



JOINT OVERVIEW & SCRUTINY TRANSITION BOARD

Minutes of the Meeting Held at KDC Offices – 27 March 2009

In Attendance

Members
Cllr Anthony Molland WCC – in the Chair
Cllr Chris Humphries WCC
Cllr Jeff Osborn WCC
Cllr Jonathon Seed KDC
Cllr Christine Reid NWDC
Cllr Mike Hewitt SDC
Cllr Keith Humphries WWDC

Also in attendance:

Cllr Pat Rugg WCC
 Cllr John Thomson WCC
 Cllr Philip Brown KDC
 Cllr Lionel Grundy KDC
 Cllr Ray Parsons KDC
 Cllr Janet Giles KDC
 Cllr Alan Hill NWDC
 Cllr Tony Deane WCC

Ian Gibbons, Service Director for Legal and Democratic Services
 Mark Stone, Project Manager Day 1 Plan
 Brad Fleet, Service Director for Development

Support Officers Scrutiny:

Paul Kelly, Ceri Williams, Karen Linaker, Marie Gondlach WCC

1. Minutes of Previous Meetings –27 February 2009

The minutes for the meeting of 27 February, 2009 were confirmed and signed as a correct record.

2. Task Groups

(1) Housing

The Chairman of the Housing Task Group presented the Task Group's Final Report. In introducing the document the Chairman highlighted the need to include Housing on any future scrutiny work programmes and thanked the members and support officer for their work throughout the review. The task group had also scrutinised the Accommodation Strategy for Older People and a record of this was appended to the report.

During the subsequent debate members agreed that the location of houses should be based on local need rather than availability of land. The Board also explored the impact on affordable housing following the IE's decision to not approve a bid for Capital Funding of £3.540m, noting the IE lead member's comment that increased funding would be available via the Home and Communities Agency (HCA). The Board was also updated on "Homes for Wiltshire" and the harmonisation timescale for affordable housing.

The IE lead member confirmed that tenants associations would have general access to area board papers and be able to attend these meetings. Specific invitations would also be made when appropriate.

Resolved

- 1. To endorse the recommendations of the report at [appendix 1](#) (relating to the Accommodation Strategy for Older People) and agree that there should be further scrutiny of the strategy for extra care housing, for the modernisation of accommodation contracted out to the Orders of St John's Care Home Trust and for the overarching accommodation strategy in due course ([see paragraph 10\(a\)\(ix\)](#)).**
- 2. That the Director for Housing and the Director of Finance ensure that the risks associated with the HRA Business Plan are carefully considered as part of medium term financial planning from 2009/10 and that plans are developed further to mitigate these risks ([see paragraph 10\(d\)\(viii\)](#)).**
- 3. That the Director for Housing provide clarification to the JOSTB regarding the way in which decisions on Salisbury's council housing stock will be made in the new council, so as to provide reassurance that tenants' consultative rights and ability to influence decisions will be preserved and further strengthened ([paragraph 10\(d\)\(x\)](#)).**
- 4. In order to ensure a strong voice for tenants within the Wiltshire Housing Reference Partnership arrangements, the Director of Housing consider inviting a representative from the Tenants' Services' Authority to sit on this partnership ([paragraph 12\(d\)\(v\)](#)).**
- 5. In order to ensure ongoing good partnership relations with Sarsen, Westlea and Selwood Housing Associations, the Director of Housing ensure that a sufficient number of unitary councillors are nominated to the boards of these associations, and that these councillors are selected based on their experience in housing matters ([paragraph 12\(d\)\(vi\)](#)).**
- 6. That the Director of Housing ensure that senior housing managers give high priority to area boards in the new council, so as to minimise the risk of the boards becoming ineffective 'talking shops' but instead developed to become meetings of real purpose and action ([paragraph 12\(e\)\(iii\)](#)).**
- 7. That the Director of Housing consider whether or not there is any merit in writing to MPs to ask that housing benefit applicants be required to sign an agreement before being approved for benefit assistance, which would guarantee rent payments as a first call on their benefit ([paragraph 12\(f\)\(ii\)](#)).**

8. That the following matters be included within the work programme of the committee tasked with scrutinising the Housing Directorate in the new council (*paragraphs 11(e), 12(g)(v) and 14*):
- (a) new overarching housing strategy
 - (b) new homelessness strategy
 - (c) new private sector housing renewal strategy
 - (d) strategic delivery of affordable housing where there is a proven local need
 - (e) focus on the provision of housing in rural areas
 - (f) HRA business plan
 - (g) performance, budget and risk monitoring
 - (h) the 'lean review' of aspects of the new housing directorate
9. That the Director for Housing provide a report to the new O&S Committee tasked with scrutinising housing regarding how affordable housing targets would be met, bearing in mind the lack of capital funding prioritised in the council's capital programme.

