

**SCRUTINY MANAGEMENT BOARD
24TH OCTOBER 2018**

PRESENT: The Chair (Councillor Miah)
The Vice-chair (Councillor Parsons)
Councillors Capleton, K. Harris, Ranson and
Seaton

Chief Executive
Democratic Services Manager
Democratic Services Officer (MH)

APOLOGIES: Councillors Bebbington and Fryer

The Chair stated that the meeting would be recorded and the sound recording subsequently made available via the Council's website. He also advised that, under the Openness of Local Government Bodies Regulations 2014, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

20. MINUTES OF PREVIOUS MEETINGS

The minutes of the meetings held on 8th August 2018 and 8th October 2018 (Call-in) were confirmed as a correct record and signed.

21. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

The following disclosures were made:

- (i) by Councillors Miah and Seaton – personal interests in the discussion of whether to establish a scrutiny panel relating to the planned waste incinerator near Junction 23 of the M1 motorway as part of item 6 (Scrutiny Work Programme and Issues Arising from Scrutiny Groups and Panels) as members of Leicestershire County Council, which had made a financial investment in a waste incinerator.

22. DECLARATIONS - THE PARTY WHIP

No declarations were made.

23. QUESTIONS UNDER SCRUTINY COMMITTEE PROCEDURE 11.16

No questions had been submitted.

24. SCRUTINY WORK PROGRAMME AND ISSUES ARISING FROM SCRUTINY GROUPS AND PANELS

Considered a report and a supplementary report of the Head of Strategic Support to enable the Board to agree the Scrutiny Work Programme, including considering requests from other scrutiny bodies, a proposal to establish a new scrutiny panel and

updates on the delivery of the Work Programme, to identify Key Decisions on which scrutiny could be undertaken, and to consider whether scrutiny of any procurement activity should be programmed (item 6 on the agenda filed with these minutes).

The Chief Executive assisted with consideration of the report.

RESOLVED

1. that the comments made by the Performance Scrutiny Panel at its meeting on 21st August 2018 (Minute 16.1) in respect of the Zero Waste Strategy (set out on page 4 of the report of the Head of Strategic Support) be noted, and that scrutiny of the Zero Waste Strategy be added to the Work Programme of the Policy Scrutiny Group and scheduled for after the publication of the Government's Resources and Waste Strategy;
2. that the following recommendations made by the Policy Scrutiny Group at its meeting on 25th September 2018 (Minute 17.2) in respect of the Open Spaces Strategy be submitted to the Cabinet:
 - a) that the Cabinet be asked to note that the fact that developers could choose not to offer open spaces for adoption by the Council and the increasing use of management companies to manage open space on developments as an alternative to adoption by the Council were of concern to the Policy Scrutiny Group;
 - b) that the Cabinet be asked to also note that the Group identified the following particular issues with the operation of the management company model in addition to its general concerns:
 - the service charges that were levied by management companies could be significant for local residents affected by them;
 - there could be a lack of transparency in the way in which service charges were increased;
 - there was no consideration of ability to pay when service charges were levied;
 - there was evidence that maintenance work was of low quality in some cases;
 - c) that the Cabinet be asked to draw the attention of local MPs and the Government to the issues identified above so that a change in the law could be considered to require developers to offer areas of open space to local authorities for adoption;
3. that the Customer Services Strategy and the Housing Acquisition Policy be added to the Work Programme of the Policy Scrutiny Group;
4. that, having considered the submitted scope document, set out in Appendix 4 to the report, no further action be taken in respect of establishing a scrutiny panel to consider the likely impacts of the planned waste incinerator near Junction 23 of the M1 motorway;

5. that the forthcoming Executive Key Decisions or decisions to be taken in private by the Executive, set out in Appendix 1 submitted as a supplementary report, be noted, and that items be added to the Scrutiny Work Programme as follows:
 - Housing Development Company (Policy Scrutiny Group, 13th November 2018);
6. that the Annual Procurement Plan (and Quarterly Updates), set out in Appendix 2 to the report, be noted;
7. that the Scrutiny Work Programme, set out in Appendix 3 to the report, be noted and updated in accordance with the decisions taken above and at this meeting.

Reasons

1. In the light of the issues identified by the Panel, to enable further scrutiny of the matter to take place to determine whether the Strategy remained fit for purpose after the Government's publication of its Resources and Waste Strategy and whether the [Council's Zero Waste] Strategy and its targets required revision.
2. To draw the Cabinet's attention to an area of concern and, acknowledging that the current system could only be altered through a change in the law, to request that the Cabinet seek to influence Government policy regarding the matter.
3. Having considered the request made by the Performance Scrutiny Panel at its meeting on 9th October 2018 (Minute 27.1), the Board considered that the issues raised fitted more closely with the remit of the Policy Scrutiny Group. The Policy Scrutiny Group's scrutiny of the Housing Acquisition Policy should include whether there were alternative options for acquiring properties other than on the open market as reported in the Housing Strategy Progress Report and the Council's criteria for acquiring housing in detail. With respect to the Customer Service Strategy, scrutiny of the matter would be useful as the strategy was now approximately half-way through its period of operation.
4. Although there would have been benefits in establishing a scrutiny panel, in particular in relation to engaging with the public and making information more accessible, there were limits to what scrutiny of the matter could achieve given that decisions about the establishment of the incinerator had already been made and regulation of the site would be the responsibility of the Environment Agency rather than the Council.
5. To ensure timely and effective scrutiny.
6. The Board had decided to consider the Annual Procurement Plan and Quarterly Updates (submitted to the Cabinet) to ensure that timely and effective scrutiny of any procurement activity is programmed or to ensure that the Cabinet is informed of any views of the Board on procurement matters.

