

OVERVIEW AND SCRUTINY PANEL

MONDAY, 3 JUNE 2019 - 2.30 PM



PRESENT: Councillor G Booth, Councillor A Bristow, Councillor M Cornwell, Councillor A Miscandlon (Chairman), Councillor M Purser, Councillor D Topgood, Councillor S Wallwork, Councillor Wicks and Councillor F Yeulett

APOLOGIES: Councillor A Hay (Vice-Chairman), Councillor M Humphrey and Councillor D Mason

OFFICERS IN ATTENDANCE: Izzi Hurst (Member Services & Governance Officer), Sam Anthony (Head of HR and OD), Nick Harding (Head of Shared Planning) and Carol Pilson (Corporate Director and Monitoring Officer)

OSC1/19 APPOINTMENT OF CHAIRMAN FOR THE MUNICIPAL YEAR.

Izzi Hurst requested a nomination for Chairman of the Overview and Scrutiny Panel.

It was proposed by Councillor Purser, seconded by Councillor Topgood and resolved that Councillor Miscandlon be elected Chairman of the Overview and Scrutiny Panel for the Municipal Year.

OSC2/19 APPOINTMENT OF VICE-CHAIRMAN FOR THE MUNICIPAL YEAR.

It was proposed by Councillor Miscandlon and seconded by Councillor Bristow that Councillor Hay be nominated as Vice-Chairman of the Overview and Scrutiny Panel for the Municipal Year.

Councillor Miscandlon asked if there were any other nominations for the position of Vice-Chairman of the Overview and Scrutiny Panel.

It proposed by Councillor Booth and seconded by Councillor Cornwell that Councillor Yeulett be nominated as Vice-Chairman of the Overview & Scrutiny Panel for the Municipal Year.

A vote was taken which resulted in the need for a casting vote by the Chairman for this Item, Councillor Miscandlon, resulting in Councillor Hay being appointed Vice-Chairman of the Overview and Scrutiny Panel for the Municipal Year.

OSC3/19 PREVIOUS MINUTES.

The minutes of the meeting of 18 March 2019 were confirmed and signed, subject to the following amendments;

1. Councillor Booth asked that Minute Number OSC45/18 point 16, be amended to reflect that Clarion had mentioned that they have grant funding for community groups available and are keen to promote this across the district.

Councillor Miscandlon proposed that the ratification of the Previous Minutes be deferred as only Councillor Booth was present at the meeting of 18 March 2019.

Following advice from Carol Pilson (Monitoring Officer), members agreed to ratify the minutes of

the meeting of 18 March 2019.

OSC4/19 UPDATE ON PREVIOUS ACTIONS.

There were no updates provided to members in relation to actions raised at the previous meetings.

Councillor Booth highlighted that there was an outstanding action from the previous Municipal Year regarding Contact Centre Statistics. Izzi Hurst agreed to follow up the response for this action.

Izzi Hurst informed members that she would suitably capture any actions raised during this meeting and include them in the action plan for future meetings.

OSC5/19 2018/19 PLANNING SERVICE ANNUAL REVIEW.

Members considered the 2018/19 Planning Service Annual Review, presented by Councillor Mrs Laws and Nick Harding.

Councillor Mrs Laws highlighted that Planning is a key service within the Council enabling both housing growth and regeneration. She stated that the report being considered today includes key statistics and a broader content of the service, following feedback from the Overview and Scrutiny Panel last year.

Nick Harding informed members that there were two minor amendments to the report as follows;

- Paragraph 5.12 the second bullet point should read; 96% of minor applications decided within 8 weeks (or within alternative extension of time agreement) – Government Target is 70%
- Paragraph 5.13 refers to 'both councils' and should only refer to Fenland District Council.

