

Overview and Scrutiny Committee
26 SEPTEMBER 2016

Present: Councillors: Leonard Crosbie (Chairman), David Coldwell (Vice-Chairman), Toni Bradnum, Alan Britten, Paul Clarke, Roger Clarke, Jonathan Dancer, Matthew French, Nigel Jupp, Tim Lloyd, Brian O'Connell, Ben Staines, Michael Willett and Tricia Youtan

Apologies: Councillors: David Skipp

Also Present: Councillors: Christian Mitchell

SO/24 **MINUTES**

The minutes of the meeting of the committee held on 25th July 2016 were approved as a correct record and signed by the Chairman.

SO/25 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

SO/26 **ANNOUNCEMENTS**

It was suggested and agreed by Members that Cllr Bailey be added to the Finance and Performance Sub-Committee as a Member.

The Chairman of Overview and Scrutiny confirmed that the first Cabinet Member Interview will be held at the next meeting on Monday 28th November 2016.

RESOLVED

That Cllr Bailey be given membership to the Finance and Performance Sub-Committee.

That a Cabinet Member be invited for an interview at the next Overview and Scrutiny Committee meeting being held on 28/11/16 and that a copy of the Cabinet forward plan be circulated to all members of the Committee.

SO/27 **REPLIES FROM CABINET/COUNCIL REGARDING OVERVIEW AND SCRUTINY RECOMMENDATIONS**

The Committee received the reply from the Cabinet Member for Housing and Public Protection to the recommendations made by the Overview and Scrutiny Committee.

Members agreed with points raised in the response and praised its comprehensiveness and thoroughness.

It was agreed that Cllr Britten would continue to attend the Joint Scrutiny Task and Finish Group for the following year.

RESOLVED

That the reply from the Cabinet Member for Housing and Public Protection to the recommendations made by the Overview and Scrutiny Committee was noted.

That the Chairman of Overview and Scrutiny would write a letter of thanks to the Cabinet Member for their response.

REASON

All replies from Council and Cabinet to recommendations of the Committee are to be received.

SO/28 **UPDATE FROM THE CHAIRMAN OF THE BUSINESS IMPROVEMENT SUB-COMMITTEE**

The Committee noted that there had been no further meetings of the Business Improvement Sub-Committee and that the next meeting was on Tuesday 11th October 2016.

RESOLVED

The Overview and Scrutiny Committee noted the update.

REASON

All updates of Sub-Committee meetings are to be received by the Committee.

SO/29 **UPDATE FROM THE CHAIRMAN OF THE CRIME AND DISORDER SUB-COMMITTEE**

The Committee noted that there had been no further meetings of the Crime and Disorder Sub-Committee and that the next meeting was on Tuesday 13th December 2016.

RESOLVED

The Overview and Scrutiny Committee noted the update.

REASON

All updates of Sub-Committee meetings are to be received by the Committee.

SO/30 **UPDATE FROM THE CHAIRMAN OF THE FINANCE AND PERFORMANCE SUB-COMMITTEE**

The Chairman of the Finance and Performance Working Group presented the notes of the meeting held 11th August 2016.

RESOLVED

The Overview and Scrutiny Committee noted the update.

REASON

All updates of Sub-Committee meetings are to be received by the Committee.

SO/31 **UPDATE FROM THE CHAIRMAN OF THE SOCIAL INCLUSION AND HEALTH SUB-COMMITTEE**

The Chairman of Overview and Scrutiny presented the notes of the meeting held 20th June 2016.

It was noted that the Sub-Committee would invite a member of CCG to the next meeting being held 21st November 2016 to discuss matters relating to patient transport within the district.

RESOLVED

The Overview and Scrutiny Committee noted the update.

REASON

All updates of Sub-Committee meetings are to be received by the Committee.

SO/32 **TO RECEIVE THE REPORT ON THE S106 REVIEW**

The Chairman of the Business Improvement Working Group presented the final report on the S106 Review. Members had undertaken an extensive and in-depth review of the procedures used for S106.

One of the biggest concerns originally was lack of Member involvement and communication and this was reflected in the review and recommendations.

Some Members were concerned about the advice contained in last sentence on page 16 of the report that stated 'The Director of Planning, Economic

Development & Property has since advised that such a panel would in effect come under a planning function rather than a Scrutiny function and therefore would not be valid on legal grounds'. It was clarified that the Monitoring Officer had also agreed to this statement.

RECOMMENDED TO CABINET

1. When members are notified of a major application (ie ten units or above) in their ward, this advice should also indicate if the application is likely to be subject of an S106 agreement. This would give the members an opportunity to take advice from Parish Councils as to opportunity and requirements and relay this information to the case officer before instructions are issued to the Legal Team to prepare draft agreement.
2. Members should be notified of the proposed "Heads of Terms Requirements" of the S106 agreement at the same time as the Legal Department are instructed to draft an agreement.

This would give the members a further opportunity to have discussions with the case officer. The member would also then be aware of the start of the "Consultation Period" and would have the opportunity to keep in touch with any responses to the consultation document.

3. That a "Clawback" clause be included in all in future S106 agreements where the proportion of affordable housing does not meet the required level, following negotiation through a viability agreement.
4. At briefings on planning applications the officers will present a summary of the Heads of Terms within current S106 agreements being negotiated
5. Heads of Terms within committee reports should explained in more detail than currently is the practice
6. The Chairman of the relevant planning committees would be sent copies of all the Heads of Terms at the same time that they are sent to Local Members. It would then be at the discretion of the Chairmen whether members from other wards should be sent the information as well.

SO/33 **URGENT BUSINESS**

There was no urgent business.

The meeting closed at 6.47 pm having commenced at 5.32 pm

CHAIRMAN