

SCRUTINY COMMITTEE

Minutes of the Meeting held on 22 April 2013 at 3.30 pm

Present:

Councillor K J RossChairman
Councillor G S Dowding..... Vice-Chairman

Councillor M J Chilcott
Councillor J Freeman
Councillor B Heywood

Councillor M O A Dewdney
Councillor P N Grierson
Councillor D D Ross

Members in Attendance:

Councillor H J W Davies
Councillor P H Murphy
Councillor K H Turner

Councillor E May
Councillor T Taylor
Councillor D J Westcott

Officers in Attendance:

Corporate Director (B Lang)
Scrutiny and Performance Officer (S Rawle)
Corporate Manager - Housing, Welfare & Economy (I Timms)
Section 151 Officer (S Campbell)
Climate Change and Community Liaison Manager (A Lamplough)
Administrative Support (H Dobson)

Also in Attendance:

Donald Rushton, Chairman of Magna West Somerset Board
Tony Murray, Magna West Somerset Director

SC90 Apology for Absence

An apology for absence was received from Councillor R P Lillis.

SC91 Minutes

(Minutes of the Meeting of the Scrutiny Committee held on 18 March 2013 – circulated with the Agenda).

Members noted the issues that could arise when scheduling meetings for Review Panels to consider Assets of Community Value and that the possibility of granting delegated authority to appoint a review panel, if necessary, should be considered when the process is required.

RESOLVED that the Minutes of the Scrutiny Committee held on 18 March 2013, be confirmed as a correct record.

SC92 Declarations of Interest

Members present at the meeting declared the following personal interests in their capacity as a Member of a County, Parish or Town Council:

Name	Minute No.	Description of Interest	Personal or Prejudicial or Disclosable Pecuniary	Action Taken
Cllr P N Grierson	All Items	Minehead	Personal	Spoke and voted
Cllr K J Ross	All Items	Dulverton	Personal	Spoke and voted
Cllr P H Murphy	All Items	Watchet	Personal	Spoke
Cllr K H Turner	All Items	Brompton Ralph	Personal	Spoke
Cllr D J Westcott	All Items	Watchet	Personal	Spoke

SC93 Public Participation

No members of the public had requested to speak on any item on the agenda.

SC94 Notes of Key Cabinet Decisions/Action Points

(Copy of Notes of Cabinet Decisions/Action Points, circulated with the agenda).

RESOLVED that the Key Cabinet Decisions/Action Points for 3 April 2013, be noted.

SC95 Cabinet Forward Plan

(Copy of the Cabinet Forward published 3 April 2013, circulated with the agenda).

RESOLVED that the Cabinet Forward published 3 April 2013, be noted.

SC96 Magna Annual Report

(Copy of the Review of Magna West Somerset Housing Association's Performance in 2012/13, circulated after the Agenda).

The purpose of the report was to receive an update from Donald Rushton, Chairman, and Tony Murray, West Somerset Director, in order to provide opportunity for the Scrutiny Committee to scrutinise Magna West Somerset's (MWS) performance for the past year and influence how MWS delivers its services.

The West Somerset Director welcomed questions as he presented the report and Members noted the following main responses:

- About 3-5% of properties were let to tenants who were not local to the area, due to no local people expressing an interest at the time of the properties being empty.
- Savings could be made by carrying out the majority of repairs in-house, up to 90%, consequently MWS had increased the number of staff accordingly.

- The benefit cap to be implemented in the summer would affect six MWS tenants.
- The housing associations have been and continue to work behind the scenes to influence government and the changes affecting tenants etc. For instance, housing associations will have an opportunity to comment and advise on associated pilot schemes.
- MWS were looking to change their policy regarding new build to take into account any future change in demand for accommodation with fewer bedrooms. One bedroom properties in West Somerset were situated mainly in Minehead and had a quicker turnover than larger properties.
- The Director confirmed that he would make available the list of neighbourhood inspections to Councillors when it was compiled.
- With regard to central government's Green Deal proposals, MWS believed that currently there were too many unanswered questions as to how the Deal would operate for it to be an attractive option for MWS and its tenants to take advantage of at this time.
- A Tenant Advisor had recently been appointed, initially for 12 months, to assist some tenants on how to run a home and therefore make a success of their tenancies.
- MWS fixed term tenancy policy was being considered very carefully ready for implementation in April 2014. There were various reasons why a tenant might be moved eg, the property being seriously under occupied, serious anti social behaviour etc. The average MWS tenancy lasted eight years and in the main the majority of tenants would not be moved.

Under occupation charges came into effect in April. MWS were concerned that this initiative together with forthcoming changes could affect some tenants ability to manage their finances and therefore increase rent arrears. MWS would continue to work hard with the Council to inform its tenants and provide assistance. Members expressed concerns that in spite of the support provided to tenants affected by the change/s there would still be a small number who would/could not, for various reasons, address the potential problem until it may be too late.

Members praised MWS for the visible improvement in some areas and the help and support that it provided its tenants. It was believed that MWS gave a voice to its tenants who may not otherwise be heard.

Members requested that as there were significant changes affecting MWS and their tenants that it would be worthwhile inviting MWS to report back to the Scrutiny Committee in six months time on the those changes and related performance.

RESOLVED (1) that the Review of Magna West Somerset Housing Association's Performance in 2012/13, be noted;

RESOLVED (2) that Donald Rushton, Chairman, and Tony Murray, Director of Magna West Somerset, be invited to attend a meeting of the Scrutiny Committee in six months time;

RESOLVED (3) that Donald Rushton, Chairman, and Tony Murray, Director of Magna West Somerset, be thanked for their informative report.

SC97 Report of the Planning Obligations and Section 106 Task & Finish Review Group

(Report No. WSC 56/13, circulated with the Agenda).

