent living
- Support more families and children to look after themselves, stay safe and well

We review our work programme at every meeting. Our focus in scrutiny is on tangible outcomes for the residents of Staffordshire, to use the data provided and members experience to debate and question the evidence, to provide assurance in what is being done and reassurance that matters within the health and care system are moving in the right direction. Scrutiny of an issue may result in recommendations for NHS organisations in the county, the County Council and for other organisations.

To review our meetings they can be found on this link: [Browse meetings - Health and Care Overview and Scrutiny Committee](#)

Councillor Jeremy Pert

Chairman of the Health and Care Overview and Scrutiny Committee

| Health and Care Overview and Scrutiny Work Programme | | | | |
|--|--|--|--|---|
| Date | Topic | Background/ Basis | Actions/ Outcomes | |
| Monday 12 June 2023 at 10.00 am Completed | <ul style="list-style-type: none"> • Primary Care Dental Overview • Primary Care Access • Primary Care Estate • Work Programme 2023-24 | Reports as identified in the Work Programme Annual update of Work Programme | 1. The Committee receive a briefing on the delivery of orthodontics in Staffordshire. This will form a part of the next dentistry update at Committee. | |
| | | | 2. The Committee wrote to the ICB and Keele university to support a dental school at Keele University. | ✓ |
| | | | 3. The Committee receive a briefing note on the model for assessing new development sites. | |
| | | | 4. The Committee congratulated Midlands Partnership Foundation Trust on gaining University Hospital status. | ✓ |
| | | | 5. The membership of the Women's Health Strategy Working Group: <ul style="list-style-type: none"> a. Janice Silvester-Hall b. Ann Edgeller c. Monica Holton d. Jill Hood e. Val Chapman | ✓ |
| | | | 6. The membership of the Integrated Care Hubs Working Group be updated outside of the meeting and be reported back at the next meeting. <ul style="list-style-type: none"> a. Richard Cox b. John Jones (SMDC) c. Barbara Hughes (SMDC) d. Lyn Swindlehurst (SMDC) e. Linda Malyon (SMDC) f. Dave Jones (NULBC) g. Ian Wilkes (NULBC) h. Rupert Adcock (NULBC) i. Gill Heesom (NULBC) | ✓ |
| Thursday 6 July 2023 at 4:30pm Health and Care Training Session | <ul style="list-style-type: none"> • Health and Care training delivered by Centre for Governance and Scrutiny | | 7. Centre for Governance and Scrutiny provided a training session for Health and Care O&S on upcoming changes in legislation. | ✓ |

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| Monday 24 July 2023 at 10.00 am Completed | <ul style="list-style-type: none"> • ICP Operating Plan • System performance • System Pressures • Update on Elective care performance and recovery • SSOT ICS People, Culture and Inclusion Annual Report and update. | | 8. The Committee received the ICP Operating Plan and have met with Healthwatch in their scoping of a deep dive into primary care and to review the patients journey for the frail and elderly into the care system. | ✓ |
| | | | 9. A breakdown of Cat 2 Ambulance response times was shared with the Committee. | ✓ |
| | | | 10. The full winter plan (2023/24) will be shared with the Committee when completed. | |
| Monday 31 July 2023 Scheduled | <ul style="list-style-type: none"> • Introduction to Adult Social Care Assurance | To review Social Care Services and provide assurance | 11. The Working Group has been established and the initial scoping meeting has taken place. The Membership is: a. Jeremy Pert, Richard Cox, Phil Hewitt, Jill Hood, Bernard Peters, Ann Edgeller & Kath Perry. | ✓ |
| Thursday 24 August 2023 | <ul style="list-style-type: none"> • Member workshop to assess access to information on Social Care | | 12. The Workshop took place, and a follow up session will take place on 7 September. | ✓ |
| Monday 11 September 2023 at 10.00 am Scheduled | <ul style="list-style-type: none"> • Joint mental health & mental wellbeing strategy: "good mental health in Staffordshire" 2023/28 action plan. • MPFT & NSCHT – Mental Health performance | To review the Mental Health action plan and performance. | 13. The Cabinet Member for Health and Care has been requested for an executive response to the following recommendations by 10 November 2023. a. the Cabinet Member for Health and Care share the Good Mental Health in Staffordshire Strategy 2023-2028 and the action plan with partner organisations when available. b. the Cabinet Member for Children and Young People as part of the consultation on Adult Social Care and Staffordshire Connects give consideration to expanding the Staffordshire Connects to include a section for children and young people. | |
| | | | 14. The Committee receive a list of the voluntary sector schemes which had been funded by the NHS. | |
| Monday 16 October 2023 at 10:00 am Scheduled | <ul style="list-style-type: none"> • SSOT ICS People/ Workforce • Staffordshire's Social Care Workforce: Adult Social Care Update • Freedom to speak up. | | 15. The Committee requested to receive: a. current international recruitment data b. data around incidents of violence towards staff c. a full list of leadership development programmes and metrics around learning and development and employee engagement | |

