

THE OVERVIEW AND SCRUTINY COMMITTEE

26 September 2011

Attendance:

Councillors:

Chamberlain (Chairman) (P)

Cook (P)

Gottlieb

Hutchison (P)

Huxstep (P)

Learney (P)

Pearson (P)

Power (P)

Tait (P)

Thompson (P)

Wright (P)

Others in attendance who addressed the meeting:

Councillors Beckett (Leader) and Wood (Portfolio Holder for Finance and Estates).

Others in attendance who did not address the meeting:

Councillors Banister and Mitchell

1. **DECLARATION OF INTERESTS**

Councillors Beckett and Wood declared personal and prejudicial interests, due to their involvement as Leader of the Council and Portfolio Holder for Finance and Estates, in actions taken or proposed in the Reports outlined below.

Councillor Learney also declared a personal and prejudicial interest, due to her involvement as previous Leader of the Council and relevant Portfolio Holder in matters referred to in Report OS17 below.

However, the Committee requested that all the above Councillors remain in the meeting, in their capacity as present and previous Portfolio Holders, under the provisions of Section 21(13) (a) of the Local Government Act 2000, in order that they could provide additional information to the Committee and/or answer questions.

2. **MINUTES**

The Committee referred to the minutes of the previous meeting of the Committee held on 11 July 2011.

With regard to Resolution 1(ii) of Minute 4 on page 4 (Final Report of the Planning and Rural Economy Informal Scrutiny Group (Report OS7 refers)), the word 'appraised' be replaced with 'advised'.

RESOLVED:

That subject to the above amendment, the minutes of the previous meeting of the Committee held on 11 July 2011 be approved and adopted.

3. **PUBLIC PARTICIPATION**

Mr Cavanagh referred to Report OS17 – Public Consultation on Major Council Applications (see minute below). Mr Cavanagh suggested that the Report should have been written by an officer other than the Head of Estates, as the matter should have been scrutinised by someone not directly connected to the Council's involvement in the planning process with regard to the site. He also stated that the residents of Bar End Road who were to be directly affected by the depot relocation had not been mentioned in the Report. He drew attention that Domum Road residents had benefited from a number of concessions that alleviated many of their previous concerns about the proposals.

Mr Cavanagh then referred to the Council's discussions with regard to the awarding of the depot contract, and time constraints in finalising the detail of the project. He suggested that this was not an excuse for the Council to not follow the intentions of the Statement of Community Involvement. He also stated that the Ramblers Association had not been consulted until he had approached them and also that a detailed traffic survey had not been undertaken. Finally, he questioned the significance of actual amendments to the plans in light of the comments of residents and other consultees. He suggested that the consultation exercise undertaken with residents had merely been a 'tick box' exercise. He was, therefore, concerned that the Council's approach to consultation would be insufficient when proposals were eventually brought forward for the redevelopment of the current SERCO depot on Bar End Road.

The Chairman thanked Mr Cavanagh for his attendance and advised that his comments would be discussed as part of the Committee's consideration of Report OS17 – Public Consultation on Major Council Applications.

4. **GENERAL FUND BUDGET – REVISED ESTIMATE 2011/12**
([Report CAB2211 refers](#))

The Committee noted that, at its meeting held on 14 September 2011, Cabinet had recommended to Council that the Revised Estimate for 2011/12 be approved.

Councillor Wood reported that Cabinet continued to work towards finding the savings necessary to achieve a revised balanced budget in 2011/12. The forecast position was a snapshot in time and would continue to be monitored closely.

The Committee referred to the Report and its appendices and asked a number of detailed questions, the main points of which are summarised below:

- (i) With regard to £119,000 still to be achieved from employee savings, the Chief Executive reminded the Committee that there was an overlap with the savings to be achieved through Organisational Development and all vacancies were subject to review. Regular discussions by Corporate Management Team (CMT) and Cabinet prioritised certain areas of the Council's work over the short and longer term. Flexible Resource Management benefited the organisation by 'backfilling' where immediate pressures of work became apparent.
- (ii) The Chief Executive clarified that savings from changes to the Council's lease car/mileage scheme included a planned reduction to the mileage rates payable. Savings in 2011/12 from local elections were a one-off and due to shared overheads from the local elections and alternative vote referendum having being held at the same time.
- (iii) The Head of Finance advised that the deferral of the 'Homelessness – Winchester Social Lets' allocation had been proposed as a saving in the current year, as the initiative had not yet commenced. As this had been a specific budget line, it was not considered appropriate for it to be used for alternative homelessness initiatives.
- (iv) Councillor Wood advised that the original forecasts for receipts from Car Parking Income had not been achieved and actual income had been lower than predicted. However, although receipts were reduced at this time, there would be a clearer picture by the end of the financial year of the exact position. Councillor Beckett reported

that he did not expect trends to continue over the longer term and that the apparent changes to use of the town centre car parks might have been influenced by the success of park and ride. There were no immediate plans to release some town centre car parks for other uses.

