

THE OVERVIEW AND SCRUTINY COMMITTEE

19 March 2012

Attendance:

Councillors:

Chamberlain (Chairman) (P)

Cook (P)

Gottlieb (P)

Hutchison (P)

Huxstep (P)

Learney (P)

Pearson (P)

Power (P)

Tait (P)

Thompson (P)

Wright (P)

Others in attendance who addressed the meeting:

Councillor Beckett (Leader)

Others in attendance who did not address the meeting:

Councillor Humby (Portfolio Holder for Planning and Enforcement)

Councillor Wood (Portfolio Holder for Finance and Estates)

1. **DECLARATION OF INTERESTS**

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

However, the Committee requested that all the above Councillors remain in the meeting, in their capacity as Leader and 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.

Councillor Learney declared a personal (but not prejudicial) interest as a member of the North Winchester Allotment Holders Society, which had commented on Report CAB2305 below. Councillor Learney spoke and voted thereon.

Councillor Pearson declared a personal (but not prejudicial) interest as previous Chairman of the Bishops Waltham Citizens Advice Bureau, which was referenced in Report OS34 below. Councillor Pearson spoke and voted thereon.

2. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee held on 13 February 2012 be approved and adopted.

3. **PUBLIC PARTICIPATION**

As a local resident, Ms Collins addressed the meeting regarding Report CAB2305, below. In summary, she criticised the way in which the Council had handled the proposals. The local community had prepared two petitions against the proposals for redevelopment of the land and yet neither had been correctly logged on the Council's petition webpage. She also stated that the Council had failed to properly consult local residents and give sufficient notice of the meetings where the Report would be considered.

Ms Collins also stated that the land could and should be retained for use as allotments. The Council could introduce a water supply to the field and the mature trees which abutted the site were positioned to the north and therefore did not over shadow the site. She added that the Community Right to Bid process within the Localism Act enabled the allotments to be nominated as areas of community value, despite the fact that this aspect of the Act would not come into force until April 2012.

Finally, Ms Collins highlighted an apparent conflict of interests in the Council preparing a proposal, which it would later determine as a planning application.

The Committee considered the issues raised by Ms Collin during the discussion of the Report, as set out below.

4. **DISPOSAL OF HOUSING REVENUE ACCOUNT (HRA) LAND 110 AND 112 CROMWELL ROAD, STANMORE AND LAND TO THE REAR OF 96 – 112 CROMWELL ROAD, STANMORE**

[\(Report CAB2305 refers\)](#)

5. **MINUTE EXTRACT OF CABINET MEETING, HELD 14 MARCH 2012**

[\(Report OS37 refers\)](#)

The Committee noted that Cabinet had considered the Report's recommendations at its meeting held 14 March 2012, subject to The Overview and Scrutiny Committee considering the matter under its rights of call-in.

The relevant minute extract of Cabinet's debate on the Report was set out in Report OS37, in addition to the revised Appendix 3a. Due to the date of the Cabinet meeting, it was not possible to include Report OS37 and the revised Appendix onto the agenda within the statutory deadline. However, the Chairman

agreed to accept them onto the agenda to take into account Cabinet's decision on the matter.

Members noted that at its meeting, Cabinet had agreed that its decisions on the Report should be referred to full Council, to enable debate by all Members. Cabinet had also agreed that Council should consider the wider issue of promoting the development of new homes on Council-owned land, in order to seek agreement on a strategic approach to possible future schemes. Cabinet had amended the recommendations in the Report accordingly.

Councillor Beckett explained that Cabinet had also agreed to amend Recommendation 1 (d) to ensure that applications with a local connection to Stanmore be afforded appropriate priority.

During his introduction to the Report, the Head of Strategic Housing explained the background to the proposals and the housing need in the area. He also explained the public consultation which had been undertaken, which included two drop-in sessions, site notices, an advert in a local newspaper and letters to approximately 80 dwellings in the surrounding area. Further public consultation would later be undertaken as part of the planning process, which was expected to culminate with the submission of an application in summer 2012.

It was noted that, subsequent to the publication of the Report and the meeting of Cabinet, the Chairman of the North Winchester Allotment Holders Society had stated that they did not intend to take back responsibility of the site as it they considered it an unsuitable site for allotments. The site was not designated as statutory allotment land.

In response to an issue raised during public participation, the Chief Executive explained that the Localism Act enabled communities to nominate properties to be put on a register of community assets and provided a process through which the community could present an alternative bid for those assets if the Council accepted the nomination for the register. Whilst this provision of the Act had not yet come into effect, he explained that the Council could still consider alternative uses of the site.

In response to questions, it was noted that the disposal of the land was subject to planning permission and that if the Registered Provider (Radian) was unable to proceed, the Council could look to developing the site itself or with another partner. The Committee also noted that the appropriate priority Cabinet agreed should be given to housing applicants with a local connection mirrored the arrangements of rural exception sites and would comply with the relevant national requirements.

