

Overview and Scrutiny Committee

Minutes of the meeting held on Tuesday 26 September 2017 at the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Mrs Falp (Chairman); Councillors Bromley, Mrs Cain, Davison, Miss Grainger, Mrs Knight, Naimo, Parkins, Mrs Redford and Shilton.

Also Present: Councillors Gill, Grainger, and Rhead.

39. Apologies and Substitutes

There were no apologies for absence and no substitutes.

40. Declarations of Interest

Minute 44 Executive Agenda (Non-confidential items and reports – Wednesday 27 September 2017) – Item 6 – Shared Environmental Enforcement with Rugby Borough Council (RBC)

Councillor Mrs Falp declared an interest because a close family member worked in Neighbourhood Services.

41. Minutes

The minutes of the meeting held on 30 August 2017 were taken as read and signed by the Chairman as a correct record.

42. Comments from the Executive

The Committee considered a report from Democratic Services which detailed the responses the Executive gave to the comments the Overview and Scrutiny Committee made regarding the reports submitted to the Executive in August 2017.

Resolved that the report be noted.

43. Development Services – Portfolio Holder Update

The Committee considered a briefing note from Councillor Rhead, Portfolio Holder, Development Services, giving an update on his portfolio.

In response to questions from Members, Councillor Rhead explained that:

- The portfolio briefing he had arranged concerning gypsies and travellers had been positive.
- The Council used viability consultants to defend its position when any developer challenged CIL agreements and was confident in the level set in the case of the latest challenge.
- Phase 2 of the department's staffing restructure would not commence until approval had been given for an increase in planning fees, which was expected in the autumn. Phase 2 would be used to build future capacity and to ensure succession planning.

OVERVIEW AND SCRUTINY COMMITTEE MINUTES (Continued)

- It was important to plug the £4m gap in health service funding and to this end, a spreadsheet was used to monitor, showing the first five years' funding channels.
- Finance & Audit Scrutiny Committee monitored s106 agreements every six months, but he also kept a regular watch.
- He had met with a local developer to understand why developers were not keen to embrace re-newable energy sources in new developments. He had persuaded this developer to use a show home to demonstrate renewable energy and the Council had agreed to promote this.
- The Council had no control to force developers to build in the use of renewable energy into houses, even on development on Council land, but he hoped that the initiative with the one developer would encourage its growth.
- He was meeting with officers at the County Council to discuss the modelling systems they use for volumes of traffic and to ensure these models are practical.
- It was difficult to put in planning conditions on renewable energy and energy conservation when there was no policy in place. The only method to try to regulate was via building regulations. He and the Head of Development Services had recently been shown the efficiency in the use of "fabric first" in developments.
- He would like to see developers adopt the use of not just fabric first, which was cheaper, but also the use of other methods of renewable energy.
- The provision of refuse and recycling bins in new housing was not an appropriate consideration at planning stage.
- The Council would wait until the outcome of the Grenfell Tower enquiry before making any decision on safety features such as sprinkler systems in all new-builds.

The Chairman thanked Councillor Rhead for answering the questions.

(Councillor Rhead left the meeting.)

44. Executive Agenda (Non-confidential items and reports) – Wednesday 27 September 2017

The Committee considered the following item which would be discussed at the meeting of the Executive on Wednesday 27 September 2017.

Item 6 – Shared Environmental Enforcement with Rugby Borough Council (RBC)

The Committee supported the recommendations in the report and requested that the Communication Strategy included consultation with letting agents, local businesses, Town and Parish Councils (possibly via Warwickshire Association of Local Government), and residents in social housing.

The Committee also sought assurance that in practice officers, in consultation with Legal, would ensure that the most appropriate individual/organisation would be served with any notice.

OVERVIEW AND SCRUTINY COMMITTEE MINUTES (Continued)

Resolved that a verbal update on the achievements of the shared environmental enforcement with Rugby Borough Council be given to Overview & Scrutiny Committee in six months' time.

The Head of Neighbourhood Services also undertook to circulate the following to all Councillors:

- a list of the tests used before a CPN was issued; and
- a list of which officers/departments were responsible for various functions to do with waste management across the District.

