

Deputy Chief Executive's Office

Dean Taylor

Members of the Overview and Scrutiny Committee:

AM Atkinson, PL Bettington, WLS Bowen, MJK Cooper, PGH Cutter, EPJ Harvey, MAF Hubbard, RC Hunt, TM James, Brig P Jones CBE, JLV Kenyon, JW Millar (Deputy Chairman), R Preece, SJ Robertson, P Rone, A Seldon (Chairman) and PJ Watts

Your Ref: N/A

Our Ref: Monday 16 January 2012

Please ask for: Tim Brown, Committee

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13 January 2012

Dear Councillor,

Overview and Scrutiny Committee - Supplementary Report

Please find attached a supplementary report that was not available prior to the publication of the agenda for the forthcoming meeting (Monday 16 January 2012, at 10.00 am). Please bring these papers to the meeting.

4. MINUTES

To approve and sign the Minutes of the meeting held on 9 December 2011. (*To follow*)

Ward:

Yours sincerely,

Tim Brown, Committee Manager (Scrutiny)

enc.

cc. Members and officers in receipt of Overview and Scrutiny Committee papers

Working in partnership for the people of Herefordshire

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Overview and Scrutiny Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday 9 December 2011 at 10.00 am

Present: Councillor A Seldon (Chairman)
Councillor JW Millar (Vice Chairman)

Councillors: AM Atkinson, PL Bettington, WLS Bowen, MJK Cooper, PGH Cutter, EPJ Harvey, MAF Hubbard, RC Hunt, TM James, Brig P Jones CBE, JLV Kenyon, R Preece, SJ Robertson, P Rone and PJ Watts

Statutory Miss E Lowenstein
Co-optees

In attendance: Councillors PJ Edwards, J Hardwick, JG Jarvis, RI Matthews, C Nicholls, FM Norman and DB Wilcox- Cabinet Member (Environment, Housing and Planning)

39. APOLOGIES FOR ABSENCE

Apologies were received from Mr P Burbidge.

40. NAMED SUBSTITUTES

There were none.

41. DECLARATIONS OF INTEREST

There were none.

42. MINUTES

RESOLVED: That the Minutes of the meeting held on 28 November 2011 be confirmed as a correct record and signed by the Chairman.

43. SUGGESTIONS FROM MEMBERS OF THE PUBLIC ON ISSUES FOR FUTURE SCRUTINY

The following suggestions were made:

- That the possibility of creating an eastern bypass for Hereford along a route close to the Aylestone Ridge should be explored.
- That the quality of Council surveys and the user of results of surveys should be examined.

44. QUESTIONS FROM THE PUBLIC

Specific Questions received in advance of the meeting relevant to the item under discussion and answers to those questions were circulated at the meeting and are appended to the Minutes.

It was noted that some submissions received had expressed opinions but contained no questions. Some had contained questions not relevant to the item under discussion at the meeting. All correspondence submitted for consideration at the meeting was provided to Members of the Committee on the day of the meeting.

45. LOCAL DEVELOPMENT FRAMEWORK CONSULTATION PROCESS

The Committee was invited to consider the legal requirements governing consultation on the Local Development Framework (LDF) and the consultation process undertaken to date by the Council.

The Head of Strategic Planning and Regeneration (HSPR) gave a presentation. A copy of the presentation has been placed with the agenda papers in the Minute book.

In discussion by the Committee the following principal points were made:

- The Cabinet Member - Environment, Housing and Planning commented on the extent of the consultation that had been undertaken over the past four years. He emphasised that in undertaking the latest consultation the view had been taken that there should be a focus on those areas where the proposals had changed, making arrangements for consultation meetings in agreement with Ward Members. He considered that, whilst there was always room for improvement, the Council had gone much further than the Regulations required it to do.
- A Member criticised the consultation arrangements in Leominster and in particular the decision for officers not to attend a public meeting. The Assistant Director - Economic, Environment and Cultural Services (ADEECS) commented that consideration had had to be given to how best to deploy the available resources. There had been no significant changes to the proposals that affected Leominster. The matter had been discussed by the Local Development Framework Working Group and three of the four Ward members had not considered a public meeting to be necessary. The Local Development Framework had been included on the Town Council Planning Committee agenda and Officers had attended that meeting. In Ledbury where a request from the Town Council for a public meeting had been received all Ward Members had supported this and officers had attended.
- A Member criticised the process suggesting that not all the relevant information had been included in the consultation documents, for example a map showing the preferred route for the relief road,
- It was suggested the process had not taken sufficient account of the need for the provision of infrastructure by statutory undertakers. In reply it was stated that this would be considered as part of any future planning application.
- A Member suggested that there had been insufficient explanation of Cabinet's decisions in July and September on the Local Development Framework.
- A Member sought clarification on how consultees including businesses were identified. Officers explained the basis on which consultees had been identified and notified. It was noted that the list of consultees had been expanded at each round of consultation to include all those who submitted responses. They were then notified as part of subsequent consultations
- The HSPR said that he thought the consultation process that had commenced in 2007 had worked well and generated a good response. He also considered that efforts had been made to engage with hard to reach groups and seek views from the County as a whole.