The conclusion of debate, the Committee agreed that the matter not be called-in and Members supported the re-development of the land for affordable housing.

RECOMMENDED:

1. THAT THE DECISION OF CABINET ON 14 MARCH 2012 TO DISPOSE OF HOUSING REVENUE ACCOUNT (HRA) LAND 110 AND 112 CROMWELL ROAD, STANMORE AND LAND TO THE REAR OF 96-112 CROMWELL ROAD, STANMORE BE SUPPORTED.
2. THAT COUNCIL BE ADVISED THAT THE COMMITTEE DECIDED NOT TO CALL-IN THE DECISION FOR REVIEW.

6. **LOCALISM ACT 2011**
[\(Report CAB2302 refers\)](#)

Members noted that the Report had also been considered by Cabinet at its meeting held on 14 March 2012 and the recommendations were agreed as set out.

The Chief Executive advised that the Report set out a brief summary of the main issues of the Act which would affect the Council.

During debate, Members noted the importance of both the Government and Council communicating with local communities and parish councils the changes the Act would bring. As an example, the Council was set to participate in an event on Neighbourhood Planning for Parish Councils in late March 2012.

The Committee also discussed the duty to co-operate between councils, housing tenure, neighbourhood planning and noted that the Government was continuing to roll-out further detail on how the Act should be implemented.

Members considered the Right to Challenge within the Act and its implications for the Council and its partners. Concerns were raised that this power could result in potentially well performing elements of the Council's business being lost and that services could be transferred to national organisations.

At the conclusion of debate, the Committee noted the Report, subject to the above concerns and requested regular update reports setting out progress on the matters set out.

RESOLVED:

1. That, subject to the concerns regarding the Community Right to Challenge (set out above), the Report be noted.
2. That regular update reports be provided to future meetings, setting out progress on the matters set out in the Report.

7. **LOCAL AND NATIONAL PERFORMANCE INDICATORS AND THEIR VALUE TO THE COUNCIL – INFORMAL SCRUTINY GROUP – INTERMIN REPORT**
[\(Report OS35 refers\)](#)

As Chairman of the Group, Councillor Huxstep introduced the interim Report and explained that the Group's final report should be prepared for the 18 June 2012 meeting of this Committee. The Group's final report had been delayed as the Group were awaiting the publication of Government guidance on performance indicators that are included in the Single Data List.

During debate, it was suggested that the Council's performance indicators should be easy to understand and provide a basis for comparison over time and with other local authorities.

RESOLVED:

1. That the Terms of Reference and the progress of the Informal Scrutiny Group as set out in the Report, be noted.
2. That officers be encouraged to continue to review their local performance indicators held on the Covalent system annually with a view to deactivating or deleting indicators where data is no longer required or the indicator is no longer useful.
3. That officers investigate the feasibility of automating the integration of data from 3rd party software systems used by the Council to the Covalent performance management system.
4. That officers advise on the different methods of obtaining qualitative performance data from the residents of the District and the users of Council services (as referred to in paragraph 3.1) so that it may monitor customer satisfaction levels.

8. **FINDINGS OF THE INFORMAL SCRUTINY GROUP ON COMMISSIONING AND THE VOLUNTARY AND COMMUNITY SECTOR**
[\(Report OS34 refers\)](#)

As Chairman of the Group, Councillor Hutchison introduced the Report. In summary, he explained that the Group had considered both the benefits and potential disadvantages of Commissioning. He explained that the potential disadvantages included the voluntary sector's difficulties in bidding for services. During debate, Members noted that this included the restrictions placed by some commissioning organisations on enabling full cost recovery for those delivering commissioned projects, for example restrictions on reclaiming some overheads. However, this did not apply to Winchester City Council. Councillor Hutchison also explained that, as more services were commissioned externally, it could (over time) lead to serious depletion of expertise within Council.

However, the Committee also noted that Commissioning was a flexible process to achieve the Council's outcomes in a potentially more cost efficient and innovative way.

During debate, a Member raised a concern that the City Council should not echo the experiences of the County Council, whereby services had been commissioned from other providers for a set period, making them vulnerable to corporate cost-cutting which happened to coincide with the end of that contract period. The Member suggested that a staggered approach might better protect commissioned services.

At the conclusion of debate, the Committee agreed the recommendations as set out in the Report.

