

Overview and Scrutiny Committee

Minutes of the meeting held on Tuesday 27 September 2016 at the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Boad (Chairman); Councillors Bromley, D'Arcy, Edgington, Miss Grainger, Margrave, Naimo, Parkins and Mrs Redford.

Also Present: Councillors Cross and Whiting.

27. **Apologies and Substitutes**

(a) An apology for absence was received from Councillor Davison.

(b) There were no substitutes.

28. **Declarations of Interest**

There were no Declarations of Interest.

29. **Minutes**

(a) The minutes of the meeting held on 28 June 2016 were taken as read and signed by the Chairman as a correct record.

(b) The minutes of the meeting held on 26 July 2016 were taken as read and signed by the Chairman as a correct record.

30. **Portfolio Holder Update – Development Services**

The Portfolio Holder for Development Services, Councillor Cross, gave an update on Development Services. In response to questions, he informed the Committee that:

- The Council adhered to the NPPF policy, section 6, paragraphs 47 – 52 to undertake viability testing for large developments.
- A procurement exercise was undertaken periodically to appoint the Council's regular independent assessor. The costs of the independent assessor were charged back to developers.
- Main reasons for the Council losing planning appeals were:
 - the Planning Committee did not agree with the officer's recommendation, but the Planning Inspector agreed with the officer; and
 - Planning Inspectors were very pro-development.
- The Planning Committee received a report each month on the planning appeals status. Any lessons that could be learnt were pointed out as were trends in the decisions being made by Planning Inspectors. Previously, in years past, the Council would win about 66% of appeal cases, these days the figure was around 50%, and this figure was fairly consistent across all local authorities.
- Up until this year, the Council had processed around 1,500 planning applications per year. The figure had now increased to 2,300, of which 92-93% were delegated decisions, with the balance of around 100 applications being decided at Planning Committee.

OVERVIEW AND SCRUTINY COMMITTEE MINUTES (Continued)

- The workforce numbers were nearly up to establishment. It was not easy to recruit new staff, and this was a common feature within the profession, even in the Private Sector. But the Department was employing junior staff and succession planning for when staff retired.
- He held meetings every two weeks with officers but he had no involvement with staffing, although he held concerns about the pressure staff faced.
- The figures given for enforcement cases in the report were no longer correct, because subsequently a catch-up exercise had been undertaken. There was also an issue in that there was a backlog of clearing finished cases off the system. The figure was probably nearer to 130, rather than the 160 cited in the report. They were working towards a figure of 120. Enforcement cases were very much a reactive matter in direct response to matters being reported to Enforcement officers by the Public.
- The Section 106 money situation was improving but currently staff were being redeployed to work on the Local Plan. Information about S.106 money was now easily available in the public domain. A recent audit had revealed that the Council was not failing to get money due, but now the Council had more information on the amounts involved and letters chasing any money due were sent out.
- The Council was actively searching for more land for Gypsy and Traveller sites.
- Staff did provide alternative out-of-hours times to people for whom the householder drop-in sessions were inconvenient.
- In respect of changes to the Planning process that would soon be imposed, the Department was working to ensure that it would be competitive in the commercial environment. However, Councils were not allowed to make a profit for these services. The changes in progress would mean that other providers could write application reports. It was hoped that the Council would then follow through on the report provided, and that the Council could bid to win business to write application reports. Councillor Cross accepted that it might be possible to consider competing for applications using an arm's length company approach.
- The Council would have very limited control over planning applications received as part of HS2. The Council would only have authority to comment on minor matters such as fencing. It was important that people understood this and expectations needed to be managed.

The Head of Development Services agreed that Appeal decisions statistics would be presented as part of the Portfolio Holder's report in future.

The Chairman thanked Councillor Cross for attending the meeting to answer questions.

31. How HS2 planning applications will be processed

The Committee received a verbal report from the HS2 Project Officer and the Head of Development Services on how HS2 Schedule 17 Applications were going to be treated.

