

SCRUTINY & OVERVIEW COMMITTEE
9TH NOVEMBER 2015

Present: Councillors: Leonard Crosbie (Chairman), David Coldwell (Vice-Chairman) Alan Britten, John Chidlow, Paul Clarke, Roger Clarke, Matthew French, Nigel Jupp, Tim Lloyd, David Skipp, Michael Willett

Apologies: Councillors: Jonathan Dancer, Tony Hogben, Brian O'Connell, Ben Staines

Officers: Katharine Eberhart, Director of Corporate Resources
Chris Lyons, Director of Planning, Economic Development & Property
Paul Cummins, Head of Legal and Democratic Services

Also present: Councillors: Christian Mitchell, Mike Morgan, Godfrey Newman, Tricia Youtan

SO/30 **MINUTES**

The minutes of the meeting of the Committee held on 14th September 2015 were approved as a correct record and signed by the Chairman.

SO/31 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

SO/32 **ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COMMITTEE OR THE CHIEF EXECUTIVE**

There were no announcements.

SO/33 **REPLIES FROM CABINET/COUNCIL REGARDING SCRUTINY AND OVERVIEW RECOMMENDATIONS**

There were no replies from Cabinet or Council.

SO/34 **BUSINESS IMPROVEMENT WORKING GROUP – NOTES OF THE MEETING HELD 13TH OCTOBER 2015**

A Member of the Business Improvement Working Group presented the notes of the meeting held 13th October 2015.

The Committee noted that the Working Group was proposing to commence an entire review of the S106 process. The Committee noted the terms of reference drawn up specifically for this review and commented that the financial element of the S106 process should also be included as part of the review. Following discussions, it was proposed that the following term of reference be added:

SO/34 Business Improvement Working Group – Notes of the meeting held 13th October 2015 (cont.)

“Financial appraisal of S106 outcomes in relation to affordable homes ratio.”

The Committee suggested that the review also include a comparison of Horsham’s S106 process to that of other councils, along with a review of how the Council drafted its S106 agreements. Members also proposed that specialist lawyers also be involved with this review, and agreed the following also be added to the terms of reference:

“Commission an immediate comparison analysis of S106 agreements, supported by contributions from officers and a specialist firm of suitably qualified external legal advisers”.

The Business Improvement Working Group could agree how to incorporate this into its review or whether it should be a separate review.

The Committee noted the Working Group’s review of the Council’s planning appeals process. In his absence, the Chairman of the Working Group had submitted a note to support the discussions from the Group’s meeting and to reflect the concerns of the Councillors.

The Committee noted the Chairman of the Working Group’s comments and supported the suggestions; the Committee discussed the timing of when the decision on a planning appeal should be deferred for determination by full Council and agreed that at the point that the Development Control Committee appears to be leaning towards a decision which is contrary to the planning officers’ recommendation and it would appear that substantial costs could be incurred if the application went to appeal, the case would be deferred for determination by full Council. It could not be deferred following formal rejection of the application as this would be too late. Therefore, if the vote was carried the decision of the Committee would be a recommendation to Full Council to refuse the application and would not be a determination of the application.

The Committee also agreed that it would be full Council that would make the final decision.

Members agreed the proposed method would lead to a more democratic process.

The Committee accepted the recommendation made by the Working Group subject to the removal of the words “...or another group of elected Members”.

The Committee agreed that “significant costs” would have to be determined on a case by case basis; it would prove difficult to define a figure or threshold after which cases would be referred but that it would normally be if the officer was of the opinion that the reasons for refusal could not be substantiated with evidence.

SO/34 Business Improvement Working Group – Notes of the meeting held 13th October 2015 (cont.)

Referring back to the notes of the Working Group, the Committee congratulated officers on the work involved in the Business Transformation Programme.

In relation to the Group's item on the Property and Asset Management Review, the Committee suggested that a programme of inspection be drawn up and adhered to.

The Committee also noted that additional Members would be added to the Working Group for the duration of the S106 review, Councillors Matthew French, Nigel Jupp and David Coldwell volunteered to take part in this review.

It was also agreed that a defined programme of meetings should be drawn up for the S106 review, so that Members know the meeting dates and times in advance and also to help achieve an efficient and timely review.

RECOMMENDED TO COUNCIL

That the Council should agree 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.

SO/35 **CRIME AND DISORDER WORKING GROUP – TO RECEIVE AN UPDATE FROM THE CHAIRMAN**

The Chairman of the Crime and Disorder Working Group updated the Committee on the Working Group.

The next meeting of the Working Group had been rescheduled in order to accommodate the representatives from Sussex Police, to enable them to attend and present their update on their Community Safety Partnership Action Plan. The Working Group felt strongly about having this representation at the meeting and to present the update reports.

The Committee also noted the recent changes to policing arrangements in the District and how Horsham would now appear under the same District Commander as Worthing and Adur. It was anticipated that Horsham would benefit from this new merger.

SO/35 Crime and Disorder Working Group – To receive an update from the Chairman (cont.)

RESOLVED

That an update from the Crime and Disorder Working Group be received.

REASON

All updates from Working Groups are to be received by the Committee.

SO/36 **FINANCE AND PERFORMANCE WORKING GROUP – TO RECEIVE AN UPDATE FROM THE CHAIRMAN**

The Committee noted that there had been no further meetings of the Working Group.

RESOLVED

That an update from the Finance and Performance Working Group be received.

