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THE OVERVIEW AND SCRUTINY COMMITTEE

Monday, 3 September 2018

Attendance:

Councillors
Learney (Chairman)

Clear
Cunningham
Evans
Gemmell

McLean
Thompson
Tod
Weston

Deputy Members:

Councillor Berry (as deputy for Stallard)

Others in attendance who addressed the meeting:

Councillors Horrill (Leader), Brook (Portfolio Holder for Built Environment) and Porter

Others in attendance who did not address the meeting:

Councillors Ashton (Portfolio Holder for Finance) and Godfrey (Portfolio Holder for Professional Services).

Apologies for Absence:

Councillors Stallard

1. DISCLOSURES OF INTERESTS

Councillor Learney declared a personal (but not prejudicial interest) in respect of Item 5 (OS208) due to her role as Parish Councillor for Littleton and Harestock Parish Council, as the report referred to the Parish. Similarly, Councillor Cunningham also declared a personal (but not prejudicial) interest in this matter due to this role as Chairman of Littleton and Harestock Parish Council.

Furthermore, Councillors Clear and Evans also declared personal (but not prejudicial) interests in respect of item 5 due to their roles on Wickham Parish Council.

Councillor Tod declared a personal (but not prejudicial interest) in item 5 due to his role as a County Councillor and the report referred to Hampshire County Council.

2. **MINUTES**

RESOLVED:

That the minutes of the previous meeting held on 9 July 2018 be approved and adopted.

3. **SCRUTINY WORK PROGRAMME FOR 2018/19 AND THE FORWARD PLAN FOR OCTOBER 2018**

The Committee noted that a special meeting had originally been scheduled to take place on 24 September 2018 to consider a report on Station Approach - Carfax RIBA Stage 2 Design. However, this meeting had since been cancelled.

At the invitation of the Chairman, the Head of Programme addressed the Committee to provide an update on the project and answered Members' questions thereon.

In summary, the Head of Programme set out the following: delays to the timetable and the anticipated timetable going forward; a background on the current status of the scheme for the Carfax site, currently at RIBA Stage 2. It was noted that the design scheme had been frozen following issues raised by Hampshire County Council regarding access; the Cattlemarket site, which would be taken forward as part of the future project; and the Gateway Public Realm works whereby in July, the Cabinet (Station Approach) Committee had agreed the procurement of the Design Team for this element.

In conclusion, the Committee noted that it was anticipated that the report for RIBA Stage 2 would be brought forward to the Committee for consideration during February 2019.

In relation to the Scrutiny Work Programme, the Committee raised the following matter:

(i) Environmental Services Contract - Members expressed a wish to view the tender documents process and to keep a general overview on the contract, including details of the recruitment of staff and the transitional way forward. In response, the Strategic Director reported that Council would have the opportunity to oversee these developments. However, Members considered that there was a need for local Councillors to be involved in the process, in order to review the specification of how to bring this service forward.

In addition, although not specific to the work of the Committee, Members raised the recent introduction of the modern.gov committee system and suggested that it would be beneficial to look at the implications of the technology, including the use of bookmarks within uploaded documents for ease of reference. In response, the Strategic Director: Resources reported that a survey would be sent to all Councillors shortly to capture their views and establish the way forward for all users.

RESOLVED:

That, subject to the noting the comments above, the Scrutiny Work Programme for 2018/19 and Forward Plan for October 2018, be noted.

4. **PUBLIC PARTICIPATION**

At the invitation of the Chairman, Councillor Porter addressed the Committee with regard to Report OS208, as summarised under the relevant agenda item below.

5. **COMMUNITY INFRASTRUCTURE LEVY - OPERATIONAL REVIEW**
(OS208)

Councillor Brook introduced the report which reviewed the progress with the protocols and the committing of CIL income since the Council approved its CIL spending protocol in June 2016. It was emphasised that, whilst protocols and priorities were considered sound, the Council now had significant CIL reserves and had undertaken a review to simplify the process and proposed additional measures including introducing additional means by which external groups such as Parish Councils could make formal proposals for further investment in their areas.

The Committee considered the financial, legal and procurement, workforce and property and asset implications set out in the report. The proposed appointment of a dedicated CIL Officer to work solely with those applying for a CIL contribution was welcomed. The officer would also help to enable the Council to work closely with relevant groups and organisations to achieve a system where CIL funds are allocated efficiently.

In summary, Councillor Porter, stated that the Regulation 123 list, as set out in Appendix 1 to the report, needed to be inclusive of all projects from her perspective as a County and City Councillor and considered that paragraph 3.4 within the report was not a definitive statement. She raised concern regarding the lack of help available in local areas where work to support community facilities and projects were required (i.e. Post Office in Sutton Scotney) and it was Hampshire County Council's policy to spend CIL close to where it was generated.

In conclusion, Councillor Porter welcomed the review of the Regulation 123 list, which she suggested should be carried out annually and asked the Committee to consider an extension to or change to the time of year when parishes could apply for funding as this currently coincided with their budget setting process during January to March.