- (v) Councillor Wood advised that an increase in income from the Government's proposals to allow councils to set planning fees locally, could eventually be utilised to offset costs of planning enforcement staffing. In response to further discussion, Councillor Beckett stated that the Council would continue to rigorously follow-up enforcement cases. Additional external resource to assist with this work might be necessary. He also explained that the Government had indicated that the necessary legislation to allow the Council to set local planning fees would soon be forthcoming.
- (vi) The Chief Executive explained that there had been a consultancy requirement during the year, in order to assess the likely impact of the Equalities Act on the organisation. Councillor Wood also pointed out that the consultancy requirement for major planning development was now unlikely to be required during the year. The Corporate Director (Governance) advised that the proposed budget for legal costs was necessary, as it was likely that some work (eg prosecutions) could not be accommodated in-house due to capacity in the legal team being utilised on major projects, such as the re-tendering of the depot services contracts.
- (vii) Councillor Wood reported that, although income from the Guildhall had been lower than expected, various improvements had been proposed to make increases to the trading account over time. He reminded the Committee of the long lead-in time for large functions. The Corporate Director (Governance) clarified that revenue from Café 1871 was now on target, but that the principal shortfall in income to the trading account was from Guildhall external room hire and banqueting events.
- (viii) The Head of Finance explained that the Council's Affordable Homes Bonus was expected to be £495,000 this year with increases in subsequent years. It would be accounted for within the General Fund and would benefit schemes throughout the District.

RECOMMENDED:

THAT THE REVISED ESTIMATE FOR 2011/12 AS SET OUT IN CAB2211 BE NOTED.

5. **COMPLAINTS RECEIVED BY THE COUNCIL 2010/11**
([Report OS16 refers](#))

The Chief Executive drew attention to further improvement to the Council's response time to Ombudsman complaints. There were no instances of findings of maladministration against the Council. He was also satisfied that the Council also had a good culture of 'learning' from matters raised by complainants.

During discussion, to assist the Committee in its future monitoring of complaints related to the Planning Management Team, it was agreed that it be investigated whether future reports could provide a breakdown into individual categories. It was noted that there was a level of sensitivity of the issues involved and that customers had especially high expectations of professional standards in this area of the Council's work. However, it was also acknowledged that many of the complaints in this area were related to customers disagreeing with individual planning decisions or concern about enforcement matters.

RESOLVED:

1. That the information in the Report be noted.
2. That it be investigated whether future monitoring information for complaints related to the Planning Management Team be sub-divided into individual categories.

6. **PUBLIC CONSULTATION ON MAJOR COUNCIL PLANNING APPLICATIONS**
([Report OS17 refers](#))

The Head of Estates highlighted that the depot development scheme had been formulated over a relatively short period of time, due to the on-going contract negotiations, the outcome of which would determine what infrastructure was required at the site. However, it was considered that the public consultation exercise subsequently undertaken was reasonable and proportionate in the time available.

The Chief Executive referred to Mr Cavanagh's representation during the public participation part of the meeting and responded to some of the

concerns that he had raised. He was satisfied that the Head of Estates' report (which had been reviewed by senior officers) took a sufficiently neutral stance and was thorough in referring to all the processes involved.

He reminded the meeting that Winchester City Council should be treated exactly the same as for all applicants when determining planning applications, and that the processes involved in bringing an application forward would also be of the standard required of all applicants. However, the Council should ensure a good transparency of process throughout.

He was satisfied that the public consultation undertaken was not sub-standard, although he acknowledged that the time constraints in bringing the proposals forward may have impacted on the Council's ability to be proactive or to commence consultation on the proposals at an earlier stage.

He confirmed that Bar End Road residents were also consulted on the proposals. The specific reference in the report to Domum Road was because issues raised by those residents in the consultation process had led to several modifications to the Scheme.

Finally, once proposals for the existing SERCO depot site were at an appropriate stage, all affected residents would be involved in the further pre-application consultation for this site. He drew attention to paragraph 1.23 on page 6 of the Report which explained that development of the existing depot site would be subject to wider consultation due to the substantial change of use likely at the site.

The Chief Executive added that a traffic survey had been undertaken as part of the Barfield Close pre application work.

Councillor Beckett reported that he had apologised to residents at the public meeting for the short timescale in which the consultation exercise had been conducted. Due to those time constraints, arising from the depot contract, the consultation exercise had not taken place pre-application, but in parallel with the planning application. However, he was satisfied that the public consultation exercise was undertaken fairly and a number of alterations to the application were made as a consequence. All the information was available to the Planning Development Control Committee when it made its decision.