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| Monday 13 November 2023 at 14.00 Scheduled | <ul style="list-style-type: none"> West Midlands Ambulance Service | | 16. The SSOT Commissioner further investigate training provided to the Staffordshire Fire and Rescue Service officers to provide the commissioned falls service. | |
| | | | 17. The Committee give further consideration to facilitate a Summit meeting with all relevant parties from within Staffordshire ICS to identify ways of improving wider system flow for all parties in the system. | |
| | | | 18. The Committee receive the numbers of people conveyed to an acute hospital but not admitted. | |
| Monday 20 November 2023 at 12:30 Scheduled | <ul style="list-style-type: none"> Health impacts of Walleys Quarry | | | |
| Monday 27 November 2023 at 10.00 Scheduled | <ul style="list-style-type: none"> Maternity Services ICB 2nd Quarter Performance Report 0-19 Service | Review impact on investment on social prescribing | | |
| Monday 29 January 2024 at 10.00 Scheduled | <ul style="list-style-type: none"> Primary Care Update Social Prescribing Dentistry and Orthodontics JSNA | | | |
| Site visit to MPFT & NSCHT TBC | <ul style="list-style-type: none"> MPFT 10:00 – 12:00 NSCHT 14:00 – 16:00 | Site visit to view community-based services | | |
| Monday 18 March 2024 at 10.00 Scheduled | <ul style="list-style-type: none"> Carers Strategy Adult Social Care Assurance Working Group Report Mental Health in Schools update. Community Mental Health (Following from Site visits | Pre-decision to Cabinet 20 March 2024 | | |

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|--|--------------------|--|--|
| | to MPFT and NSCHT) | | |
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| Further and Health and Care Overview and Scrutiny work | |
|---|--|
| Briefings received outside of Committee | <ul style="list-style-type: none"> • Quality Accounts NHS Trusts • Care market • Healthwatch Annual Report 2022/23 • Older People Adult Social Care Commissioning Strategy 2024-2029 |
| Items for future scrutiny | <ul style="list-style-type: none"> • Impact of air pollution on health • Impact of Long COVID • Obesity and Diabetes • End of Life – compassionate communities • Innovation / technology • Healthwatch Annual Report 2023/24 • Public Health Annual Report • Public Health Dashboard • Developing Healthier Communities updates • Scrutiny of Acute providers following from Quality Accounts (UHNM, RWT & UHDB) |

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| Membership | Borough/District Councillors |
|---|---|
| Jeremy Pert (Chair) Richard Cox (Vice-Chair - Overview) Ann Edgeller (Vice-Chair – Scrutiny) Charlotte Atkins Philip Atkins Keith Flunder Phil Hewitt Jill Hood Thomas Jay Kath Perry Bernard Peters Janice Silvester-Hall Ian Wilkes | Ann Edgeller (Stafford) David Williams (Cannock Chase) Monica Holton (East Staffordshire) Leona Leung (Lichfield) Ian Wilkes (Newcastle-under-Lyme) Val Chapman (South Staffordshire) John Jones (Staffordshire Moorlands) Chris Bain (Tamworth) |

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Briefing paper

Planning protocols

For: Overview & Scrutiny Committee

Date: 19 December 2023

Key facts

Members of the committee are requested to consider some potential amendments to the planning committee member protocol and the guidance for non- planning committee members. [View protocols on Sharepoint](#) or email lizzie.barton@lichfielddc.gov.uk if you would like them emailed to you.

Background

The planning committee member protocol and the guidance for non-planning committee members are a statement of good practice for all councillors involved in the administration or operation of the planning process (including planning enforcement).

They cover topics including the role of officers and members, contact with applicants, developers and objectors, how to support a ward resident in relation to a planning application, speaking at public meetings and more. Each document is slightly different as the rules and guidelines that apply to planning committee members are different to those that apply to non-committee members in some circumstances.