7. To ensure that the information contained within the Work Programme is up to date.

25. FIVE YEAR HOUSING SUPPLY SCRUTINY PANEL REPORT

Considered a report of the Five Year Housing Supply Scrutiny Panel setting out its findings and recommendations (item 7 on the agenda filed with these minutes).

The Chair of the Panel (Councillor Seaton) introduced the report and the Chief Executive and the Democratic Services Manager assisted with consideration of the report.

RESOLVED

1. that the report be noted;
2. that the conclusions, recommendations and reasons of the Panel be amended and confirmed as follows:
 - (i) Recommendation to the Cabinet 1: That the Council's Business Plan be amended to include the five year housing supply figure as one of the Council's Key Performance Indicators (KPIs). REASON: To ensure the figures are reported and monitored corporately and by the Performance Scrutiny Panel on a regular basis;
 - (ii) Recommendation to the Cabinet 2: That the Council's Business Plan be amended to include the various deadlines by which planning applications of different types should be determined as KPIs. REASON: To ensure that the figures are reported and monitored corporately and by the Performance Scrutiny Panel on a regular basis;
 - (iii) Recommendation to the Cabinet 3: That the Chair of the Panel and the Lead Member for Planning to write a letter to Government reinforcing the need for enforcement sanctions for non-completion of developments. REASON: To reiterate the need for more powerful sanctions for non-completion and delayed developments;
 - (iv) Recommendation to the Cabinet 4: That a best practice review of the Council's processes for dealing with section 106 agreements, reserved matters applications and pre-commencement conditions be completed to identify any areas of improvement. REASON: To ensure that those processes are streamlined and speeded up, therefore enabling permitted developments to begin more quickly, and to reassure Members that the Council is following best practice in relation to its processes;
 - (v) Recommendation to the Cabinet 5: That the current review of the Core Strategy be completed in accordance with the timetable set out in the Local Development Scheme agreed by the Cabinet most recently on 15th March 2018. REASON: To ensure that it remains the most relevant for the

residents of Charnwood and that the review is completed in a timely manner;

- (vi) Recommendation to the Scrutiny Management Board 1: That, if the Council's housing land supply falls below 5.5 years, a quarterly report is provided to the Performance Scrutiny Panel and the Lead Member attend Performance Scrutiny Panel to explain what actions are in place to return the five year housing supply to a satisfactory level. REASON: To ensure that the figures are scrutinised by the Panel on a regular basis and any action can be taken if required;
 - (vii) Conclusion not requiring further action 1: That the Panel believes a robust exit strategy should be in place to alleviate confusion and minimise delays when a member of staff leaves. This refers to project handover and IT tasks such as deleting email accounts and communicating any staff changes to Members as well as officers. The Head of Planning and Regeneration has been asked to consider this as an operational management matter;
 - (viii) Conclusion not requiring further action 2: Due to the differing viewpoints between the Council officers and local developers it was felt that communication on both sides could be improved, mostly at the pre-application stage where the development could be talked through and agreed. The Head of Planning and Regeneration has been asked to consider this as an operational management matter;
 - (ix) Conclusion not requiring further action 3: The Panel was reassured to hear that the Council was using the Government's preferred model for calculating the five year housing supply;
 - (x) Conclusion not requiring further action 4: The Panel welcomed the changes to the revised National Planning Policy Framework as it has improved the Council's position regarding its five year housing supply;
3. that, in response to the Panel's recommendation to the Board, set out in resolution 2(iv) above, if the Council's housing land supply falls below 5.5 years, a quarterly report be provided to the Performance Scrutiny Panel and the Lead Member attend Performance Scrutiny Panel to explain what actions are in place to return the five year housing supply to a satisfactory level;
4. that, subject to the amendments to the conclusions, recommendations and reasons set out in resolution 2 above, the report be submitted to the Cabinet.

Reasons

- 1. To acknowledge the information received and the work, findings and recommendations of the Panel.
- 2. In order to clarify the conclusions, recommendations and reasons of the Panel.

3. To ensure that, when necessary, the figures are scrutinised by the Performance Scrutiny Panel on a regular basis and any actions can be identified if required.
4. To enable the report, findings and recommendations to be considered by the Cabinet in accordance with Scrutiny Procedure 11.12.

NOTES:

1. No reference may be made to these minutes at the Council meeting on 21st January 2019 unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on the fifth working day following publication of these minutes.
2. These minutes are subject to confirmation as a correct record at the next meeting of the Scrutiny Management Board.