(2) Change Management (Incl. ICT Transition)

The Chairman of the Change Management presented JOSTB with a verbal update on the key issues to emerge from March 17 meeting. In doing so the issue of auto-forwarding of e-mails was discussed, the Chairman explaining that in order to meet data compliance issues the new council was not planning to offer this facility. This was especially applicable when considering the e-mails that members may be sent in relation to social care. The Board felt that further clarification was required on this topic, as auto-forwarding was common practice in business and across parts of the public-sector.

Resolved

1. To note the update;
2. To ask the Chairman of the Change Management Scrutiny Task Group and Mr Keith Humphries to liaise with the Service Director for ICT & Procurement to feedback the Board's views in regards auto-forwarding of emails and to report back to JOSTB at the next meeting

(3) Waste

The Chairman of the Task Group in introducing the document highlighted that waste was perhaps the most visible of the new authority's services. From the evidence collected the Chairman was able to inform the Board that he was satisfied there would be a smooth transition on vesting day.

The Chairman of JOSTB thanked the Task Group for their work and invited the Board to endorse the final report's recommendations.

Resolved

1. To agree that the scrutiny of Waste should be recommended as a key area for scrutiny in the new council and for it to be included in any draft work programmes.
2. To ask the lead IE member for Waste to instruct officers to produce an options paper in relation to the transformation of the waste service to

include the key areas of alternate weekly collections and green bin charging. This document to be available for the Wiltshire Council cabinet member for Waste in June 2009.

(4) Critical Path

The final report was tabled from the Critical Path Task Group following its meeting on March 23. The Chairman in talking to the report highlighted that the Task Group had considered the Appointments Procedure, Branding and Communications.

During the subsequent debate clarification was sought why Legal and Democratic Services had the highest number of staff not matched to a post.

Resolved

That JOSTB:

- 1. Receives regular updates on staffing structures highlighting progress on the implementation of structures.**
- 2. Receives a report on harmonisation of staff terms and conditions.**
- 3. Notes the progress made on the communications towards one council and the implementation of the new brand.**

(5) Area Boards

The Chairman provided JOSTB with a verbal update on the decision to emerge from the IE meeting of 16 March in relation to determination of the Area Board Boundaries.

Resolved

- 1. To note the update;**
 - 2. That the Project Evaluation report would be considered by the Board at its next meeting.**
- 3. Revised Terms of Reference for JOSTB**

The revised terms of reference for JOSTB for the pre-election period was circulated.

Whilst deliberating the report the report the Scrutiny Manager clarified the relationship between JOSTB and the WCC Overview and Scrutiny Management Committee.

Resolved

To note the revised terms of reference which had been approved by the Management Committee at its meeting yesterday.

4. New Council Constitution – Overview and Scrutiny

The Board considered a draft of the articles and procedure rules relating to overview and scrutiny for inclusion in the constitution.

Section 36 'call in' and section 39 'The Party Whip' were discussed and concerns were raised that limiting the number of call ins to 2 per six months was restrictive and

that scrutiny should be non-political therefore the party whip was not relevant. The Scrutiny Manager also clarified the nature of the principles of decision making in the Constitution and reported that he had made a number of further revisions following his recent meeting with the Service Director for Legal and Democratic Services.

Resolved

To authorise the Chairman and Vice-Chairman to review the final draft and to report to the next meeting of JOSTB.

5. Planning Code of Good Practice for Members of Wiltshire Council

The copy of the Planning Code of Good Practice was circulated for consideration as requested at the last meeting. A second version of the document had been distributed electronically to the Board members, which reflected the additional comments from the 17 March Constitution Focus Group meeting. Mr Jonathon Seed tabled a further copy of the Code which included proposed changes to the second version. In doing so Mr Seed informed the Board that the protocol was a sensible document which clearly aimed to harmonise planning protocols into best practice across the county but further consideration was required in relation to the site visits. During the subsequent debate the Board discussed the sections on 'Public Speaking at Meetings', 'Training' and 'The Order of Events at Committee Meetings'.

Resolved

In respect of 'The Planning Code of Good Practice for Members of Wiltshire Council' to recommend to the Service Director in consultation with the IE lead members the following amendments:

- (i) *To amend paragraph 9.2 'Decision Making' to include the following wording:*

As a member, you can request that the relevant Planning Committee considers a planning application in your division and not be dealt with under delegated powers (although there are a few exceptions, such as tree applications, set out in the Scheme of Delegation. To call-in an application, you need to do this in writing (an electronic proforma will be available for electronic submission) and send it to the relevant Area Team Manager or Case Officer handling the application. Requests must be received within 21 days of the circulation of the weekly list. The proforma must record planning reasons why the Committee should deal with the application. (It would be helpful if Member would contact the Case Officer prior to call-in to discuss the planning issues involved and whether a call-in is necessary.)

- (ii) *To delete paragraph 9.4 in respect of 'site visits' and replace with the following wording subject to the Service Director for Development clarifying the text to distinguish between familiarisation visits and formal site visits:*

Members will be expected to be familiar with the site and the issues surrounding the decision when they arrive at a committee meeting. It is acceptable to visit the site and, if necessary, surrounding properties that may be affected by the proposal, as an individual councillor before the meeting, although Members should not enter onto a site without the consent of the owner. On no account should Members express a view on the merits of the application to anyone, including the applicant, owner or any third party.

