

Minutes

of a meeting of the

Scrutiny Committee

held at 7.00pm on Thursday 28 June 2012

at the Abbey House, Abingdon



Open to the public, including the press

Present:

Members: Jim Halliday (Chairman), Melinda Tilley (Vice-Chair), Eric Batts, Andrew Crawford, Jane Crossley, Charlotte Dickson, Jason Fiddaman, Bill Jones, Anglea Lawrence, Julie Mayhew-Archer, and Fiona Roper

Substitute member: Councillor Richard Webber (in place of Councillor Tony de Vere)

Officers: Kate Arnold, Steve Culliford, Adrian Duffield, Mike Gilbert, Susan Harbour, Anna Robinson, and Chris Webb

Number of members of the public: Nil

Sc.13 Notification of substitutes and apologies for absence

Councillor Tony de Vere sent his apologies and Councillor Richard Webber attended as his substitute.

Sc.14 Minutes

RESOLVED:

To adopt the minutes of the meeting held on 24 May 2012, subject to the amendments set out below, and for the chairman to sign the amended version as an accurate record:

- SC6 Staff satisfaction: paragraph 3, final line, change “benchmarking” to “staff satisfaction”
- SC8 Capital community grants: **resolved (b)** change this to read: “request that the Scrutiny Committee be given an opportunity to review the updated criteria and the detailed guidance of the scheme before the guidance is issued”
- SC11 Scrutiny work programme: change final sentence to read: “The chairman referred to a survey recently sent to councillors and urged them to feedback views on the council’s website to the communications team.”

Sc.15 Declarations of interest

The chairman reminded members of the Scrutiny Committee that they needed to declare if they were subject to a group whip on any item. No political group declared a group whip and no individual councillor declared any interests.

Sc.16 Urgent business and chairman's announcements

The chairman, Councillor Jim Halliday, reported that he and Councillor Jane Crossley would be meeting before the next Scrutiny Committee to review the council's website and prepare a paper for a forthcoming Scrutiny Committee meeting.

The chairman announced that item 8, relating to leisure contract monitoring, would be heard before item 6 on the agenda as external leisure contractors were present for item 8.

The Scrutiny Committee elections task group would be meeting shortly and reporting back to the committee.

Sc.17 Statements, petitions and questions from the public relating to matters affecting the Scrutiny Committee

Councillor Dudley Hoddinott had given notice that he wished to ask two questions: one on leisure contract monitoring and the other on the section 106 audit – follow up report. These were considered later in the meeting and are recorded with the relevant minute item.

Sc.18 Leisure contract monitoring

The cabinet member for economy, leisure and property, Councillor Elaine Ware, attended the committee to answer questions and to assist in the discussion of this item. Also present were Chris Webb, Facilities Development Officer (Leisure); Kate Arnold, Leisure Manager; and Adrian Bidwell, Head of Operations and Warren Higgins Deputy Contract Manager from SOLL Leisure: the contractor responsible for the Faringdon and Wantage leisure centres and for Tilsley Park.

The chairman invited Councillor Dudley Hoddinott to ask his question to SOLL Leisure about the level of membership at their facilities. Councillor Hoddinott was reassured that the company had increased its membership levels and was committed to continuing to do so.

The Scrutiny Committee considered the report of the head of economy, leisure and property and discussed it in detail, including asking questions directly of the representatives of SOLL Leisure and council officers.

The committee asked questions about key performance targets which were answered by the representatives of SOLL and council officers.

The committee felt that, as the modest targets for the current year had been significantly exceeded, next year's targets needed to be realistic but challenging. The committee wished to see the targets for the coming year. *(These to be circulated by officers).*

The committee was disappointed that no on-line surveys were completed by customers of SOLL Leisure and wished the company to repeat the exercise for 2012/13 using an incentive scheme to encourage a greater response level. SOLL Leisure agreed to consider this request.

The level of customer complaints had not historically been included in this report. The committee asked officers to include this information in future reports.

The committee was concerned that items which had not been completed in 2010/11 action plan should be moved on to the next action plan to ensure that they continued to be addressed. They also asked that the carbon variation document be included in the action plan. The officers agreed to do this.