REASON

All updates from Working Groups are to be received by the Committee.

SO/37 **SOCIAL INCLUSION WORKING GROUP – NOTES OF THE MEETING HELD 28TH SEPTEMBER 2015**

The Chairman of the Social Inclusion Working Group presented the notes of the meeting held 28th September 2015.

At the meeting the Working Group had reviewed the replies it had received in response to the Group's recommendations, following the review of the effectiveness of the provision for local residents suffering financial hardship. The Group discussed the responses and highlighted several points.

The Working Group had also received a report on Digital Inclusion in the District. The Members were awaiting an action plan on the Digital Inclusion Strategy at its next meeting.

The Committee supported the Group's review into this as the Council relied heavily on use of the internet for many of its services.

SO/37 Social Inclusion Working Group – Notes of the meeting held 28th September 2015 (cont.)

RESOLVED

That the notes of the Social Inclusion Working Group meeting held on 28th September 2015, be received

REASON

All notes of Working Group meetings are to be received by the Committee

SO/38 **HEALTH PROVISION WORKING GROUP –NOTES OF THE MEETING HELD ON 28TH OCTOBER 2015**

The Chairman of the Health Provision Working Group presented the notes of the meeting held 28th October 2015.

The Group had invited two local GPs to discuss their plans regarding the future provision of health care in Horsham.

The Committee noted that the GPs were positive about Horsham Hospital and the services it offered.

The Committee noted that a seminar from the Coastal CCG had been organised for 8th December 2015, following a request from the Scrutiny and Overview Committee. In addition, on 2nd December 2015, Members were invited to attend a meeting with the local GPs on the local primary care provision in Horsham.

The Working Group would also be looking at ambulance response times in the south east.

RESOLVED

That the notes of the Health Provision Working Group meeting held on 28th October 2015, be received

REASON

All notes of Working Group meetings are to be received and approved by the Committee.

SO/39 **TRADE WASTE WORKING GROUP – FINAL REPORT**

The Trade Waste Working Group produced its final report in 2014 with a number of recommendations. At the Committee Members received updates on the recommendations.

Councillor Coldwell took Members through the updates and highlighted the Trade Refuse and Recycling Marketing Communications Plan.

The Committee noted that the Council was continuing to offer going ahead with the trade waste service as there was a demand from small shops and businesses in the District.

It was agreed that the Committee would revisit this in 12 months for an update on the position and whether the service had been successful to that point.

RESOLVED

That the updates on the recommendations in the Trade Waste Working Group, be received

REASON

All Working Group recommendation updates are to be received and approved by the Committee.

SO/40 **RAIL PERFORMANCE WORKING GROUP – FINAL UPDATE**

The Committee noted that a short term working group to review the rail performance in the District took place in 2012; the Group had made a number of recommendations. Members felt that there were no outstanding issues with Southern Rail at this stage and it was not necessary for a working group to continue.

RESOLVED

That the Rail Performance Working Group would no longer continue.

REASON

The future of all working groups is to be determined by the Committee.

SO/41 **MEMBERSHIP OF WORKING GROUPS**

The Committee noted that when a new Scrutiny and Overview working group was established, the Group Leaders would be contacted and asked to nominate any members to sit on the working group.

It was proposed that in future, as the Committee generated its own work programme; it would be more appropriate for/ the Scrutiny and Overview Committee Chairman to nominate members to sit on the working groups.

It was not currently prescribed in the Constitution how Scrutiny working groups should be appointed and it was considered best local government practice for a Committee to nominate its own working groups. The Committee supported this proposal.

RESOLVED

That the Scrutiny and Overview Committee be responsible for nominating new working group members.

REASON

All Working Groups are to be approved by the Committee.

SO/42 **REVIEW OF WEST SUSSEX TRAFFIC ASSESSMENTS – SELECTION OF WORKING GROUP**

The Chairman of the Committee explained that the review of assessment and accountability of West Sussex County Council traffic assessments and forecasts, especially relating to major developments, was a an item raised for review by the Scrutiny and Overview Committee at its last meeting.

There had been concerns raised about the traffic assessment process undertaken by West Sussex County Council in the past, especially relating to large developments in the District.

Although the Committee had agreed to establish a working group to carry out this review the Chairman advised at the meeting that, firstly, West Sussex County Council was the statutory authority for highways and also that they were the final arbiter when it concerned highways decisions, therefore it was advised that a review carried out by a working group would have little impact on the process.

If Members expressed concerns about traffic assessments relating to new developments in the District and planning applications, they were advised to raise these directly with the County Council. Members noted that the policies were set on a national scale. In addition, there had been a number of failed attempts to gather volunteers for a new working group.

SO/42 Review of West Sussex Traffic Assessments – Selection of working group (cont.)

After discussions the Committee therefore agreed that it would be futile use of the Council's resources to engage consultants to carry out the review.

If concerns were ongoing, it was suggested that this could be raised as an item for full Council.

RESOLVED

That the Review of West Sussex Traffic Assessments Working Group would not be established.

REASON

The future of all working groups is to be determined by the Committee.

SO/43 **TO RECEIVE ANY SUGGESTIONS FOR THE SCRUTINY AND OVERVIEW WORK PROGRAMME**

There were no suggestions for the Scrutiny and Overview work programme.

SO/44 **ITEMS NOT ON THE AGENDA BUT CONSIDERED URGENT**

None.

The meeting finished at 8.15 pm having commenced at 6.00 pm.

CHAIRMAN