Exceptionally, members at a committee may feel that a site visit is appropriate to assess the implications of the development. In these cases, consideration of the application should be adjourned to an agreed date. The Committee will then

reconvene at the site and after inspecting it, will determine the application. Since the meeting is a continuation of the original committee meeting, the Members present will have the authority to determine the application as they would if they were back in the Council Offices. There should be no dialogue with members of the public or applicant during the proceedings.

- (iii) *To delete paragraph 9.7 'Public Speaking at Meetings' and replace with the following wording:*

The Council has an established procedure in respect of public participation at planning meetings. This should be complied with. In particular, it is not permissible during meetings for members of the public to communicate with councillors debating the proposal either orally or in writing, as this may give the appearance of bias.

Consultees and Members of the public who wish to speak at a planning meeting, either in favour of or against an application will be asked to register in person to speak prior to the start of the meeting.

There will be a maximum of three consultees permitted to speak on an application. Consultees include such bodies as Town and Parish Councils, CPRE, English Nature etc.

There will be a maximum of three members of the public permitted to speak in objection to an application and three members of the public permitted to speak in support of an application.

Each speaker will be allotted 3 minutes to address the committee.

In the case of particularly complex or large applications the Chairman of the committee will have discretion over these timings and will be able to allow more time. It is imperative, however, in the interests of natural justice that any increase in time allowance is applied across the board, i.e. not to only one group supporting or objecting.

- (iv) *To amend paragraph 9.8 'Decisions Contrary to Officer Recommendation' with the following wording:*

There will be occasions when Councillors wish to make a decision that conflicts with the Planning Officer's recommendation. In these circumstances, members proposing, seconding or supporting such a decision must clearly understand the planning reasons leading to this decision and must give the Planning Officer an opportunity to explain the implications of it. The reasons for the decision must be given prior to the vote and be recorded. If an application is to be approved, members should set out any particular conditions they would like imposed. An opportunity must be given to the Planning Officer to comment on conditions suggested by members and if necessary, the application should be deferred to the next available meeting to enable proper consideration to be given to the wording needed to achieve members' objectives or members may delegate to the officers the imposition of suitable conditions.

Reasons for refusal against officer advice must be planning related, clear and convincing. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge or appeal.

- (v) *To amend paragraph 11 'The Order of Events at Committee Meetings' with the following wording:*

The applications will be determined in the order in which they appear in the agenda unless the Chairman has valid reasons for changing the order. Officer will try and

ensure that applications which are likely to attract large numbers of the public appear early in the agendas. If the order is changed, this will be announced at the start of each meeting. The usual procedure will be:

- a) The Planning Officer will introduce each item and set out any representations, amended plans or material considerations which have been received or come to light in the period between the publication of the agenda and the committee meeting.
- b) Members of the public who wish to make representations opposing the application will then be invited to do so.
- c) Members of the public/applicant/agent (in this order) who wish to make representations in support the application will then be invited to do so.
- d) Consultees who wish to make representations will be invited to do so.
- e) The Town or Parish Council, if present, will then be invited to make representations.
- f) The planning officer will then have an opportunity to respond to comments or provide clarification of any points raised.
- g) The Chairman will then normally ask if anyone is prepared to move the officer recommendation or table an alternative or move that the application be discussed. Once a motion has been seconded it will be open to the members to discuss the application. It will be usual practice to invite the relevant Division Member or failing that a local Member to speak first on each application, following which other members of the committee will be asked for their contributions.
- h) If necessary, the Chairman will then again ask if anyone is prepared to move the officer recommendation, or table an alternative.

6. Member/Officer Protocol

The Board was informed that the protocol was not sufficiently developed to be considered at this stage but would be progressed in time for scrutiny in advance of the next meeting of JOSTB.

Resolved

To ask the Electoral/Democratic Services Task Group to meet with the Service Director for Legal and Democratic Services to discuss the Member/Officer Protocol and to report to back the outcome to the April 20 meeting of JOSTB.

7. Application of the Appointments Procedure

A copy of the latest information (as at 23 March) was circulated as requested at the last meeting.

Resolved

To note the position and the earlier comments made in minute 2(4)

8. Implementation Executive Minutes

The Board received the minutes of the meetings of the IE held on 23 and 26 February and 16 March.

Resolved

To receive the minutes.

9. Outline Work Programmes

The Board considered the work programmes for JOSTB and the IE.

Resolved

- 1. To approve the outline work programme for the Board as amended to reflect earlier decisions taken at this meeting.**
- 2. To note the IE Work Programme.**

10. Next Ordinary Meeting –Monday 20 April at 10.30am at Browfort, Devizes

(Duration of Meeting: 10:30 –13.00)

The officer who has produced these minutes is Ceri Williams, Democratic Services, Wiltshire County Council, Direct line: (01225) 713079.