The Corporate Director (Operations) also underlined that transparency in the process was essential for all Council applications. This would ensure that such applications would be subject to the same levels of scrutiny as for all planning applications brought forward.

The Corporate Director (Governance) also stated that the SCI was guidance. The Planning Development Control Committee was not able to take into account the nature of the consultation processes followed, but could only have regard to material planning reasons as part of the determination process.

The Committee considered the Report and the comments of officers and of Councillor Beckett. Members acknowledged that there had been a degree of uncertainty as to what was exactly required to be built at the site and that this had delayed the start of public consultation.

At the conclusion of discussion, the Committee accepted that officers should have regard to any lessons about how future proposals coming forward could be better articulated to residents, at an earlier stage.

RESOLVED:

That the Report be noted.

7. **CONSIDERATION OF ITEMS UNDER THE COMMITTEE'S POWERS OF CALL-IN**

- (i) **FUTURE OF CITY COUNCIL PLAYGROUNDS WITHIN PARISHES**
([Report CAB2221 refers](#))

The Committee noted that Cabinet had approved the Report's recommendations at its meeting held 14 September 2011 subject to The Overview and Scrutiny Committee considering the matter under its rights of call-in.

The Corporate Director (Governance) clarified that it was possible for all parties to be in a position to proceed once all the principles had been agreed and that necessary detailed paperwork, including conveyance, could follow. A letter would set out all the principal points of the agreement.

The Head of Landscape and Open Spaces explained that there would be no commuted sum payable to the parish councils. Maintenance of the sites would be fairly low key and the parish councils would also be in a position to use their allocation within the Open Space Fund to update the play equipment when necessary.

RESOLVED:

That the decision of Cabinet on 14 September 2011 for the transfer, in principle, of the freehold of open space comprising of play areas at Fryers Close (Kings Worthy) and Provene Gardens (Waltham Chase) to the respective parish councils be not called-in for review.

- (ii) **TRANSFER OF PLAY AREAS AND RECREATION GROUND AT WHITELEY TO WHITELEY PARISH COUNCIL**
([Report PHD366 refers](#))

The Corporate Director (Governance) explained that that the Portfolio Holder Decision had been consulted upon and no representation had been received on the proposal. Therefore, the Portfolio Holder would implement the decision subject to the decision of the Committee as to whether it wished to call-in the matter.

The Corporate Director (Operations) advised that the funding allocated at the time of the original Whiteley development to maintain open spaces had been largely depleted overtime. It was therefore now appropriate to transfer this responsibility to the parish council.

The Corporate Director (Governance) clarified that conveyance costs were relatively high due to mapping problems associated with the sites.

RESOLVED:

That the proposed Portfolio Holder Decision to transfer six play areas and Meadowside Recreation Ground from Winchester City Council to Whiteley Parish Council be not called-in for review.

8. **BATCH 1 INFORMAL SCRUTINY GROUPS 2011/12 – TERMS OF REFERENCE**
([Report OS19 refers](#))

The Informal Scrutiny Group lead councillors all reported that their in-depth scrutiny investigations were progressing well and were all likely to have reported their recommendations to the Committee and to Cabinet by the New Year.

RESOLVED:

That the terms of reference for Batch 1 Informal Scrutiny Groups be confirmed as set out.

9. **SCRUTINY WORK PROGRAMME (Report OS18 refers) AND OCTOBER 2011 FORWARD PLAN AND ITEMS FOR FUTURE CONSIDERATION**

The Committee noted that Cabinet had appointed a Housing Refinancing Informal Policy Group (IPG) which substantially overlapped with the proposed batch 2 Informal Scrutiny Group on that subject.

It was agreed that, due to the importance of the matter and its impact on the Council and its landlord function, a special meeting of the Committee be arranged to consider the recommendations of Cabinet once the finalised details on the proposal had been brought forward. This would mean that the Treasury Management and Financing of the HRA ISG would no longer be required.

The Committee also supported a request that as Councillor Thompson was likely to be heavily involved in the work of the Housing Refinancing IPG, Councillor Wright instead chair the Public Access to Data and Information ISG. Councillor Power would lead the Planning Policy and Exception Sites ISG.

RESOLVED:

1. That the Scrutiny Work Programme and Forward Plan for October 2011 be noted.
2. That Councillor Wright replace Councillor Thompson as chair of the Public Access to Data and Information ISG and Councillor Power lead the Planning Policy and Exception Sites ISG.
3. That a special meeting of the Committee be arranged to consider the recommendations of Cabinet on the finalised details on the Council's refinancing of the Housing Revenue Account, once these were brought forward, and as a consequence, the Treasury Management and Financing of the HRA ISG be no longer be required

The meeting commenced at 7.15pm and concluded at 9.45pm.

Chairman