The fundamental purpose of both documents is to ensure that all planning decisions are fair, impartial and well balanced. The protocols give members guidance on how to play a positive part in the planning process.

Issues

Three issues have arisen that the committee is being asked to discuss and feedback their views on at the 19 December 2023 meeting:

- How to process member call-ins following a member departure, either because of an election seat change, bi-election seat change, standing down or death.
- How to provide member support for both views (objectors and applicants) in single member wards or in wards where only one member is not a member of the planning committee.
- Speaking times at committee and whether the current time limits are effective and appropriate.

Future actions

The feedback and comments made by the O&S committee will be documented and provided to the cabinet member for housing & the local plan and the planning committee for discussion and decision.

Risks

N/a

Key benefits and outcomes

Amending the planning committee member protocol and the guidance for non-planning committee members would seek to make the process more efficient and supportive for customers and the council.

For more information email lizzie.barton@lichfielddc.gov.uk

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OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME FOR 2023-24

| AGENDA ITEM | DETAILS/REASONS | 05.06.23 | 02.08.23 | 14.09.23 | 14.11.23 | 19.12.23 | 30.01.24 | 03.04.24 | TASK GROUP REQUIRED YES/NO | OFFICER LEAD | MEMBER LEAD |
|---|--|----------|----------|----------|----------|----------|----------|----------|----------------------------|---------------|-----------------------|
| Terms of Reference | To remind the Committee of the terms of reference and suggest any amendments | ✓ | | | | | | | NO | CLL | Cllr D. Pullen |
| Empty Homes Policy | From Forward Plan | | | | | | ✓ | | | Lizzie Barton | Councillor A. Farrell |
| City Centre Pedestrianisation Trial | To review the trial so far including consultation responses specifically blue badge holders | | ✓ | | | | | | | John Smith | Councillor D. Pullen |
| Planning Committee Protocol | To give views on the draft new protocol before consideration by the Planning Committee | | | | | ✓ | | | | Lizzie Barton | Councillor A. Farrell |
| Councillor Community Fund | To undertake a full review of the scheme | | | | ✓ | | | | No | Kerry Dove | Cllr R. E Cox |
| Knife Angel | | | | | ✓ | | | | | Christie Tims | Cllr R. E Cox |
| Notes from Task groups | To receive the meeting notes from task group meetings | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| Review of the Overview & Scrutiny function at the Council | Following the move to a one O&S Committee system, it was agreed to review the effectiveness of the change. | | ✓ | | | | | ✓ | | Kerry Dove | Cllr D. Pullen |
| Review of Civic function matrix | To undertake a review of the current event matrix as devised by a previous Task Group and to consider any recommendation by the Independent Remuneration Panel | | | ✓ | | | | | Yes | Kerry Dove | Cllr D. Pullen |

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OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME FOR 2023-24

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|---|--|--|---|---|---|--|---|--|--|----------------|------------------|
| Funding for Infrastructure in Burntwood and rural areas | | | | | | | ✓ | | | Anthony Thomas | Cllr A. Farrell |
| Cinema | To receive an update | | ✓ | | | | | | | John Smith | Cllr D. Pullen |
| Medium Term Financial Strategy | To receive drafts and updates to the MTFS | | | ✓ | ✓ | | ✓ | | | Anthony Thomas | Cllr R. Strachan |
| Financial Planning | To consider Service and Financial Planning Proposals | | | | | | ✓ | | | Anthony Thomas | Cllr R. Strachan |
| Local Elections 2023 Review | To undertake a review of the Local Elections 2023 and its processes including Voter ID and accessibility. | | ✓ | | | | | | | Christie Tims | Cllr D. Pullen |
| Lichfield District 2050 Strategy Consultation Results | To review consultation results, and feedback further on the draft Strategy prior to it being considered by Cabinet and Full Council. | | | | | | | | | Kerry Dove | Cllr D. Pullen |
| Briefing Papers | | | | | | | | | | | |
| Money Matters | | | | ✓ | | | | | | Anthony Thomas | Cllr R. Strachan |
| Development Control Performance | | | | | | | | | | Lizzie Barton | Cllr A. Farrell |
| Local Plan Update | | | | | | | | | | Lizzie Barton | Cllr A. Farrell |
| Local Election 2023 Update – Including Action Plan | | | | | | | | | | Christie Tims | Cllr D. Pullen |
| Youth Council Performance | | | | | | | ✓ | | | Kerry Dove | Cllr R. E Cox |

OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME FOR 2023-24

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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