Members asked questions, made comments and received responses as follows;

1. Councillor Yeulett asked what the biggest challenges are faced by the Planning Service. Councillor Mrs Laws explained that the Local Plan Review will involve a great deal of work with multiple outside bodies and organisations.
2. Councillor Mrs Laws confirmed that the Council will be visiting all Town and Parish Councils to present the review to them. She highlighted the importance of consulting and working with them, developers and Internal Drainage Boards as they will all form part of the review.
3. Nick Harding reiterated that the Local Plan review is the largest piece of work within the planning service currently. He explained that Local Authorities are under increasing pressure to improve the delivery of development and serious consideration needs to be given to this in the future.
4. Councillor Yeulett asked if the planning service has the staffing capacity to cope with this impending work. Nick Harding confirmed that they had as the Council will be using the services of Peterborough City Council's planning policy team to assist. The team have a wealth of knowledge in this area.
5. Councillor Booth asked if there is staffing capacity within the planning service to cope with the day-to-day workload, aside from the Local Plan Review. He highlighted that previously there had been recruitment issues within the team. Nick Harding highlighted the improvements from the previous year's statistics and confirmed that the service has less agency staff now following a successful recruitment drive. He explained that staff shortages are the nature of the job market however the Council have recently recruited new members of staff, including potential candidates for apprenticeships within the planning service.
6. Councillor Booth suggested that officers provide tangible statistics in the future to show members the number of Full Time Equivalent (FTE) staff working within the service and where there are vacancies in the team.

7. Councillor Booth asked for clarification on the validation statistics provided on page 10 of the agenda pack as he has heard varying statistics during recent seminars and meetings. Nick Harding agreed to look in to this further.
8. Carol Pilson highlighted that often these statistics fluctuate as they can change daily. She confirmed that the team are working with developers and agents to tackle validation issues following recommendations from the PAS (Planning Advisory Service) review, who advised that the Council should take a tougher stance when validating applications.
9. Councillor Miscandlon said he was happy to hear that officers are taking a tougher stance with the validation of planning applications as whilst officers can assist with applications, a number of times they were being expected to assist above their remit.
10. Councillor Mrs Laws confirmed that this is an ongoing issue and has been raised with agents and developers on several occasions at meetings of the Fenland Developers Forum.
11. Councillor Cornwell asked for further information on how the Council set their performance indicators and whether the Council benchmark with other Local Authorities. Nick Harding confirmed that Local Performance Indicators are set by the Council with the assistance of the Portfolio Holder for Planning. There are other Performance Indicators that are set nationally and the statistics for each local authority are published on the Government's website. Due to Local Performance Indicators differing between local authorities, it is difficult to benchmark against other Councils as each area has their own individual planning areas.
12. Councillor Cornwell asked that Councillor Mrs Laws give consideration to a benchmarking exercise of these performance indicators.
13. Councillor Booth highlighted that the 'Speed of Validation' statistics reported on page 10 of the agenda pack, have remained static for many years.
14. Councillor Mrs Laws stated that it is often the case that individuals submitting their own planning applications have no issues with the validation process as they follow the suggested checklists.
15. Councillor Wicks asked for further information on apprenticeships available in the planning service and how the Council encourage these. Nick Harding explained that generally speaking, many of the Technical Team are qualified and therefore not suitable candidates for apprenticeships. He added that as a result of recent recruitments, there may be potential apprenticeships and other qualifications that are pursued by these new officers.
16. Councillor Cornwell stated that one of the most important requirements of the sector is meeting housing demand locally however this is an issue in Fenland. He asked how the Local Plan review could drive forward the delivery of housing. Nick Harding explained that local authorities use a prescribed methodology when assessing housing requirements in their area. To a degree, construction of these properties is largely outside of the control of the Council, as the private sector generally drives the delivery. He explained that there are several ways in which the Council can influence the private sector in relation to housing needs such as clear planning policies, a robust Planning Committee, up-to-date Local Plans and an efficient and effective development service.
17. Nick Harding informed members that consideration needs to be given as to whether the Council consider using their own land and buildings for development purposes to ensure delivery of homes. He added that officers are currently working on an Investment Strategy which will be presented to members in the near future. He added that the Council
18. Councillor Cornwell asked if the Local Plan review will consider the differing housing needs across the district. Nick Harding confirmed that the Local Plan will undertake a housing study to assess the nature of demand. He stated that one had been undertaken during the previous Local Plan review however the information will need to be updated. He expressed the difficulty in balancing the demands locally for housing when assessing planning applications.
19. Councillor Cornwell agreed and highlighted that developers tend to build properties that can be easily sold in the private sector. He explained that often these developments encourage new people to move in to Fenland as oppose to meeting Fenland's existing residents housing demand. He said consideration need to be given as to how the Council can assist local residents housing needs.