An information note circulated at the meeting informed Members that:

OVERVIEW AND SCRUTINY COMMITTEE MINUTES (Continued)

- The Council had still not received the final figures or timetable from HS2, but it was likely that the Council might have to process well over 100 applications, and these might start by the end of 2017.
- Schedule 17 applications were similar to the discharge of conditions or reserved matters applications.
- The Council, as a Qualifying Authority, would be responsible for issuing consents and approvals in relation to the detailed design and appearance, but could not affect the principal of, nor the general location of matters such as:
 - buildings and road vehicle parks;
 - terracing;
 - cuttings;
 - embankments and other earthworks;
 - fences and walls;
 - telecommunication masts;
 - pedestrian access to the railway line;
 - artificial lighting;
 - bridges and viaducts; and
 - site restoration.
- The three statutory consultees were the Environment Agency, Historic England and Natural England.
- The Council would have to deal with applications for consent in an expedient manner (generally within eight weeks). A Service Level Agreement between the Council and HS2 would be in place.
- The Council planned to engage with the relevant parish councils and action groups and display site notices. However, anyone else, such as the usual consultees at the County Council would not be formally consulted.
- Liaison meetings would be organised to help parish councils and action groups understand what a Schedule 17 application entailed and on what matters they could make comment.
- It was expected that applications would be submitted electronically via the Planning Portal. The Council had volunteered to test the process.
- Current thoughts were that a small panel of Councillors would decide which applications should be presented to the Planning Committee.

In response to questions, the HS2 Project Officer informed the Committee that:

- If the target eight week response period to applications was missed, deemed consent would be given unless the Council was successful in negotiating an extension.
- Plans would not necessarily show landscaping and screening.
- Current staffing levels would manage an expected level of 100 applications. If there was spare capacity, the Council would consider selling its services to other Authorities.
- The Council would sift out any invalid reasons for objecting to applications because it would have a duty to meet the Service Level Agreement.

(Councillor Cross left the meeting at the end of this item. Councillor Whiting arrived at the meeting during this item.)

OVERVIEW AND SCRUTINY COMMITTEE MINUTES (Continued)

32. Portfolio Holder Update – Finance

The Portfolio Holder for Finance, Councillor Whiting, gave an update on Finance. In response to questions, he informed the Committee that:

- Two issues affected recruitment of staff:
 - The rules and regulations applied to Local Authorities in respect of staff; and
 - How people perceived councils in general as an employer.
- The Procurement apprentice would start work in three weeks.
- Within the Council Tax/Benefits Team, the use of automation would continue to improve the service, and staff would be cross-trained to handle more types of work to smooth peaks and troughs in workloads. This type of flexible working would become the norm for all staff within the Section and changes to job descriptions would go to the Employment Committee in March.
- The Procurement Policy was not yet complete; it had been recognised that the policy was not cohesive and therefore it was felt better to start again and not simply “add to” the existing document. The aim was to produce the new policy document in the spring.
- In attempting to ensure social value in procurement, it was important to recognise that this could at times be a barrier to competition laws. Consideration had to be given to how much more the Council was prepared to pay for something simply to ensure social value.
- Part of the perceived issues officers had with Procurement was that they had not realised that Procurement was not responsible for the purchasing, it was there as a service to advise.
- Whilst the concerns that the move towards automation and electronic form filling were recognised, policy from Central Government dictated that this had to be accepted in certain areas, for example, the Department of Works and Pensions would insist that all applications for Universal Credit had to be submitted electronically. The Council could “piggy-back” off this in automating its processes.

Councillor Whiting was asked to bear in mind that not everyone would cope with this.

The Chairman thanked Councillor Whiting for attending the meeting to answer questions.

(Councillor Whiting left the meeting at the end of this item.)

33. Creative Quarter Update

The Business Manager, Projects, gave Members an update on progress made in respect of developing a Creative Quarter within the District and so supporting the digital and creative sectors and regenerating parts of the Old Town within Leamington Spa.

