

**MINUTES of the meeting of General Overview & Scrutiny Committee held at Council Chamber, Shire Hall, St. Peter's Square, Hereford, HR1 2HX on Wednesday 10 June 2015 at 10.00 am**

**Present:** Councillor WLS Bowen (Chairman)  
Councillor MJK Cooper (Vice-Chairman)

**Councillors:** JM Bartlett, BA Durkin, CA Gandy, J Hardwick, DG Harlow, EPJ Harvey, JF Johnson, AJW Powers, A Seldon and SD Williams

**In attendance:** Councillors H Bramer (Cabinet Member, Contracts and Assets), PD Price (Cabinet Member, Infrastructure), P Rone (Cabinet Member, Transport and Roads)

**Officers:** R Ball (Assistant Director, Place Based Commissioning), B Baugh (Democratic Services Officer), A Featherstone (Head of Corporate Asset Management), G Hughes (Director of Economy, Communities and Corporate), C Lloyd (Democratic Services Officer), P Robinson (Director of Resources), M Willimont (Head of Development Management and Environmental Health)

**1. APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors NE Shaw and A Warmington. Apologies had also been received from Mr P Sell.

**2. NAMED SUBSTITUTES**

Councillor BA Durkin substituted for Councillor NE Shaw, and Councillor A Seldon substituted for Councillor A Warmington.

**3. DECLARATIONS OF INTEREST**

No declarations of interest were made.

**4. MINUTES**

The minutes of the previous meeting were received.

In response to a question from a committee member, the Chairman confirmed that it was established practice within the authority that remarks and questions recorded within the minutes were not attributed to individual committee members.

**RESOLVED:** That the minutes of the meeting held on 10 March 2015 be approved as a correct record.

**5. SUGGESTIONS FROM THE PUBLIC**

No suggestions from the public had been received.

## **6. QUESTIONS FROM THE PUBLIC**

In response to a question made at the meeting by a member of the public, it was reported that the listing of a decision in respect of 'Review of Small Holdings' had been entered onto the council's Forward Plan before a proposal for a scrutiny task and finish group had been made. The Forward Plan timing had been reviewed and amended accordingly.

In response to comments about a document by Fisher German that had not yet been shared with the Chairman or committee members, the Head of Asset Management advised that: the document was only in draft form; it was meant to feed into a formal review but this had not taken place during the previous municipal year; information from that document could be used to inform the task and finish review and subsequent executive decision; and, as it contained commercially sensitive information, it was anticipated the document would be shared with the group in a redacted and suitable form by the end of June 2015. Some committee members commented on the need for relevant information to be made available to inform scrutiny deliberations.

In response to comments that further delays could exacerbate uncertainties for tenants, the Chairman noted the need for a focused and time limited review.

## **7. EXECUTIVE RESPONSES TO COMMITTEE RECOMMENDATIONS**

The Chairman advised that the executive responses appended to the report had been circulated to committee members in March 2015 and the purpose of this report was to enable the committee to receive the responses formally.

### **Review of Lease Restructuring with Hereford United (1939) Ltd**

The Cabinet Member, Contracts and Assets reported that seven of the nine recommendations made by the committee had been accepted; with one partially accepted and another to be subject to a further report to Cabinet and the committee in Autumn 2015. It was noted that the new lease, with Hereford Football Club, was for five seasons and that dialogue would continue with the club about their tenure of the ground.

In response to a question from a committee member, it was reported that consideration would be given to scrutiny activity in respect of football provision later in the year.

### **Balfour Beatty Living Places – Public Realm Services (BBLP)**

The Cabinet Member, Roads and Transport reported that all thirteen of the recommendations arising from the scrutiny task and finish group had been accepted. The Cabinet Member commented: on the success of the locality steward approach; that average call responses had reduced to five seconds; that a locality manager had been appointed recently; and that Herefordshire Council had been commended at the Chartered Institution of Highways and Transportation Awards 2015 in the Highway Asset Management category.

The Assistant Director, Place Based Commissioning welcomed the task and finish group's report and, whilst acknowledging that there was more work to do, considered it pleasing that the progress to date had been recognised. It was reported that at least 106 town and parish councils were interested in the lengthsman scheme, with many intending to put their own funds into the work.

In response to a comment from the Chairman about the potential to tackle multiple potholes in a single resurfacing effort, the Cabinet Member explained the separate responses required for the different categories of road defects.

In response to questions, the Assistant Director advised that the council and BBLP took their responsibilities very seriously in terms of care for employees and there were regular discussions with locality stewards about their workloads which would be kept under review.