20. Carol Pilson explained that the Council do seek to influence developers when considering planning applications. For example, the Wisbech Broad Concept Plan (BCP) involved a lot of input from officers with recommendations however the Council can only influence landowners and developers. She reminded members that the Council can only refuse planning permission if there is a genuine planning issue.
21. Carol Pilson highlighted other means available to the Council to ensure that they are not solely reliant on the private sector, such as engagement with the Cambridgeshire and Peterborough Combined Authority (CPCA) and Housing Associations etc.
22. Councillor Mrs Laws agreed and stated that housing needs tend to be ignored in relation to housing provisions.
23. Councillor Booth stated that Housing Associations also build properties dependent on their policy at the time rather than the housing demand of the local area.
24. Carol Pilson agreed but explained it is another tool to consider outside of the private sector housing market.
25. Councillor Miscandlon stated that it is important for the planning team to continue to influence and advise developers during the initial stages of planning applications.
26. Councillor Yeulett stated that Fenland is an area of deprivation and housing, health outcomes and employment is paramount to improving this.
27. Councillor Mrs Laws said members must be mindful that each town and parish in Fenland has differing demands and needs. She is confident that members of the Local Plan Review Group will consider this.
28. Councillor Wicks asked if there were any plans to develop small business units in Fenland as this area is vastly under resourced. Nick Harding confirmed that this is being considered as part of the ongoing review in to Fenland's Economic Development service and the upcoming Investment Strategy.
29. Councillor Booth highlighted that for a number of years there has been an ongoing discussion in regards to developments with planning permission not being delivered. He asked if the Council could write to the Ministry of Housing, Communities and Local Government (HCLG) to encourage a reform of powers available to tackle this.
30. Nick Harding agreed and confirmed that a high proportion of developments do not get delivered. He added that it is difficult to find the best approach to this issue.
31. Councillor Cornwell stated that tackling this issue may be outside of the Council's remit and asked if upper-tier authorities are considering this problem. Nick Harding confirmed that this issue has been ongoing for a number of years and the Government have considered many options in this time.
32. Councillor Cornwell suggested that the Local Government Association (LGA) could pursue this further.
33. Carol Pilson explained that the Council has an upcoming Partner Engagement Event with developers, housing associations and national house-builders. The event will involve marking out key sites in Fenland and discussing with these partners how the Council and CPCA can assist with delivery of these. One of the main issues raised by the developers is that landowners tend to have too high an expectation on what their land is worth. She added that one of the biggest issues in Fenland is potential development sites that have multiple owners as this can be difficult to co-ordinate and satisfy each landowners needs to ensure delivery of homes.
34. Councillor Booth agreed and stated that many developments cannot proceed due to multiple landowner issues. He said the Local Plan review needs to consider this and consider less prescriptive policies in relation to this.
35. Carol Pilson reminded members that the Council is keen to pursue Section 106 agreements on large sites in order to improve communities, affordable housing and infrastructure for local residents. If development starts on these sites start at different times due to issues with landowners, this can be difficult to obtain and therefore these community improvements are lost. She reiterated that it is a very fine balancing act when we consider development.
36. Councillor Yeulett urged that the Government need to reconsider planning laws to tackle the housing crisis nationally. He suggested the Conservative Party lobby the Government.

