

**Notes of the Scrutiny and Overview Committee**  
**Business Improvement Working Group**  
**13<sup>th</sup> October 2015**

- Present:** Councillors: Brian O'Connell (Chairman), John Chidlow (Vice-Chairman)
- Apologies:** Councillors: Paul Clarke, Jonathan Dancer, Tony Hogben, David Jenkins, Godfrey Newman, Michael Willett
- Also present:** Councillors: Leonard Crosbie (Chairman of Scrutiny & Overview Committee), Christian Mitchell
- Officers:** Katharine Eberhart, Director of Corporate Resources  
Paul Cummins, Head of Legal & Democratic Services  
Brian Elliott, Property & Facilities Manager  
Aidan Thatcher, Development Manager  
Raymond Warren, Business Transformation Officer

**1. TO APPROVE AS CORRECT THE RECORD OF THE MEETING HELD ON 28<sup>TH</sup> JULY 2015**

The notes of the meeting held on 28<sup>th</sup> July were approved as a correct record.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. ANNOUNCEMENTS FROM THE CHAIRMAN OR CHIEF EXECUTIVE**

There were no announcements.

**4. PRESENTATION ON BUSINESS TRANSFORMATION PROGRAMME**

Raymond Warren presented an update on the Business Transformation Programme. The presentation focussed on the office move and on improvements to customer access, in particular changes to the website to make it a user friendly digital service.

The number of residents using on-line services had increased significantly since the new website was launched, and Members discussed the benefits, focussing on the Housing Register on-line service. Improving customer access was an on-going process and more work was being done.

4. Presentation on Business Transformation Programme (Cont.)

The office move had been achieved within a tight schedule. The new offices provided an efficient and productive use of space, with a greatly reduced need for storage. The new office environment offered flexible working opportunities, which encouraged modernised work patterns.

The Chairman commended Raymond for the work he had done in implementing this ambitious project.

The Chairman asked for the following information to be reported back to the Working Group:

- Details of how what had been achieved differed to what had been forecast in the business case presented to Council a year ago.
- The new programme of work looking forward to the next two to three years

5. PROPERTY & ASSESSMENT MANAGEMENT REVIEW

Brian Elliott gave a verbal report on the performance of the department now that the new structure was established. The structure had been simplified, with clearer roles that focussed on function rather than location. The second stage of the restructure involved the outsourcing of Facilities Management. The number of staff, excluding the Manager, had been reduced from 15 to nine. The Property and Facilities Manager confirmed that the performance of the outsourced contract would be closely monitored.

Members discussed the Asset List and possible opportunities for increasing the revenue stream. The Property & Facilities Manager confirmed that he advised the Property Investment Advisory Group of opportunities which then discussed the merits and suggested what action to take on properties where value was identified.

- The Chairman requested that the Asset List be updated to show the repair liability for each property.

6. REVIEW OF THE S106 PROCESS

This item had been added to the work programme following the meeting of the Scrutiny & Overview Committee on 9<sup>th</sup> September. Two Councillors and one member of the public had suggested reviewing the S106 process.

Members discussed the S106 process, in particular: the need to ensure that new Members and Parish Councils were clear about the current process;

6. Review of the S106 Process (Cont.)

the extent to which Local Members could be involved in negotiating a S106 agreement; the introduction of CIL in 12 to 16 months' time; the West of Southwater development; and the need to monitor the payment of contributions.

The Development Manager advised that the restructured Planning Department would include a Planning Obligations Officer whose role would be to co-ordinate and monitor S106 agreements. With regards to Local Member involvement, the Development Manager advised that the heads of terms of a S106 agreement were based on consultation responses and it would be appropriate for Members to be made aware of these at the Committee Report stage of the planning process.

The Working Group agreed that the S106 Review would:

- Establish and clarify the existing process with a view to producing a briefing suitable for District and Parish Councillors;
- Review West of Southwater strategic site as a case study to inform future major applications;
- Review monitoring process;
- Review financial reporting that is made available to District and Parish Councillors;
- Establish how Local Members can become involved in the process of S106 negotiation at an appropriate stage
- Be mindful of the changes to the process that the introduction of CIL would bring.

A meeting of the Working Group had been arranged for 10<sup>th</sup> November to begin work on this review. Additional Members would be added to the Working Group for the duration of the review.

7. **APPEALS PROCESS – POLICY AND PROCEDURE REVIEW**

The Chairman outlined the background as to why the BIWG had been requested by Scrutiny and Overview Committee to look at this item. The Council had incurred significant expenditure in defending planning appeals by developers. These sums were highlighted in recent Finance and Performance reports presented to the Finance and Performance Working Group.

7. Appeals Process – Policy and Procedure Review (Cont.)

The Head of Legal & Democratic Services advised Members that there were two issues. The first issue related to appeals made by developers against decisions by the Council to refuse planning permission. In 2015/16 these cases had resulted in the Council spending in excess of £340,000.

The second issue was about appeals by the Council to the High Court against the decisions of Planning Inspectors. There had been one instance of this recently where the Council had unsuccessfully appealed the decision of the Planning Inspector in the High Court. As a result the Council had had to pay the Planning Inspectorate's costs of £7,000 and also incurred their own Barrister's costs in the High Court and Court of Appeal. The Head of Legal and Democratic Services confirmed the relevant delegation to take such action was contained in the Constitution.

The Chairman confirmed it was the substantial costs of developers' appeals at the Inquiry stage, resulting from Committee decisions contrary to Officer recommendations, which was the focus of Members' concern; a large majority of these costs had occurred when a developer appealed a planning Committee decision where that decision had been made contrary to the Officer recommendation, and where the reasons for refusal agreed by the Committee could not be substantiated on planning grounds.

Members concluded that some potential future appeal costs could be prevented if there were a procedure in place that could be used in the event that a planning Committee was mindful to agree a decision, where that decision was not underpinned by sound planning reasons, and where there was reason to predict significant costs.

Examples of local authorities which addressed this situation by either convening a Referrals Committee or referring the decision to full Council, were discussed.

As a result of the Working Group discussion, the Chairman of the Working Group recommended that:

- The Scrutiny & Overview Committee should propose a change to the Council's Constitution so that, in the event of a planning Committee proposing a decision that could not be justified on planning grounds and would be likely to incur significant costs at appeal, a process is established whereby the decision can be deferred for determination by full Council or another group of elected Members.

The proposal would ensure that the Council did not incur high appeal costs in the future, as had been the case in recent years.

8. **ANNUAL MEMBER OVERVIEW OF HORSHAM DISTRICT COUNCIL'S CORPORATE POLICY AND PROCEDURES DOCUMENT ON THE REEGULATION OF INVESTIGATORY POWERS ACT 2000**

The Head of Legal and Democratic Services presented a report that requested Members to consider whether the Council's Corporate Policy and Procedures Document on RIPA was fit for purpose.

Members noted the contents of the report and that the policy remained fit for purpose.

Members noted that the Council had not used the RIPA powers for several years.

The meeting finished at 8.20pm having commenced at 6.00pm

CHAIRMAN