The committee had concerns about the availability of car parking at Wantage. There was currently a flexible agreement in place with King Alfred's Academy School for additional evening parking when the car park was not in use by the school. Officers were also exploring a future possibility of additional parking, in conjunction with the academy and Wantage Town Football Club.

Gas and electricity consumption had decreased over the contract since 2006/7 by 39 per cent and 23 per cent respectively. The committee considered these figures to be commendable and was pleased to hear that SOLL appeared to be committed to reducing both energy costs and their environmental footprint; however there was significant concern that SOLL was not currently prepared to sign up to a carbon variation document, the discussions about which had been ongoing since January 2011. The committee were concerned by the length of time taken to resolve negotiations over the variation document and encouraged SOLL Leisure to get the issue resolved as soon as possible.

SOLL Leisure expressed their desire to perform to an excellent standard in the coming year as they were mindful of the up coming renewal of the leisure contracts in the district and they wished to be well placed when these went out to tender.

The committee was pleased with the clarity of the report.

RESOLVED: to

- a) recommend the cabinet member for economy, leisure and property to award SOLL leisure an overall assessment rating of "good" for its management of the leisure contract for Faringdon and Wantage leisure centres and for Tilsley Park during 2011/12; *and*
- b) request that the committee members be sent details of the performance targets for 2012/13;
- c) request SOLL to repeat the on-line customer survey using an incentive scheme to encourage a greater response level;
- d) request SOLL to record the level of customer complaints in future, rather than just positive responses;
- e) request the officers to ensure that all uncompleted elements of the 2001/12 action plan are transferred to the wo12/13 action plan; *and*
- f) request SOLL to resolve negotiations over the carbon variation document and encourage SOLL Leisure to get the issue resolved as soon as possible.

Sc.19 Call in of Cabinet decision: capital community grants scheme

The committee considered the call-in of the Cabinet's decision relating to the capital community grants scheme, taken on 1 June 2012. This item had been considered by the Scrutiny Committee on 24 May, prior to the Cabinet decision. Councillors Jim Halliday, Andrew Crawford, Julie Mayhew-Archer and Tony de Vere called in the decision as they did not believe that it complied with the principles set out in Article 13 of the constitution. The committee considered the report to Cabinet, a briefing paper to Cabinet setting out Scrutiny Committee's views on the scheme, and the adopted minute from the Cabinet meeting.

The cabinet member for corporate strategy, Councillor Matthew Barber was present to answer questions and assist in the discussion of this item.

The call-in notice raised two main issues, which are set out at a) and b) below

- a) The councillors, who called this item in, wished to amend the wording of the **scheme eligibility criteria** to read "applications will *normally* only be considered if organisations/ projects meet the following eligibility criteria..." The insertion of the word "normally" would give some flexibility for officers to consider applications where it was impractical, for good reason, to meet the criteria prior to the application being made.
- b) The committee had given the Cabinet a clear steer towards Option 2 of the methods of allocating the budgets to the area committees, as this meant that funding would be equally distributed on a *per capita* basis. A meeting of the Cabinet on Friday 1 June 2012 had decided on Option 3. The councillors making the call-in wanted to know why such a strong recommendation had been ignored.

Councillor Matthew Barber, cabinet member for corporate strategy explained the following:

- Option 3 was set out in the report to Cabinet and the Scrutiny Committee, and was different to the one used in the call-in request. The version used by Cabinet had described an additional 11 "phantom" parishes for Abingdon; meaning that the number of parishes more accurately reflected the number of councillors and therefore increased Abingdon's share of the grant from 21.2 per cent to 24.63 per cent. Option 3, as it was set out, was subject to the figures being updated.
- Whichever option was used would be monitored and reviewed after a year of operation.
- Option 3 took into consideration both the number of electors and the number of communities, especially rural ones, and slightly disadvantaged the urban centres. This helped to balance up capital investment: all three of the Vale's towns receive a significant amount of capital investment from the district council but rural parishes are not as well catered for. The capital grants scheme is the main avenue of securing capital funding for rural communities. Rural areas also have a larger number of village halls and similar facilities to maintain than the towns.

The committee discussed this item in detail. There were significant concerns about the equity of Option 3, particularly as council tax was generally higher in the towns. It was pointed out that residents from across the Vale used the facilities in the towns, but that

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these were contributed to by higher council tax from town residents. The parishes set low parish precepts and would be able to increase their parish to fund capital projects if they so wished.