- The rationale behind the most recent round of consultation which had involved issuing a leaflet, with supporting information being available on the web, and inviting response by letter was questioned. Some concern was expressed that the leaflet had not included sufficient detail and was difficult to follow for anyone who had not previously engaged with the process. In addition it was suggested that the approach used was not in accordance with the public's preferred means of communication and response identified within the Council's Statement of Community Involvement (SCI).

The HSPR commented that a considerable response had been received from the place shaping consultation in 2010. The aim in this latest consultation exercise had been to emphasise the changes to the preferred option. It had been decided that a leaflet written in accessible language was the most suitable way to do this, supported by more detail on the website and by ward based and public meetings where appropriate. He stated that this was the latest stage in an extensive consultation process during which a wide range of consultation methods, as described in the SCI, had been deployed.

The ADEECS emphasised that the latest round of consultation had been the sixth phase of consultation. Careful consideration had been given to the approach and various groups had been invited to comment on the draft leaflet. The information presented on the website was comprehensive and accessible and enabled people to make informed judgments.

- Officers commented that they saw nothing untoward or unexpected in the fact that opposition to the plan had materialised at the later stages of the consultation process once further detail of the proposals and their effects on individuals had become clearer.
- A Co-opted Member stated that the Council needed to undertake a fundamental review of its approach to consultation. Suggested failings included an insufficiently proactive approach and insufficient stakeholder analysis. The Council could therefore not be sure that it had had sought and received representative views.
- The HSPR commented that the statute required the Council to take account of representations. The public response had to be considered alongside a range of technical considerations. He also had to have regard to the resources available to him. The ADEECS commented that the latest round of consultation had reinforced his view that the key issues had been identified and had justified the resources used throughout the process.
- A Member outlined a number of difficulties she had encountered in seeking to access material on the website. She also highlighted that staff in her local Info Shop and Library had been unaware of the consultation and unable to advise upon it. An officer within the planning department had himself had difficulty navigating the documentation which she considered could best be described as impenetrable. This raised questions about the extent of any planning undertaken on the website design. She had asked that the Committee examine the process before launching this latest round of consultation. Her findings indicated that this would have been a valuable exercise and it was to be regretted that the Committee had not agreed to undertake it.

The HSPR welcomed the fact that these issues had been highlighted in the early weeks of the latest consultation process and steps had been taken to address these issues.

- There were some favourable comments on the consultation process and the professionalism of officers.
- That a considerable amount of paperwork had been issued to Members on the morning of the meeting which it had been impossible to assimilate in the time available.

(The meeting adjourned between 11.58 and 12.06.)

As referred to in Minute no 44 above questions received in advance of the meeting and answers to those questions were circulated at the meeting. Members of the public were invited to make any additional comments. The following principal points were made:

- The Committee was asked whether it was satisfied that the background papers were of sufficient standard.
- It was suggested that it was difficult to separate the consultation from the content of the plan, because the content of the plan had influenced the consultation process.
- The preparation and objectivity of the Plan's evidence base and its communication to the public were critical aspects of sound plan-making: There should be a review of how the evidence base for the plan was prepared and presented before further options were put to the public. This should include independent scrutiny by stakeholders before the Plan was put before the public and then a commitment to properly informed debate.
- There should be a review of the entire LDF process.
- Concern was expressed about the position regarding updating the Local Development Scheme and clarification sought.
- Clarification was also sought on the operation of the LDF Task Group.
- Clarification was sought on how changes to the timetable for the preparation of the Local Development Framework and Local Transport Plan were agreed.
- A concern was expressed that pressure on staff resources meant that there was a risk that further work would not be as thorough as was desirable.
- Concern was expressed about the refusal of officers to attend public meetings about the proposals. The view was expressed that the Council had not really engaged with the public.
- Changes to documents had taken place during the consultation process. It was asked whether people should therefore be given a further opportunity to respond.
- It was suggested that those specifically affected by proposals should have been directly informed.
- There was no evidence to show that the consultation had engaged with and reached a representative sample of the population.
- That a critique of a report commissioned by the Council on renewable energy potential in the County has been dismissed on the grounds that it had been submitted after the consultation had closed. It appeared that only evidence commissioned by the Council was included in the evidence base.