It was anticipated that the procurement process to find a development and regeneration partner would commence in October, with the intention of making a selection in spring.

OVERVIEW AND SCRUTINY COMMITTEE MINUTES (Continued)

In response to a question from Members, the Business Manager, Projects explained that the approach to identify the winning partner would be a system known as "competitive dialogue", and the Business Manager explained this to Members. This approach allowed effective comparison between tenderers and meant that tenderers were actively encouraged to pitch their own unique approaches and ideas. The approach deliberately avoided producing a narrow specified tender document. The Council would gradually whittle down the ideas to produce a refined challenge against which bids would be made.

The Business Manager agreed to circulate the link to the NESTA report on creative clusters. This report had identified Leamington Spa as one of the 47 creative clusters in the UK, and the only one in the West Midlands.

34. Leamington Spa Town Centre Vision Update

The Business Manager, Projects, gave Committee Members an update on the Leamington Spa Town Centre Vision following on from the previous report given last February.

In response to a question from Members, the Business Manager, Projects explained that a Forum group had been set up last May to take forward the work on the vision and strategy consisting of people from the Town and County Councils, Warwick University, Royal Priors, BID, Leamington Spa Society, local Police and Purple Monster based in Spencer Yard. This mix of experience meant that a balanced and range of views would be assured, and it would not be Local Authority dominated. The Council's role would be as a facilitator. The forum had met four times to discuss:

- Leamington Spa's unique selling point;
- Key priorities for the town centre;
- Development opportunities; and
- How this would all fit in with other documents being produced such as the Local Plan and various Neighbourhood Plans.

35. 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 July 2016.

Resolved that the report be noted.

36. Review of the Work Programme & Forward Plan

The Committee considered its work programme for 2016/2017 and the Forward Plan.

Task & Finish Group – Houses in Multiple Occupation Interim Report

The Committee considered a brief interim report on the progress made so far by the Task & Finish Group on HMO's. The report recognised and supported the good progress being made by officers on some of the key

OVERVIEW AND SCRUTINY COMMITTEE MINUTES (Continued)

short-term issues. The report also outlined work still in progress, giving possible options of additional information streams and consultees.

Resolved that the timescale for delivery of the final report be extended to March 2017.

Task & Finish Group – off-street parking charges review

The Chairman advised the Committee of progress made on the off-street parking charges review. Work was still in the fact gathering stage.

Other items on the Overview and Scrutiny Committee Work Programme

It was noted that the report on the Kenilworth Leisure Centres had been removed from the Work Programme. It was agreed that the Deputy Chief Executive and Monitoring Officer would speak to the Head of Cultural Services to make specific reference to the Kenilworth Leisure Centres in the Portfolio Holder Update report at the next meeting. Additionally, if a written report had been given to Kenilworth Town Council by Cultural Services, then this should be circulated to Committee Members.

Resolved that the following items be added to the Work Programme:

- (1) the Head of Health & Community Protection to provide a report on how the sub-committee will operate to ensure scrutiny. This report will come forward 29 November 2016;
- (2) Forward Plan Reference 812 – Recommendations from One Stop Shop Review. The Deputy Chief Executive and Monitoring Officer will speak to the Portfolio Holder to agree a date for a report to be presented; and
- (3) future of community forums - The Deputy Chief Executive and Monitoring Officer will determine a date for a report to be presented.

The Deputy Chief Executive (AJ) was asked to check if there was anything of note to present to the Committee in respect of the Interim Update on the HQ Relocation – outcome of Phase 1, which was on the Committee's own Work Programme for 4 January 2017. The Committee also requested that the report should be in writing instead of a verbal report and whether a joint meeting with the Finance and Audit Scrutiny Committee should be considered for this.

He was also asked to check the timescales for Forward Plan reference 822 – Housing Futures – Housing and Homelessness Strategy 2017 and work out an appropriate time for this to come to the Committee if it would not cause duplication of work.

(The meeting finished at 8.33 pm)