

Draft Minutes of the Overview & Scrutiny Committee held on Thursday, 21st June 2007, in Committee Rooms A, B & C, Monkton Park, Chippenham, commencing at 6.00 p.m.

Present:

Chairman: C.J. Caswill

Committee Councillors: S. Bodman, P.C.B. Coleman, P.J. Doyle, J.M. Hartless, A.K. Hill, R.B. MacGregor, S.G. Parker, N.M. Phillips, C. Reid and J.P.S.S. Thomson

Other Members Present: A. Phillips and S.K. Doubell

Officers Present: S. Pangbourne (Deputy Chief Executive), S. Canter (Customer Focus Team Leader), C. Pescod (Development Control Team Leader), T. Phillips (Senior Planning Officer - Enforcement) and J. Whittleton (Policy & Democratic Services Assistant).

O10. Apologies for Absence

Apologies were received from Councillors R.L. Cinnamond and M.L. Singlehurst.

O11. Membership

Councillor to be replaced	Replacement	Political Group
R.L. Cinnamond	N.M. Phillips	Conservatives
M.L. Singlehurst	S. Bodman	Conservatives

O12. Public Question Time/Receipt of Petitions

There were no public questions nor petitions received.

O13. Minutes

The Minutes of the Overview & Scrutiny Committee held on 24th May 2007 were considered.

Resolved

- 1) That Minute reference O8 be altered to read 'The Chairman, Councillor C.J. Caswill'.
- 2) That following the change outlined above, the Minutes of the Overview & Scrutiny Committee held on 24th May 2007 be signed as a correct record.

O14. Declarations of Interest

Name	Application /item	Type of Interest	Nature of Interest	Action
N.M. Phillips	Item 11 – Overview & Scrutiny Appointments	Personal	Westlea Shareholder	Remained in the Chamber

O15. Chairman’s Announcements

The Chairman, Councillor C.J. Caswill:

The Chairman informed the Committee of a meeting which took place between the Himself, the Vice Chairman, the Chief Executive and the Leader. He received a positive response to ideas to develop a balance between internal and external scrutiny and was encouraged to pursue the policy development role of the Committee. Assurances were given that adequate officer time would be found to support the Committee and that the cost of travel expenses for outside guests would be met.

He added that the issue of an Overview & Scrutiny budget had not been resolved yet, nor had the issue of communication with residents.

The Chairman informed the Committee of a meeting which took place between the Himself, Councillor S.K. Doubell and the Chief Executive. The issue of scrutiny topics and ‘member teams’ had been raised; the Chief Executive was supportive, but stressed the need for procedures to be in place to support such arrangements.

The Chairman stated that He was encouraged to see a good deal of literature on scrutiny in various national publications. He referred to excerpts He had tabled from a 2002 publication; ‘The Development of Overview & Scrutiny in Local Government’. He encouraged Members to look through ‘The Good Scrutiny Guide 2nd Edition’, produced by the Centre For Public Scrutiny, which was circulated at the meeting.

The Chairman stated that it was His intention to take Agenda Item 10, Planning Enforcement after Agenda Item 7, Overview & Scrutiny Terms of Reference. This was to allow Officers attending for this item to leave after it had been dealt with.

O16. Overview & Scrutiny Terms of Reference

Consideration was given to Report No.7, circulated with the Agenda, which gave details of the Terms of Reference for Overview & Scrutiny.

Resolved that the Terms of Reference be noted.

O17. Overview & Scrutiny Guidelines

Consideration was given to Report No.8, which presented a set of guidelines and proposals for consideration by the Committee.

Issues discussed included:

- The need to avoid duplication and creating too much additional work;
- The number of task groups which can be supported;
- That topics for member teams will need to be approved by the Committee;
- The cost of holding meetings in the community;
- Councillors attendance when meeting outside Monkton Park; and
- Format of meetings in the community.

Resolved

- 1) That the following Criteria be agreed and used to set topics:

Topics should be:

- Specific (we should be clear about what is being scrutinised, and what is excluded).
- Achievable (in an agreed and reasonable timetable).
- Significant for the public (meaningful for North Wiltshire residents).
- Useful (capable of producing tangible and fairly immediate results).

That the Committee should take account of circumstances:

- Where the Executive believes Scrutiny could improve the delivery of important services and value for money without unnecessary duplication of effort.
- Where value for money gains could be particularly significant.
- Where there is evidence of significant public disquiet, concern or interest.
- Where external services (including partnership arrangements) are subject to major change or the subject of public debate.

- Where there is evidence of malpractice.
- 2) That the principle of member teams be established, outlined in paragraph 3.4 of the Report and that procedures be produced for consideration at the September meeting of the Committee.
- 3) To determine whether meetings in the community can be made a regular feature of Overview & Scrutiny Committees, a pilot be established in one or two towns/areas over the next 6 months.
- 4) That a cost for holding meetings in the community be produced for the next meeting.
- 5) That the Practise of Pre-meetings be established in order to determine questions to ask invitees.
- 6) That Overview & Scrutiny Committee meetings start at 7pm.

O18. A Programme of Work for the Overview & Scrutiny Committee

Consideration was given to Report No. 9, circulated with the Agenda, in order to produce a Work Plan for the municipal year.

Issues discussed included:

- What items do the Audit Commission and Comprehensive Performance Assessment look for;
- Possible items including;

Section 106 agreements.

The impact of car parking charges on business six months after introduction.