A committee member commented on the following: recommendation 3 (decommissioning and commissioning of contracts), it was noted that there had been some issues on the ground in the early stages and it was hoped that there had been some learning from those experiences; recommendation 4 (keep citizens informed of contract changes), there had been some changes to the grass cutting schedule that had not been notified to local ward members and appropriate communication with all stakeholders was essential to ensure that expectations were managed; and emerging best practice about the customisation of contracts and management of the workloads of lengthsman should be identified and shared with parish and town councils. The Assistant Director said that he would have a more detailed conversation with the member about these observations.

A committee member commented on issues with Traffic Regulation Orders (TRO), particularly in relation to the availability of funding to progress the implementation of TROs that had been delayed. The Assistant Director said that an overview of TRO processes could be provided as part of an imminent member seminar and he would respond to the committee member directly about a specific ward issue.

A committee member drew attention to the suggestion in recommendation 8 that ‘...the work of locality stewards should be monitored closely for signs of slippage in programmes...’ but noted that the executive response did not identify the mechanism to manage this. It was commented that blockages to progressing some works were not always communicated widely, resulting in locality stewards having to respond to related queries. The Assistant Director said that the locality manager would provide additional support to the locality stewards and the issues raised would be discussed at a forthcoming meeting.

A number of members commented on the value of the locality stewards and about specific positive responses by BBLP to issues in their areas.

In response to a question, the Assistant Director said that a written response would be circulated to members to outline BBLP response times to queries submitted through the website.

In response to a question, the Cabinet Member said that the council tried to work with utility companies wherever possible to minimise disruption to road users and to update as much infrastructure as possible during major schemes. The Assistant Director added that, where necessary, the authority challenged the quality of reinstatements following emergency works, with a view to achieving satisfactory outcomes rather than pursuing financial penalties.

Responding to a query from a committee member, the Chairman suggested that members should raise questions about specific roads with the Cabinet Member and relevant officers.

**RESOLVED: That**

**(a) the Executive’s responses be noted; and**

- (b) a briefing note on progress with the responses to the task and finish group report on Balfour Beatty Living Places - Public Realm Services be provided within six months.

## 8. TASK AND FINISH GROUP REPORT - DEVELOPMENT MANAGEMENT (PLANNING)

The task and finish group chairman presented its report on Development Management (Planning) for consideration by the committee prior to its submission to the Executive. Attention was drawn to the following:

- i. The group had considered stakeholder perceptions and the report should be seen as an enabling document to support ongoing improvements to the service.
- ii. The key themes identified in the report included: administration and IT systems; planning officers' workload; planning enforcement; customer experience; and consultation process.
- iii. Officers were praised for their efforts in response to the significant increase in the number of planning applications being received.
- iv. The following amendments were made to the recommendations within the report:

Recommendation 1: Since the commencement of this study Herefordshire Council has achieved 'Smarter Planning Status' and are to be commended on this, however every effort should be made to explore ~~'Best Practice'~~ *with and introduce, where beneficial, Best Practice provided and operated* by neighbouring authorities and to explore the implementation of a planning specific I.T administration system.

Recommendation 12: A planning enforcement policy/protocol be developed and implemented with 3 levels of priority *for an assessment of any enforcement requirement and necessary action*

- high, same day ~~assessment~~
- medium, up to five working days
- low, up to 15 working days

Recommendation 18: That there should be a presumption to enforce (in accordance with the principles of fairness, proportionality and the public Interest test) for all breaches of council policy and that any enforcement action should be taken in a timely way, in accordance with the Council's Joint Protocol on Enforcement *and all relevant government guidance*.

- v. Contributors and members of the group were thanked for their input into the report.

Members of the task and finish group commented on the importance of robust planning enforcement to ensure that public confidence was maintained and, referring to a visit undertaken by the group to Shropshire County Council's planning department, the value of exploring and sharing best practice was emphasised.

In response to a question, the Head of Development Management and Environmental Health said that he would check the extent to which parish councils were notified about planning applications in neighbouring parishes which might affect them. The task and finish group chairman said that a number of comments had been made to the group about the need for a consistent approach.

A committee member questioned whether parishes could be recognised for their effective contributions to growth in property stock where developments were within the boundaries of adjoining parishes but had a greater impact on others. The Director of Economy, Communities and Corporate noted that this had not formed part of the remit of the review and suggested that the committee member contact the Neighbourhood Planning team for advice on this matter. The Cabinet Member, Infrastructure said that, in some areas of the country, there were examples of allocations being shared between areas where there were particular capacity and land issues.

Some members considered that the fluctuations in demand for the planning service should not have been unforeseen and commented on the need for a longer term view about workload profiles. The Cabinet Member, Infrastructure gave an overview of the circumstances and said that the pace of the uplift in economic conditions and in the number of planning applications had been greater than expected. In response to questions, the Head of Development Management and Environmental Health said that additional costs for temporary resources had been offset by reduced costs elsewhere and considered current staffing arrangements to be fit for purpose.