Councillor Matthew Barber agreed to review the decision and to take an individual cabinet member decision to speed up the introduction of the scheme. He agreed to make this available for scrutiny call-in to allow committee members to further review his decisions. The committee was content with this approach.

RESOLVED: (For 6; Against 5; Abstentions 1)

- a) To request the cabinet member for corporate strategy to further review the capital community grants scheme to:
 - i. Amend the **scheme eligibility criteria** to read “Applications will **normally** only be considered if organisations/ projects meet the following eligibility criteria...”
 - ii. To use Option 3 for the allocation of budgets to area committees, using the version set out in the report to Cabinet and to Scrutiny Committee which includes the “phantom” parishes to give Abingdon a parish count of 14. This subject to being updated to reflect the most recent figures. The logic and rationale behind this, and an explanation to clarify the issue of “phantom” parishes to be published to ensure that it is clear to future decision makers.
- b) To agree that, rather than referring to this matter back to Cabinet, the decision can be taken by the cabinet member for corporate strategy. This will be subject to call-in.

Sc.20 Call-in of Cabinet decision: revenue grants policy and procedure

The committee considered the call-in of the Cabinet’s decision relating to the revised revenue grant policy, taken on 15 June 2012. Councillors Jim Halliday, Andrew Crawford, Julie Mayhew-Archer and Tony de Vere called in the decision as they did not believe that it complied with the principles set out in Article 13 of the constitution. The committee considered the report to Cabinet, the criteria for the revenue grant scheme 2012-13, and an extract from the draft Cabinet minutes from 15 June 2012.

The cabinet member for corporate strategy, Councillor Matthew Barber was present to answer questions and assist in the discussion of this item.

The committee discussed the points raised in the call-in request as follows:

- a) The call-in notice questioned why parish and town councils and charitable bodies were not allowed to apply for funds. In response, the cabinet member explained that parish and town councils could raise their own revenue funds through the parish precepts. Charitable bodies **are** permitted to apply for funds.
- b) The call-in notice expressed concern that by requiring two years’ previous accounts to be submitted, this excluded the possibility of funding new events or granting funds to newly established bodies. The cabinet member agreed that the word

- “**normally**” should be added so that new organisations with less than two years’ accounts would be able to apply for funds and where other criteria are met.
- c) The cabinet member was asked why there was a £1000 limit, when the grants made to festivals in Wantage, Faringdon and Abingdon in 2011 all exceeded that amount. The cabinet member believed that a higher limit would set expectations for applicants. He agreed that the word “**normally**” would be added to allow for exceptions.
 - d) There were concerns about the lack of accountability as organisations do not have to provide evidence of expenditure. The cabinet member believed that this needed to be balanced against the potential probability and impact of any risk and the desire not to introduce unnecessary bureaucracy. The draft scheme had been approved by the council’s accountants.
 - e) Although there were concerns that there was no requirement for a project’s financial plan to be submitted with the application, Councillor Matthew Barber considered that there was enough information requested in terms of a project’s income and expenditure, two years’ accounts and three months’ bank statements. As above there was an issue of balance between risk and bureaucracy.
 - f) “Common sense” should be used to define what constitutes a “local festival or event”.

Further discussions included the following points:

- Applications would be circulated in the Vale Information Sheet (VIS) prior to agreement.
- Local members would be consulted on applications in their areas.
- *Ad hoc* conditions could be added, where appropriate, for larger sums.

RESOLVED to:

- a) Request the cabinet member for corporate strategy to consider revising the revenue grant scheme, in line with the above conditions (a to f) and circulate the revised scheme to members of Scrutiny Committee prior to publishing, for informal feedback *and*
- b) Agree that, rather than referring to this matter back to Cabinet, the decision can be taken by the cabinet member for corporate strategy and be subject to call-in.

Councillor Melinda Tilley left the meeting.

Sc.21 Section 106 audit - follow up report

The cabinet member for planning, Councillor Roger Cox, was present to answer questions and to assist in the discussion of this item. Also present were Adrian Duffield, Head of Planning and Mike Gilbert, Planning Development Manager.