37. Councillor Wicks stated that modular housing is becoming increasingly popular and asked if this is an area the Council can pursue. Councillor Miscandlon confirmed that he had discussed this with the CPCA at a recent meeting and this is an area of development they are seriously considering and discussions are ongoing in relation to this.
38. Councillor Wicks stated that if modular homes are to be pursued further, consideration needs to be given to the mortgageability and insurability of these properties. Councillor Booth explained that he has a background in Financial Services and this must be seriously considered.
39. Councillor Yeulett asked that members make every effort to attend pre-meetings of the Overview and Scrutiny Panel as it had been poorly attended in preparation for this meeting.
40. Councillor Yeulett asked for a breakdown of the complaints reported on page 14 of the agenda pack. Nick Harding confirmed that the complaints reported relate to those that have been considered under the Council's 3Cs process. He provided members with a breakdown of these.
41. Councillor Yeulett asked if there were any complaints that raised any concerns. Nick Harding explained that the Council can learn from any negative feedback or complaints to ensure future improvement in the service. He added that no complaints have been referred to the Local Government Ombudsman (LGO).
42. Councillor Booth asked for clarification on this as he believed there had been a complaint referred to the LGO. Nick Harding agreed to look in to this further but confirmed that no complaints referred to the LOG had been upheld.
43. Councillor Booth asked for clarification on the figures provided on page 14 of the agenda pack in relation to Planning Compliance Performance and enforcement action. Nick Harding agreed to check these figures and report back to members.
44. Councillor Booth thanked Nick Harding and said the number of enforcement cases pursued seems low and the Council could be in danger of being perceived as not taking strong enough action.
45. Councillor Yeulett asked for further information on 'ldox' referenced on page 16 of the agenda pack. Nick Harding confirmed that ldox is the software system used to log planning applications.
46. Councillor Booth asked if the planning service had identified any further potential savings to the Council such as further shared services, as per discussions at at last year's Overview and Scrutiny Panel meeting. Nick Harding confirmed that no specific progress had been made due to staff absence at Peterborough City Council however discussions are still ongoing regarding other shared service options. He confirmed that this would be considered under the Council's upcoming Transformation and Efficiency Plan (TEP).
47. Councillor Bristow asked if there are any other benefits to a shared service aside from financial savings. Nick Harding said work had not been undertaken to fully assess this however there are several benefits to a shared service such as; shared running costs, shared IT systems and a single administration team which would work to a common robust standard. For officers, there would be increased working flexibility and larger resources available to them. He stated that consideration would be given to ensure that the public are not negatively affected by any future changes.
48. Councillor Cornwell asked Councillor Mrs Laws if she is happy with the level of engagement and involvement she has with officers as part of her role as Portfolio Holder for Planning. Councillor Mrs Laws confirmed that she works tremendously well with officers and is kept up to date on all proposals and discussions. She urged members to attend All Member Seminars as these are crucial in member and officer engagement and unfortunately are often poorly attended.
49. Councillor Booth agreed and asked that consideration be given to potentially changing the time of All Member Seminars to ensure more members can attend.
50. Councillor Booth asked why Councillor Hiller (Peterborough City Council) was not in attendance at today's meeting as he had attended last year's meeting when this item was considered. Nick Harding confirmed that unfortunately Councillor Hiller had given his apologies as he was unavailable to attend today.