The purpose of the report was to advise members of Scrutiny Committee about the work of the Planning Obligations and Section 106 Task & Finish Group and to make recommendations with regards to making improvements to the planning obligations process.

In response to questions the Climate Change and Community Liaison Manager confirmed that it was a challenge disseminating s106 information to as much of the community as possible. The Council encouraged any community group to sign up to Community Matters, in which updated information was added and sent to all who had signed up, including parish and town councils. She welcomed any other suggestions that would help with this matter.

Members noted that organisations did not need the approval of relevant parish/town councils to apply for S106 monies but were encouraged to discuss proposals with their parish/town council. The Climate Change and Community Liaison Manager confirmed that she was happy with the proposed change in the process to remove the Expression of Interest forms from the website and ask applicants to contact her directly to ensure that applicants were encouraged to discuss proposals with the relevant parish/town council at an early stage. Further, she confirmed that parish and town councils would be sent a reminder to provide the Council with an updated list of their priorities before the next deadline had passed, and that should parish/town councils require assistance/information she would be available to help.

The Leader praised the Task & Finish Group for conducting such a thorough review.

The Corporate Manager noted the concerns regarding the possibility that funding could be returned to developers if it had not been spent before the set deadline. He advised that monies that were due to expire were spent before monies that had more time. He confirmed that the process would be looked at to ensure that this was the case with all s106 monies.

Councillor K Ross proposed an additional recommendation to those put forward by the Task and Finish Group, to investigate the possibility of parish/town councils using s106 monies in neighbouring towns/parishes where its use could provide a benefit to the said parish/town that might not be attained if its use were confined to the said parish/town. Councillor D Ross duly seconded the proposed additional recommendation.

During the course of the discussion Members noted the main points:

- The use of S106 monies in a neighbouring parish/town would raise legal difficulties that would need to be considered.
- Generally, the larger communities would have a bigger demand for facilities and often provided facilities for its neighbouring communities.
- Relevant Parish/Town Councils should be consulted with.

On being put to the vote it was:

RESOLVED that the following proposals be recommended to Cabinet:

- (1) that relevant Ward members and Parish/Town Councils be notified as soon as an application that is likely to require a Section 106 agreement is received to enable a review of priorities to be undertaken to inform negotiations accordingly;
- (2) that the relevant Ward Members and Town/Parish councils are notified on receipt of Section 106 monies as soon as is reasonably practicable;
- (3) that officers ensure that the previous recommendations of the Scrutiny Committee relating to Ward Member consultation requiring that Ward members and Parish/Town Councils, as key consultees, are involved in discussions, as appropriate to establish need prior to negotiations commencing, and be kept informed of progress, are followed;
- (4) that a community profile be developed to ensure that priorities are justifiable and evidence based, with focus on those areas most likely to be affected by development;
- (5) that the current application process be amended to the effect that Expression of Interest forms are withdrawn from the Council's website and provided on demand to ensure applicants are encouraged to discuss proposals with relevant Town and Parish Councils at an early stage;
- (6) that a robust and closely monitored process to collect Section 106 monies is followed to ensure that any outstanding monies are actively pursued;
- (7) that consideration be given to including supplementary information relating to Section 106 monies that are included in agreed planning applications before receipt of funds, as part of the regular financial information be made available to Members;
- (8) that consideration be given to undertaking a review of the Supplementary Planning Document as soon as it is practically possible to ensure that it remains up to date and reflects current circumstances;
- (9) that the current guidance notes relating to Section 106 funding are updated to reflect the changes in procedure following the agreed recommendations of this review;
- (10) that consideration be given to any observations reported to Scrutiny Committee by members of the Task & Finish Group following their attendance at the June meeting of Planning Obligations Group;
- (11) that the possibility of parish/town councils using s106 monies in neighbouring towns/parishes where its use could provide a benefit to the said parish/town that might not be attained if its use were confined to the said parish/town, be investigated.

SC98 Meeting of Scrutiny & Police & Crime Panel Representatives

(Report on Meeting of Scrutiny and Police & Crime Panel Representatives, circulated after the Agenda).

Councillor S Dowding referred to the report and confirmed that the proposal was to set up a joint meeting comprising the six Somerset representatives of the Police and Crime Panel and a representative from each of the six Somerset council's Scrutiny Committees to, in effect, scrutinise and support the Police and Crime Panel.

During the course of the discussion Members questioned whether it was necessary, at this time, to set up a joint meeting, as proposed in the report, when there had not been time for any potential issues to emerge.

RESOLVED that the proposal to set up a joint meeting of Scrutiny and the Police and Crime Panel, as set out in the report, not be taken up at this time, and that the position be reviewed by the Scrutiny Committee in six months time.

NOTE: Having regard to the special circumstances pertaining in relation to this item – namely to make a decision on this matter as soon as possible, the Chairman was of the opinion that, despite its non inclusion on the agenda, this item should be considered at this meeting as a matter of urgency.

SC99 Scrutiny Committee Workplan Review

(Scrutiny Committee Workplan, circulated with the Agenda).

Members were reminded of previous concerns raised regarding the monitoring of water courses and rhynes and the importance of looking at the issues before next spring. It was noted that as these issues linked to the County wide meeting in June, that would look at the recent flooding issues and that the Committee would consider the issues once this further information was available.

RESOLVED (1) that a full report on the current condition and monitoring of the water courses and rhynes that West Somerset Council are responsible for be scheduled for a future meeting of the Scrutiny Committee in conjunction with feedback from the Countywide Scrutiny Flooding Summit;

RESOLVED (2) that a report on Troubled Families be scheduled for the Scrutiny Committee to be held on 20 May 2013;

RESOLVED (3) that the Workplan be noted.

The meeting closed at 5.52 pm.