

# OVERVIEW AND SCRUTINY COMMITTEE

Minutes of the meeting held on Tuesday 14 October 2008 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

**PRESENT:** Councillor Gifford (Chair); Councillors Barrott, Boad, Britland, Coker, Copping, Ms De-Lara-Bond, Mrs Gallagher, Gill, Hatfield, Mrs Higgins, Mrs Sawdon and Weed.

(Councillor Hatfield substituted for Councillor Mrs Scarrott)

An apology for absence was received from Councillor Davies.

## 504. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

## 505. **MINUTES**

The minutes of the meeting held on 2 September 2008 were confirmed as a correct record.

## 506. **SUPPLEMENTARY PLANNING DOCUMENT - SUSTAINABLE BUILDINGS**

The Committee considered a presentation from the Head of Planning on the Supplementary Planning document for Sustainable Buildings.

**RESOLVED** that the presentation be noted.

## 507. **SECTION 106 AGREEMENTS**

The Committee considered a report from the Head of Planning on Section 106 Agreements which provided a summary for members of current procedures operating in respect of Section 106 Obligations/Agreements under the Town and Country Planning Act, with particular reference to the monitoring of compliance with the terms of the various agreements.

Section 106 of the Town and Country Planning Act 1990 as substituted by Section 12 of the Planning and Compensation Act 1991 enabled a planning obligation to be entered into by agreement between a developer and a local planning authority or by means of a unilateral undertaking by a developer.

It allowed anyone with an interest in the land to enter into a planning obligation, which was enforceable by the District Council. The use of the term "planning obligation" reflected the fact that obligations may be created other than by agreement between the parties (that was, by the developer making an undertaking). Such obligations may restrict development or use of the land; required operations or activities to be carried out in, on, under or over the land; required the land to be used in any specified way; or required payments to be made to the authority either in a single sum or periodically.

## **OVERVIEW AND SCRUTINY COMMITTEE MINUTES (Continued)**

The report detailed the background to the national policy, the current national policy and the current processes within Warwick District Council.

The Committee felt that although the appendices to the report gave details of the section 106 agreements which had been made, there was not enough information on the current status of these agreements. Therefore, the Committee asked for this information to be presented to their meeting in December 2008.

### **RESOLVED** that

- (1) the report be noted; and
- (2) a further report be submitted to the Committee in December 2008, detailing the current status of each 106 agreement.

## 508. **EXECUTIVE AGENDA (NON CONFIDENTIAL ITEMS AND REPORTS) – WEDNESDAY 15 OCTOBER 2008**

### Agenda Item Number 5 - Managing Housing Supply

The majority of the Committee supported the recommendations in the report.

### Agenda Item Number 6 - Corporate Strategy Review

The Committee requested that the Executive defer the report and it be submitted to the Executive in December detailing all the Portfolio Holder priorities, targets and high level actions, because currently there was not any in depth reference to the Human Resources Portfolio or any details of Legal/Documentation Portfolio.

### Agenda Item Number 12 - Fees and Charges for 2009/10

The Committee supported the recommendations in the report, but drew the Executive's attention to the charge for sex shops and questioned whether it accurately represented the true costs to the Council? This Committee suggested that £3500 would be closer to the true figure.

## 509. **PUBLIC AND PRESS**

**RESOLVED** that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

## **OVERVIEW AND SCRUTINY COMMITTEE MINUTES (Continued)**

### **510. EXECUTIVE AGENDA (NON CONFIDENTIAL ITEMS AND REPORTS) – WEDNESDAY 15 OCTOBER 2008**

#### Agenda item Number 23 - Spencer Yard

The Committee supported the recommendations in the report.

### **511. COMMENTS FROM THE EXECUTIVE**

The Committee considered a report from Members' Services on the response the Executive gave to the Committees' comments on the reports submitted to the Executive on 3 September 2008.

The report was produced to create a dialogue between the Executive and the Overview and Scrutiny Committee and it ensured that the Overview and Scrutiny Committee were formally made aware of the Executive's responses.

As part of the new scrutiny process, the Committee were no longer considering the whole of the Executive agenda.

On the publication day of the agendas for the previous meetings of the Executive and Overview & Scrutiny, all Councillors were emailed asking them to contact Committee Services, by 9.00am on the day of the Overview and Scrutiny Committee, Tuesday 2 September 2008, to advise which Executive items they would like the Overview and Scrutiny Committee to pass comment on.

As a result the Committee considered the items as detailed in appendix 1 to the report, and the response the Executive gave was also shown.

**RESOLVED** that the report be noted and the Executive be thanked for expanding their feedback comments.

### **512. REVIEW OF THE WORK PROGRAMME**

The Committee considered a report from Members' Services on the Committees' work programme for 2008/2008.

At the Committees' meeting on 2 September 2008, it was agreed that the Committee would receive the following reports in October 2008:

- Section 106 Agreements
- Tree and Woodland WP scoping document
- sponsorship of roundabouts etc for Britain in Bloom; and
- a presentation be made to all Members on the SPD for Sustainable Buildings

However, the scoping document for the Tree and Woodland WP and sponsorship of roundabouts for Britain in Bloom were not produced in time for the publication of the agenda and deferred to December 2008.

## **OVERVIEW AND SCRUTINY COMMITTEE MINUTES (Continued)**

Members also noticed with concern that the scoping documents and creation of Task and Finish Groups for the Royal Spa Centre and Waste Management had been deferred to February and March 2009 respectively. When the revised Scrutiny agreements were implemented it was highlighted that there would be insufficient capacity to maintain more than 4 Task and Finish Groups at any one time, particularly as there were currently no dedicated scrutiny support staff. However, due to changes of personnel, there was now only sufficient capacity to run two Task and Finish groups as part of the Overview and Scrutiny Committee, which already had already has groups running for CCTV and Engaging Young People. The Golf Task and Finish Group was being supported by Cultural services and there was a further group planned for Trees and Woodland. It was therefore unlikely that any further groups could be supported until either CCTV or Engaging Young People completed it's work, which could mean further slippage on the proposed dates.

The Committee also raised their considerable concerns with regard to the current difficulties officers were having with supporting the scrutiny process because of the lack of dedicated scrutiny resources. The Acting Strategic Director for Housing and Development advised that he would be raising the issue with CMT and the Committee endorsed this way forward.

### **RESOLVED** that

- (1) the report be noted;
- (2) investigations be made into the potential for increasing the level of officer resource dedicated to supporting the scrutiny process; and
- (3) the following item be added into the Committees' work programme:
  - (i) an update report on 106 agreements.

(The meeting ended at 7.55pm)