During questions and debate, Members raised a number of questions which were responded to accordingly, as summarised below:

- (i) In response to questions regarding a possible increase to the 15% Parish Council contributions (with the exception of Denmead who receive 25% due to their approved neighbourhood plan), it was reported that there was

strict guidance in statute to be adhered to which dictated the level of CIL contributions nationally;

- (ii) It was suggested that the CIL officer have an appropriate level of authority where they are able to resolve matters autonomously and consult with Ward Members and Parish Councils to address local issues directly and keep all parties informed of developments within their area.

In response, the Corporate Head of Regulatory agreed to review the wording of the pro-forma, set out in Appendix 2 to the report for this to be simplified and made more 'user friendly' and clarified that the officers would be seeking to make an appointment of a suitably qualified person to work autonomously following adequate training.

- (iii) Councillor Brook confirmed that Parish Council's were included as part of this CIL review, together with the provision of small amounts of contributions towards projects and improving the regularity of transfers. For major issues such as flood alleviation, Parish Council's could apply for central CIL funding.
- (iv) In response to queries regarding the Regulation 123 list, Councillor Brook clarified that list had been in existence since 2014 and that there would be opportunity to review the Regulation 123 list for a full refresh, with Ward Members to be included on projects.
- (v) The Committee suggested that consideration be given to allowing requests outside of the January to March period as this was a demanding time of year when the parishes would be setting their budget precepts.

RESOLVED:

1. That the Leader and other relevant Portfolio Holder notes the comments of the Committee above and the following matters be drawn to the attention of Cabinet.

- (i) That the Committee wishes to ensure that the new applicant to be appointed as CIL Officer is capable of working independently to programme projects;
- (ii) That improvements be made to the transparency of reporting in relation to CIL contributions available to Parish Council's;
- (iii) That the pro-forma, set out in Appendix 2 to the report, be simplified and clear for the application of smaller CIL grants; and
- (iv) That consultation with Parish Council's and Ward Members in the evaluation of proposals be improved.

6. **Q1 FINANCIAL AND PERFORMANCE MONITORING REPORT**
(OS207)

Councillor Horrill introduced the Report and together with the other members of Cabinet present, responded to detailed questions. Councillor Horrill emphasised that following considerable work and new initiatives the Council was in a good position with its individual performance measures, with the majority of the Council Strategy indicating a positive 'green' status. The report set out some areas where further emphasis was required going forward. In summary, the following matters were raised by the Committee.

- (i) The management of varying staffing levels within the Development Management Team and the long term retention of staff in this area.
- (ii) The development of the Smart City app, the finalisation of the Portfolio Holder Decision Notice in the respect, working with providers to understand what the market was currently offering and the changes towards monitoring the savings plan on a quarterly basis.
- (iii) Future funding for the LEADER programme.
- (iv) Delays to the progress levels towards establishing a Housing Company and clarification of the scope of the company. Councillor Horrill reported that consultation had taken place locally to form a company to deliver the project but this had not been finalised at this stage.
- (v) Progression with the Article 4 direction due to an increased movement of properties transferring to HMO's in other parts of the City as well as Stanmore, Highcliffe and Winnall. Councillor Horrill reported that a paper had been prepared for circulation to Members focussing on knowledge gained and levels of growing concentration in order to progress this matter.
- (vi) In respect Health and Happiness, as set out in Appendix 1 of the report, the Portfolio Holder for Health and Wellbeing be asked to provide feedback to the Committee regarding healthy life expectancy and the measures taken to tackle inequality.
- (vii) The levels of performance assigned for the Council's major projects be reviewed for inclusion within the next quarterly report
- (viii) In response to questions regarding meanwhile uses, Councillor Horrill reported that the redevelopment of Coitbury House, establishment of opportunities for people to have adequate work space on site and improvements to the public realm were all specific pieces of work being the focus of Cabinet (Central Winchester Regeneration) Committee. An advisory group was due to be established to complete this work over the next few months, with the longer term development of the site scheduled to be progressed once a clear understanding of the land available on site

had been evaluated in order for the longer term plans for the overall site to be recognised.

- (ix) The Strategic Director: Resources informed the Committee that government legislation in responding to Freedom of Information (FOI) requests remained unchanged.

Following debate, the Committee welcomed the Report and the use of clear graphic formats, making the information contained therein more readily reviewable.

RESOLVED:

That the Leader and other relevant Portfolio Holders notes the comments of the Committee but that no items of significance to be drawn to the attention of Cabinet.

7. **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> |
|----------------------|--|--|
| ## | Environmental Services Contract Decision Making (Exempt Report and Appendices) |) Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Para 3 Schedule 12A refers))) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. (Para 5 Schedule 12A refers) |

8. **ENVIRONMENTAL SERVICES CONTRACT DECISION MAKING (EXEMPT REPORT)**
(CAB3044)

The Committee considered the above report which recommended a way forward regarding the Environmental Services contract (detail in exempt minute).

The meeting commenced at 6.30pm and concluded at 9.35pm.

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