- The Council had refused to make its Info caravan available to allow volunteers to provide material to the public in High Town, Hereford.
- It was asked when information on the relief road route corridors be known.

Officers made the following observations in reply:

- The Council had followed the legislative requirements. The meeting had been informed of two independent assessments of the process, both of which had been favourable.
- Whilst the Council had not made its Info caravan available in High town, Hereford it had allowed various groups to use the exhibition space.
- The process had generated a range of responses and was considered to have brought out the key issues in the County.
- It was intended that the core strategy would be considered by Council in July 2012 and would contain route corridors.
- The LDF timetable was necessarily kept under review and some changes had been made by Officers in discussion with the relevant Cabinet Member.
- It was noted that the next opportunity to make representations would be upon the final draft plan following Council approval. This process was prescribed in Regulation 27 of the relevant Regulations. Representations would be submitted to the Planning Inspector not the Council.

The Committee was invited to consider whether it accepted the Council had met the legal requirements placed upon it. The importance of adherence to the SCI was discussed. The Head of Strategic Planning and Regeneration commented that the Council had committed itself to following the SCI it had produced. The Planning Inspector would consider whether the Council had indeed done so in judging the soundness of the process.

The Head of Governance, in his capacity as Deputy Monitoring Officer, commented that the test to be applied was whether on the balance of probabilities the process followed was likely to withstand legal challenge. On the basis of the evidence presented to the Committee he considered that it would.

Members of the Committee were invited to put forward recommendations to improve the Council's consultation process in the light of comments made during the debate.

Officers noted in response that the requirements of Regulation 27 of the Planning Regulations 2008 that would govern the next phase of consideration of the LDF were very specific and it would not be possible to accommodate all the Committee's proposals in that specific process.

The Deputy Chief Executive commented that the Committee had, however, identified a number of basic principles that should be applied to the Council's general consultation processes and these would be followed up with the Assistant Director, Customer Services and Communications.

The Chairman thanked all those who had contributed to the meeting.

RESOLVED:

That

- (a) it was accepted that the evidence presented supported the view that the process to date was sound;**
- (b) prior to a consultation process commencing it should be road tested to ensure that all relevant staff who would have to explain the subject of the consultation to consultees were fully briefed and capable of providing any necessary explanation of the consultation details;**
- (c) an easily accessible consolidated set of documentation in both electronic and printed form should be provided for all consultations using clear and understandable language;**
- (d) the way in which ICT was used in managing consultation documentation and ensuring its accessibility should be reviewed to ensure material was dated, stored and displayed in an accessible way, including where practicable the use of a search facility such as post codes and signposting;**
- (e) work should be undertaken to ensure that consultation exercises reached as wide an audience as possible drawing on analysis held by the Council on how people preferred to receive information and interact with the Council;**
- (f) more use should be made of Community Access Points;**
- (g) that it should be standard practice that feedback to consultation exercises should be sought through a structured questionnaire highlighting the key issues, inviting consultees to tick a box indicating whether they strongly agreed, agreed, disagreed etc with the particular proposal and also providing a comment box for each proposal, with an opportunity for those who would rather respond by letter also being provided;**
- (h) a comprehensive communication plan should be put in place for consultations;**
- (i) a strategy should be developed to seek to increase the response rate from hard to reach groups;**
- (j) the Council should make more use of social media to communicate with residents;**
- (k) high level statements should be supported by evidence and links provided to that supporting evidence;**
- (l) as an automatic part of consultation processes individuals and landowners should be notified of specific proposals that might affect them in the same way as they would be notified of a planning application;**
- (m) Consultation exercises should ensure a proactive engagement with all relevant stakeholders and seek to ensure that the response is representative of the County's demographic profile; and**
- (n) that in relation to the LDF the Council should seek to get maximum support for proposals from across the whole population of the County to enable a**

strong case for funding to be made and so allow implementation to proceed as swiftly as possible.

The meeting ended at 12.55 pm

CHAIRMAN