RESOLVED:

That Cabinet be recommended to approve for implementation:

a) the Assistant Directors should proceed with a wider review of the needs of the not-for-profit sector (including social enterprises) begun at the consultation meeting on 23 February, and work with local authority colleagues and the council for voluntary service (cvs) organisations to identify the most appropriate 'package' of support;

b) at the same time, officers should work with Winchester Area Community Action (WACA) to provide additional training for the sector in identifying bidding partners, constructing strong bids, making good presentations and using the South East Business Portal (where opportunities are advertised);

c) the Assistant Directors should roll out training for the Council's Heads of Team on commissioning best practice to enable not-for-profit organisations to bid for a wide range of opportunities;

d) the Head of Corporate Communications should work with the Assistant Directors to increase the consistency, clarity and visibility of the information on the Council's website setting out the commissioning approach; actively communicate it to the sector, and enhance it, for example with tips and guidance, examples of best practice, useful contacts, answers to frequently asked questions;

e) the Chief Executive should consider a more systematic approach to determining which services, projects and programmes should be subject to new forms of delivery to enhance effectiveness and value for money, rather than the current more

pragmatic approach (eg based on end of existing contract, departure of a staff member);

f) the Assistant Directors should work with the Head of Finance to strengthen the alignment between 'Expected Outcomes' in Change Plans and the commissioning approach; there should be an additional column in Change Plans providing information about how the work will be done and/or paid for.

g) the Corporate Director (Governance) should give consideration to the role of Members representing the Council on the management committees and boards of not-for-profit organisations, in terms of disseminating information about commissions, and feeding reports about the organisations back to officers and other Members.

h) officers responsible for drafting service level agreements should encourage funded organisations to involve and promote their initiatives to Ward Members to increase understanding of their work.

9. **SCRUTINY WORK PROGRAMME AND MARCH 2012 FORWARD PLAN**
[\(Report OS30 refers\)](#)

The Chairman announced that one of his constituents had suggested a review of how the Council administered freedom of information requests. The Committee agreed that this should be considered as a potential topic for a future Informal Scrutiny Group (ISG), along with any other suggestions, in the new Municipal Year.

Following a request from the Chairman of the Media ISG, the Committee and the Leader agreed that all Members' comments on the new Council website (to be launched in April 2012) should be sent to the ISG for consideration, rather than directly to the officers involved.

RESOLVED:

That the Scrutiny Work Programme and Forward Plan be noted.

10. **EXEMPT BUSINESS**

RESOLVED:

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. That the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
##	Exempt minutes of the previous meeting, held 13 February 2012) Information relating to any individual. (Para 1 Schedule 12A refers))) Information which is likely to reveal the identity of an individual. (Para 2 Schedule 12A refers))) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority. (Para 4 Schedule 12A refers)
###	Exempt Appendix 3b of Report CAB2305 – Disposal of Housing Revenue Account (HRA) Land; 110 and 112 Cromwell Road, Stanmore and land to the rear of 96-112 Cromwell Road, Stanmore))))) Information relating to the financial or business affairs of any particular person (including the authority holding that information) (Para 3 Schedule 12A refers)
###	Avalon House)

11. **EXEMPT MINUTES OF THE PREVIOUS MEETING**

RESOLVED:

That the exempt minute of the previous meeting, held 13 February 2012, be approved and adopted.

12. **REVISED APPENDIX 3A; DISPOSAL OF HOUSING REVENUE ACCOUNT (HRA) LAND: 110-112 CROMWELL ROAD, STANMORE AND LAND TO THE REAR OF 96-112 CROMWELL ROAD**
(Report CAB2305 refers)

At its meeting on 14 March 2012, Cabinet had agreed to revise the exempt appendix to Report CAB2305, which set out the financial issues arising from the disposal of the site. Cabinet had agreed that, whilst the exact amount of the under-value should remain exempt, the fact that the proposal was to sell land for "less than best" could be made public. The exempt appendix was therefore amended for this Committee and Council's consideration thereafter.

Consequently, due to the timing of the Cabinet meeting, it was not possible to include the revised appendix on the agenda within the statutory deadline. However, the Chairman agreed to accept it on the agenda to inform the Committee's decision whether to call-in the recommendations in the Report.

During debate, the Committee noted that the Council would look to maximise the potential for affordable housing on its own sites and, as a result of the recent changes to housing finance, could now look to develop its own affordable housing. However, at this particular site it was not practical to extend the scheme due to the different tenure types of dwellings on Cromwell Road and the limited opportunity to increase dwellings numbers.

In response to questions Councillors Beckett answered that it was recommended that the site be developed by a Registered Provider rather than the Council itself because of the stage of the scheme which had been developed with the Registered Provider in good faith.

The Committee also discussed detailed financial information and the viability of the scheme regarding the sustainability code level of the new dwellings.

RECOMMENDED:

THAT THE EXEMPT APPENDIX BE NOTED.

13. **AVALON HOUSE**
(Report OS36 refers)

The Committee considered a report from the Head of Estates which set out the latest information regarding the Council's property, Avalon House (detail in exempt minute).

14. **VOTE OF THANKS**

As this was the last meeting of the municipal year, the Chairman thanked the Committee and officers for their support throughout the year and the Committee reciprocated appropriately.

The meeting commenced at 6.30pm and concluded at 9.20pm.