51. Councillor Booth asked Councillor Mrs Laws for further information on the Local Plan Review Group and when information on this would be available to members. Councillor Mrs Laws confirmed that this information would be available to all members imminently as she is currently finalising membership of the Review Group.
52. Councillor Booth asked if political proportionality is required when considering membership of Review Groups. Carol Pilson confirmed that Review Groups are not subject to political proportionality as this only applies to statutory meetings and outside bodies; however the Council have had success with cross-party Review Groups in the past.
53. Councillor Booth asked that serious consideration is given to cross-party membership of the Local Plan Review Group. Councillor Mrs Laws confirmed that she had considered this.
54. Councillor Cornwell asked if Review Groups can be subject to scrutiny by the Overview and Scrutiny Panel. Carol Pilson confirmed that members of the Overview and Scrutiny Panel are in control of their own work programme and are able to undertake reviews of different aspects of the Council subject to the decision making process. She confirmed that the Local Plan Review will be subject to a robust consultation process and heavily involve member engagement. It will eventually be considered by Full Council too.
55. Councillor Booth asked when further Conservation Area appraisals will be completed by the Council. Nick Harding informed members that currently the Council only has the resource of 1FTE Conservation Officer and the majority of their time is spent commenting on Planning Applications, undertaking work in relation to dilapidated buildings and the Heritage Lottery Fund scheme. He reminded members that last year a review was undertaken on Whittlesey's conservation area and work is currently underway in Coates. The Council hope to undertake further 1-2 studies next year.
56. Councillor Cornwell requested that the Overview and Scrutiny Panel be provided with progress reports on the Local Plan Review Group's findings.
57. Councillor Booth asked if there were updated statistics available for the Council's current land-supply. Nick Harding confirmed that this year's figure had not yet been published so the statistics provided to members last year remain the most recent.

Councillor Miscandlon thanked officers and Councillor Mrs Laws for the report and update provided to members.

(Councillor Miscandlon declared a personal interest by virtue of the fact that he was the previous Chairman of the Planning Committee at Fenland District Council)

OSC6/19 DRAFT OVERVIEW AND SCRUTINY ANNUAL REPORT.

Members considered the Draft Overview and Scrutiny Annual Report.

Members asked questions, made comments and received response as follows;

1. Councillor Cornwell queried whether members were in a position to approve the report as they were not members of the Overview and Scrutiny Panel the last Municipal Year.
2. Councillor Booth explained that this report is considered as a backward look on the progress of the Overview and Scrutiny Panel. He did suggest that the previous Chairman's name, Councillor Boden, be included on the report to reflect his past contribution.
3. Councillor Booth highlighted a formatting error with the bullet points on page 27 of the agenda pack, point 5.6.
4. Councillor Booth asked that point 5.25 and 5.26 referencing the Economic Development Review (page 29 of the agenda pack) be merged and incorporated into one point.

Proposed by Councillor Booth, seconded by Councillor Miscandlon and AGREED;

3.1 To approve the annual report for forwarding to Council.

OSC7/19 FUTURE WORK PROGRAMME

Members considered the draft Future Work Programme 2019-2020.

Member asked questions, made comments and received responses as follows;

1. Councillor Booth asked that members invite Councillor Tierney to a future meeting to discuss his portfolio; Transformation and Communication as this is a new portfolio.
2. Izzi Hurst confirmed that the Wisbech 2020 agenda item is to be moved to a meeting date later in the year.
3. Councillor Bristow noted a future agenda item referencing Wisbech 2020 and Wisbech Rail Update. He asked an item be included in a future meeting informing members of updates in relation to the other town's Railway Stations.
4. Councillor Cornwell asked if an item could be included in relation to a review of the Freedom Leisure contract. Sam Anthony confirmed that the contract had started in December 2018 so this would be best placed in December's meeting.
5. Councillor Booth asked if the Clarion review scheduled for the meeting on 20 April 2020 be moved to an earlier meeting date to allow members to assess earlier if there are any ongoing heating issues during the winter months.
6. Councillor Cornwell asked if the Overview and Scrutiny Panel could consider an item in regards to the relationship between Fenland District Council and the Town and Parish Councils. Councillor Miscandlon highlighted that this may be difficult due to the number of town and parish councils. He agreed to consider this item.
7. It was agreed that Councillor Miscandlon, Anna Goodall and Izzi Hurst would arrange a meeting to discuss the Future Work Programme.

4.21 pm

Chairman