45. Review of the Work Programme & Forward Plan

The Committee considered its work programme for 2017 and the Forward Plan for September to December 2017.

The Deputy Chief Executive (AJ) gave an update on the HMO Officer Working Group's Action Plan. This Officer Working Group had been established to take the proposals for HMOs forward. The Action Plan was attached as appendix 4 to the report.

The Committee requested that Members had the opportunity for input into recommendation 2.3 – management of the noise nuisance service. Members also requested to be informed of the conversations the Head of Health & Community Protection was holding with other officers at the next meeting. The Deputy Chief Executive (AJ) was also asked to provide links to the Council's website embedded into the document at recommendation 2.4 where there were references to other web pages or documents.

Members discussed the comments received back from Councillors and officers who had participated in the two recent Task & Finish Groups. These comments were detailed at appendix 3 to the report in a table reflecting comments both negative and positive, and then suggestions for the lessons learnt.

Councillor Naimo was thanked for the comments she had collated. Members discussed what they felt could be improved with regard to the Task & Finish process. The main focus of debate centred on the Scoping Document, with a suggestion that consideration could be given to a group of councillors being responsible for writing it, instead of one or two councillors. Some Members also felt that a checklist might be useful to help ensure that the relevant stakeholders were included in any consultation. It was felt that officer presence at every meeting of a Task & Finish Group might not be necessary, but certainly, officer presence would be required at the first meeting.

Following on from the previous Committee meeting when Members had asked for advice on when a report giving an update on Forward Plan reference 880 – Policy on Regulating the Private Sector could be delivered, the Committee Services Officer reported that the Housing Strategy & Development Manager had responded that he could not put a timescale on it because, whilst the principal legislation was passed last year, the Government had not yet issued the commencement orders and regulations. These were necessary to draw up a new policy. The Committee deferred

OVERVIEW AND SCRUTINY COMMITTEE MINUTES (Continued)

making any decision on a report delivery date pending receipt of the necessary guidance from the Government.

Again, following on from the previous Committee meeting when Members had asked what the report on Revisions to the Constitution/Delegation Agreement (Forward Plan reference 819) entailed, the Committee Services Officer advised that this report was drafted a year ago originally to revise the scheme of delegation regarding planning applications. This was part withdrawn to allow discussion to take place between senior management in Development Services, the Portfolio Holder and the Chairman of Planning on the proposed delegations and also confirmation on the 21 days (i.e. when did it start). A main concern had been that a Councillor should be required to provide a reason for calling an application into Committee. This report would now be considered at the January 2018 meeting of the Executive. The Committee requested that a report be made to it at the December meeting.

The Committee noted that the report on Leamington Spa's car parking displacement plan had slipped back and requested a reasonable date for a report to it.

The Deputy Chief Executive (AJ) undertook to contact the Policy and Projects Manager to discuss whether the annual monitoring report on the Local Plan could also provide an update on the latest Government population projections.

Resolved that

- (1) the report be noted;
- (2) a report on the Constitution/Delegation Agreement (Forward Plan reference 819) be added to the Work Programme for the December¹ meeting;
- (3) the Deputy Chief Executive (AJ) will discuss with the Policy and Projects Manager whether the annual monitoring report on the Local Plan can also provide an update on the latest Government population projections;
- (4) the Project Manager – Car Parks be contacted to determine a reasonable delivery date for a report on the Leamington Spa Car park Displacement Plan; and
- (5) in respect of the HMO Officer Working Group Action Plan:
 - (a) Members have input into recommendation 2.3 – management of the noise nuisance service;

¹ This was put onto the Work Programme for the end of November meeting since there was not a meeting in December.

OVERVIEW AND SCRUTINY COMMITTEE MINUTES (Continued)

- (b) the conversations the Head of Health & Community Protection is holding with other officers be reported at the next meeting; and
- (c) links to the Council's website are to be embedded into the document at recommendation 2.4 where there are references to other web pages or documents.

(The meeting finished at 8.00 pm)