What a large rural unitary council will look like if Wiltshire County Council's bid is approved.

The viability and vitality of our town centres.

Perceptions of young people.

The Customer First Partnership.

Resolved

- 1) That the partnerships report being prepared by officers be considered at the next meeting.
- 2) That the Corporate Plan be considered before it goes to full Council.
- 3) That officers put forward a list of items which have to be considered by this Committee.

- 4) That further consideration be given to the Work Plan at the next Committee meeting.

O19. Planning Enforcement

Consideration was given to Report No. 10, which the Committee requested at its meeting on 24th May 2007. The report presented an outline of the current enforcement regime.

The Committee received a short presentation from C. Pescod (Development Control Team Leader). He stated that:

- That the service had changed significantly over the last four years, when the resources were not sufficient to carry out the job;
- The service is now a credible one in the eyes of developers, agents, parish councils and the public;
- Four years ago agents would advise clients that action was unlikely to be taken, now they advise clients to be mindful that enforcement action could ensue;
- Impetus to change the service came about through Ombudsman Reports and Councillors;
- Recent changes to the team structure have been forced by a particular staff situation;
- The present structure is one which seems to work;
- The number of complaints has increased, partly because people realise that action could be taken;
- The increase in complaints has put pressure on the structure, it is a credit to the staff, that they have coped so well;
- All cases are now investigated;
- The service is now looking to consolidate improvements and to improve communication with both the public and Councillors;
- The monitoring of conditions will start soon, once a new post has been appointed to; and
- A new electronic enforcement system is being introduced.

The Chairman, Councillor C.J. Caswill, thanked Officers for the Report and presentation and invited Members to ask questions or make comments:

Officers were asked how they measure success. They responded by stating that the service was difficult to monitor accurately as the principal measure, number of enforcement notices issued is a crude measure. The national average is about 12 per year, which North Wiltshire is exceeding. This however, does not take account of negotiation, through which a lot of issues are solved.

Officers were asked whether infringements were classified and whether these classifications are published. They responded by stating that complaints are prioritised when received and that all complaints will be investigated. The Government has clearly stated that a breach of planning permission is not a criminal offence and the service must look to demonstrate the harm of the breach.

Officers were asked whether they could provide a categorisation of the 590 complaints received in 2006. They stated that complaints are investigated by visits within 10 days and that prioritisation does take place into categories including listed buildings, trees, conservation areas etc.

Overview & Scrutiny Committee – 21st June 2007

Officers were asked whether they felt the resources available were adequate to carry out their requirements. They stated that to be able to take a more proactive approach they would need to have additional resources.

Members pointed out that the number of enforcement notices issued as a percentage of complaints had fallen since 2004. They asked whether this was as a result of more frivolous complaints. Officers responded by saying that complaints which may be deemed frivolous to some are not to those making the complaints. They pointed out that North Wiltshire's statistics in serving enforcement notices are consistent with those of Salisbury and Kennet Districts.

Officers were asked how local Members are involved in the process and whether the Government required decisions to be taken by officers and not dealt with at committee. Officers responded by stating that officers taking decisions under the scheme of delegation was not a Government requirement but was considered best practise. This was especially the case, when considering how much business is dealt with by the Development Control Committee.

Members asked whether there was a procedure or flowchart, showing how the process for dealing with complaints. In response, Officers stated that they are working on a draft Enforcement Policy, which will contain procedures and a priority list.

Officers were asked whether standards in Conservation Areas were monitored. Officers replied by stating that no proactive monitoring currently takes place although the Planning Officers carry out site visits and act on anything that they see. Officers stated that priority wouldn't necessarily be given simply because of Conservation Area status, other factors may need to be taken into account.

Resolved

- 1) That the draft Enforcement Policy be considered by the Committee ahead of it being considered by the Development Control Committee.
- 2) That Officers consider communication, especially whether Members and the public can be kept better informed.
- 3) That a breakdown of how the 590 complaints received in 2006 were categorised and what action was taken.
- 4) To determine what is the gap between the current service and a robust pro-active service in both resource and outcomes terms.
- 5) To detail how pro-active monitoring could work effectively.
- 6) That Officers consider how feedback on the service could be obtained and used to monitor performance.
- 7) To address the issue of the service reporting to both the Executive and Development Control; how does this work and does it cause problems.

O20. Overview & Scrutiny Appointments

Resolved that the Committee makes the following appointments:

Member Development Working Group - C.J. Caswill.

Westlea Housing Forum – P. Darby.

Health Scrutiny – S.G. Parker.

O.21 Housing Advice Task Group

Consideration was given to Report No. 12, circulated with the Agenda, which sought approval for the Terms of Reference (set out in a Record Card) of the Housing Advice Task Group.

Resolved

- 1) That the Terms of Reference be approved.
- 2) That the Membership be increased to four and that Councillor N.M. Phillips be appointed to the Group.
- 3) To ensure that Task Group Members are not Citizens Advice Bureau Members.

O22. Financial Documents

Consideration was given to Report No. 13, circulated with the Agenda, which sought to address the Committees request concerning financial documents at its last meeting

Resolved that the Report be noted.

The meeting finished at 8:35pm.

There were 0 members of the public present.

Overview & Scrutiny Committee – 21st June 2007

\\serv02260\corpservices\Share - committee\MEETINGS\Overview & Scrutiny\Dates\2007\07.06.21\Draft Minutes 21.6.07.doc