Councillor Dudley Hoddinott was invited to ask his question about when the Vale would expect to be operating the new Community Infrastructure Levy (CIL) and whether there would be a criterion that a parish must have a neighbourhood plan adopted before it could obtain a contribution from CIL. Councillor Roger Cox explained that the CIL needed to be

co-ordinated with the core strategy and that this needed to be bought forward. Councillor Roger Cox undertook to provide a written response to Councillor Hoddinott's question.

Councillor Roger Cox introduced the section 106 audit follow up report. The process flowchart needed to be withdrawn and re-issued.

Section 106 agreements are entered into between applicants and the council when planning permission is granted. They secure financial payments or other measures to mitigate the impact arising from a new development. In the future, the new community infrastructure levy will secure payments for the provision of off-site facilities and infrastructure, and section 106 agreements will be limited to ensuring the provision of on-site facilities and infrastructure only. From April 2014, section 106 agreements will not be able to be used to secure off-site the provision of off-site facilities and infrastructure – that will only be able to be secured through CIL.

Community Infrastructure Levy money will be locally controlled by the district council.

The committee was concerned about existing section 106 money and how it had been spent or not spent. Councillors were assured that there was just under £1,000,000 available assigned to particular facilities, and that none had been repaid to developers.

A new officer had been regularising and co-ordinating the section 106 agreements and money, and preparing for the introduction of CIL. This officer worked across both South and Vale councils and had two days per week allocated to Vale work. He had worked on introducing new software which was now in place which was more automated and tailored to the needs of the council.

The committee was concerned that targets had been missed in the past but was reassured that new target dates would be met and that these would be monitored formally every month. There had been historical problems with manual monitoring. There had been delays in embedding the new computer system, but monitoring would be significantly improved now that it was in place.

The committee asked that ward councillors be told how much money/what section 106 commitments were outstanding in each parish in their wards. They were told that this would be possible once all agreements were loaded onto the new system and would be published on the internet.

The Community Infrastructure Levy would be working in parallel with the core strategy, but the council was waiting for further regulations from government on how it could spend the CIL funds. The committee was assured that there was sufficient officer capacity, according to current timescales.

By October, councillors would be able to view s106 agreements. The information would be available on the council's intranet, the internal network. Some councillors reported that they could not access the intranet. The strategic director agreed to request the head of HR, IT & customer services to advise councillors on how to access the intranet. Training would be provided by the planning department for all councillors on s106 agreements/CILs.

The cabinet member for planning, the head of planning and the development control manager agreed to come back to Scrutiny Committee next year to provide a further update on the s106/CIL project (date to be agreed outside the meeting).

The committee asked whether advice could be provided to parishes to assist them in interacting with s106s. The head of planning agreed to provide information for councillors to feed back to parishes

RESOLVED: to

- a) receive advice from the head of planning that councillors could share with the parishes in their ward to enable the parishes to influence section 106 agreements as part of neighbourhood planning;
- b) Receive a further update from the cabinet member for planning, the head of planning and the development control manager at a Scrutiny Committee meeting next year, and for this to be added to the committee's work programme.

Sc.22 Scrutiny work programme

The committee reviewed its work programme for the coming months. Councillors expressed concern that they had not received a full explanation of the circumstances surrounding the now withdrawn Interim Housing Supply Policy (IHSP), how the Council had come to its current position and why it had abandoned the draft IHSP after it had already been made public. A member asked for this to be considered at the July scrutiny meeting.

The strategic director suggested that a detailed letter be sent to all ward councillors and that if, after receipt of this, scrutiny members felt there were still issues to be considered, they could be raised at the July meeting.

Adrian Duffield, Head of Planning agreed to prepare a letter by 15 July which would go to all councillors for information and which they would be able to share with their parishes. This would be a statement of: the position in relation to the withdrawal of the IHSP, the Council's current position; where it was going and the implications thereof.

The committee noted that the Interim Housing Supply Policy, if discussed in July, would be the only item on the agenda. The strategic director agreed to find out whether any items could be brought forward from the August meeting.

RESOLVED: To request the head of planning to prepare a letter by 15 July for all councillors which would explain why the council had published a draft Interim Housing Supply Policy and then subsequently withdrawn it.

Sc.23 Dates of meetings

The committee noted the dates of its forthcoming meetings and requested that a further date of 21 March 2013 be added.

Exempt information under section 100A(4) of the local Government Act 1972

None

The meeting closed at 9.55 pm