In response to a question about the potential for full cost recovery to support capacity building, the Head of Development Management and Environmental Health said that various other areas of the council supported the planning function, including highways and environmental health. The Chairman of the committee suggested that it would be helpful if a briefing note was prepared to clarify the distribution of resources to planning and associated services. The Director reminded members of the significant financial pressures faced by the authority and the ongoing need for workforce flexibility. He added that core performance indicators had been met.

In response to comments, the task and finish group chairman emphasised the need for continuous review for the betterment of the service.

A committee member said that the Hoople report on the current processes and systems in use by planning services, as appended to the group's report, was very helpful and suggested that this be distributed to all councillors.

**RESOLVED: That**

- (a) Subject to the amendments to recommendations 1, 12 and 18 above, the report of the task and finish group on Development Management (Planning) be agreed for submission to the Executive; and**
- (b) The Executive's response to the review be reported to the first available meeting of the committee after the Executive has approved its response.**

**9. WORK PROGRAMME AND TASK AND FINISH GROUPS**

A draft work programme was submitted for consideration. The Chairman said that the committee needed to be mindful of the need for the work programme to be manageable, allowing space for urgent or call-in items. The Chairman drew attention to the following matters:

1. An item on Home to School Transport, identified in the draft work programme for 8 September 2015, would be rescheduled for 19 January 2016; this would enable the update to include data and analysis from the new academic year.
2. An item on Community Safety, identified for 19 January 2016, would be rescheduled for the 8 March 2016.

3. An additional meeting was proposed for 27 October 2015 to consider the Community Infrastructure Levy Draft Charging Schedule.
4. Some scrutiny work might be undertaken on football provision and on Hereford racecourse but these issues would need further consideration at subsequent committee meetings.
5. It was proposed that a task and finish group on the smallholdings estate be established. The Chairman said that this would be a major task, to be undertaken within a relatively short time frame, and would need to consider the best outcomes for tenants and for the people of Herefordshire.

The Director of Resources drew attention to the contents of the draft scoping statement for the smallholdings estate review, Appendix 3 to the report, and comments were invited from committee members.

The principal points of the discussion included:

- a. The Chairman commented on the smallholdings estate in the wider context of council assets and suggested that another key question to be included was 'What are the benefits to agriculture in Herefordshire'.
- b. A committee member questioned whether the work of the group would be constrained by the scale of asset sales envisaged in the Medium Term Financial Strategy. In response, the Director of Economy, Communities and Corporate said that no assumptions had been made about the nature of asset sales.
- c. A committee member felt that clarity was needed about the 'What will not be included' section of the scoping statement before it was finalised. The Chairman said that this could be reviewed in detail at the group's first meeting.
- d. A member in attendance commented on the absence of national or local policy on food security and this aspect could be considered by the group. A committee member added that the review needed to align with relevant policies in the Core Strategy, particularly around land use and the environment.
- e. A committee member commented that tenants needed certainty about the options available and about timescales.
- f. The following were identified as members of the group, Councillors Bartlett, Bowen (Chairman), Cooper, Hardwick, Harlow, Harvey and Williams. Consideration was given to the inclusion of non-committee members on the group but, on balance, it was felt that the identified membership should be sufficient but other members might be asked to contribute as witnesses.
- g. The Chairman said that a meeting would be convened as soon as possible to consider further the scoping statement, the arrangements and the timescales for the review.

A committee member noted that the Understanding Herefordshire report was due to be published shortly and suggested that this should inform future work programming. The Chairman suggested that all councillors would benefit from a briefing on this important resource.

In response to a question, the Chairman acknowledged that work on digital strategy had not progressed during 2014/15 due to other work programme and call-in commitments and suggested that a briefing be arranged to apprise councillors of current provision and

developments; this would subsequently enable consideration to be given to specific areas where any future scrutiny activity could be most effective. A committee member commented that digital issues had been discussed by the Health and Social Care Overview and Scrutiny Committee the previous day and suggested that consideration be given to joint scrutiny activity going forward.

A committee member noted that a decision was due to be taken in July 2015 on the introduction of on-street parking charges for the Hereford Central area and sought assurance that a previous scrutiny committee report had been taken into account and that Hereford City Council would be consulted. The Director for Economy, Communities and Corporate confirmed that these matters had featured in discussions between officers and the Cabinet Member, Transport and Roads.

In response to a question, the Chairman advised that he would represent the committee as part of a working group tasked with refreshing the council's Constitution.

**RESOLVED: That**

- (a) the draft work programme, as amended, be noted;**
- (b) a task and finish group on the smallholdings estate be established to undertake the work outlined in the draft scoping statement; and**
- (c) scrutiny activity on football provision be considered at a future meeting.**

**10. DATE OF NEXT MEETING**

Tuesday 21 July 2015 at 10.00 am

The meeting ended at 12.15 pm

**CHAIRMAN**