

Minutes

Scrutiny Committee

Venue:	Committee Room - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Thursday, 26 September 2019
Time:	5.00 pm
Present:	Councillors A Lee, J McCartney, N Reader, Shaw-Wright, R Sweeting and M Topping Councillor Richard Musgrave, Lead Executive Member for Place Shaping
Officers present:	Stuart Robinson – Head of Business Development and Improvement, June Rothwell – Head of Operational Services, Sarah Thompson – Housing and Environmental Health Service Manager, Martin Grainger – Head of Planning, Keith Cadman – Head of Commissioning, Contracts and Procurement, Peter Williams – Head of Finance, Aimi Brookes – Contracts Team Leader, Laura Cobb – Partnerships Project Officer, Fiona Derbyshire – Planning Enforcement Officer, Victoria Foreman – Democratic Services Officer
Others present:	Martin Blakey, Wildlife Habitat Protection Trust and David Craven, Yorkshire Wildlife Trust
Public:	0
Press:	0

14 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors W Nichols and P Welburn.

15 DISCLOSURES OF INTEREST

There were no disclosures of interest.

16 MINUTES

The Committee considered the minutes of the meeting held on 4 July 2019.

RESOLVED:

To approve the minutes of the Scrutiny Committee meeting held on 4 July 2019 for signing by the Chair.

17 CHAIR'S ADDRESS TO THE SCRUTINY COMMITTEE

There was no Chair's address.

18 SCRUTINY COMMITTEE WORK PROGRAMME 2019-20

The Democratic Services Officer asked the Committee to consider and comment on their Work Programme for 2019-20.

RESOLVED:

To note the Work Programme for 2019-20 as circulated.

19 YORKSHIRE WILDLIFE TRUST AND WILDLIFE HABITAT PROTECTION TRUST: BARLOW COMMON ACTIVITY REVIEW APRIL 2018 TO APRIL 2019 AND HAMBLETON HOUGH ANNUAL REPORT 2018-19 (S/19/8)

The Committee welcomed to the meeting Martin Blakey from the Wildlife Habitat Protection Trust and David Craven from Yorkshire Wildlife Trust, who were present to introduce the annual reports for Barlow Common and Hambleton Hough for 2018-19.

Members noted that whilst there were a number of dog walkers that used Barlow Common, there was not an issue with dog fouling at the site. A community clean up initiative was also being planned for the access track to the site.

The Committee acknowledged that forest schools at Hambleton Hough had been a success, and that the area would be completely replanted with native species by next year. There were some ongoing issues being caused by the clearing of the area, with problems regarding access and working with local residents, who disagreed with some of the plans for the site. It was noted that in the autumn an external contractor would be working on clearing the steeper parts of the site.

The Chair and the Committee thanked the representatives from the Wildlife Habitat Protection Trust and Yorkshire Wildlife Trust for attending and providing the updates.

20 LEISURE CONTRACT ANNUAL REVIEW APRIL 2018 - MARCH 2019 (S/19/9)

The Committee received the report of the Contracts Team Leader which asked Members to consider and comment on the Leisure Contract Annual Review 2018-19.

Members noted that the report was the ninth formal annual review of the Leisure Contract with Inspiring healthy lifestyles (IHL) and covered the period April 2018 to March 2019. The review covered the work at Selby Leisure Centre, Tadcaster Leisure Centre and Selby Park as well as the outreach work of the Wellbeing Team.

Officers went on to explain that the year of the review was the fourth full year of operation of Selby Leisure Centre. The year saw an increase in combined overall visits to the Selby and Tadcaster sites, although it was slightly below target. Whilst there was a slight decline in visits to Selby, Tadcaster performed very strongly and visits were above target. As well as centre based activities the outreach and wellbeing teams continued to make significant impacts, particularly around the GP referral and adult weight management programmes.

The Committee asked Officers about external funding and whether any work being done to encourage deprived communities to use the leisure facilities, such as summer sport activities, similar to those undertaken in Sherburn. Officers explained that outreach work was done to encourage sporting activity, especially around youth engagement, and confirmed that they would request some information on this for Members from IHL's Outreach Manager. Members also noted that activity camps had been run in Selby during the summer at reduced rates.

Members enquired as to why visits to the leisure centre in Tadcaster were up, but down in Selby. Officers explained that as the report was for 2018-19, it reflected the good weather experienced in summer 2018, which meant there was a reduced take-up of indoor activities. Members acknowledged the importance of ensuring there was footfall in the leisure centres throughout the day, and not just at peak times. The Committee were pleased to note that attendance had gone back up again in Quarter 1.

Lastly, Members asked if there was a way to measure the number of leisure centre users that were coming in from outside of the District; Officers confirmed that they would ask IHL if this information was available.

RESOLVED:

- i. To note the Leisure Contract Annual Review 2018-2019.**
- ii. To ask Officers to provide a report in the future about the sources of external funding.**

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- iii. **To ask Officers to request information from IHL's Outreach Manager about activities for deprived communities.**
- iv. **To ask Officers to request information from IHL about the number of leisure centre users from outside of the Selby District.**

21 PLANNING ENFORCEMENT AND SECTION 215 NOTICES (S/19/10)

The Committee received the report of the Planning Enforcement Officer which explained Local Planning Authority's (LPA's) power to issue as well as the scope of Section 215 Notices and discussed the practical implications and effectiveness of doing so. It also provided data on the use of such notices within the Planning Enforcement team and other authorities.

Members had requested a report asking about performance in Planning Enforcement and detailing what action has been taken under Section 215 (s.215) of the Town & Country Planning Act (1990). Research had been undertaken of the legislation, the Council's use of Section 215 and benchmarking data collected from nearby authorities, as well as service performance being examined.

Officers explained that there had been a reduction of around 300 historical planning enforcement cases, and the number of formal complaints had reduced. The Committee noted that a sub-group would be set up to monitor planning enforcement, with a proposed membership of the Chair of Planning Committee, the Head of Planning and a Planning Enforcement Officer; although Officers confirmed that they were open to suggestions as to membership of the group. The Chair of the Committee confirmed that he would speak to Officers about this after the meeting.

Members of the Committee expressed their frustrations in relation to recurring enforcement issues, such as contractor parking at a development in Eggborough and ongoing problems at Wistow Road in Selby. There was a perceived lack of action on such cases by Members.

Officers acknowledged that there were ongoing problems with some cases, but that enforcement action was taken and that the national guidance encouraged resolution in such matters through the submission of planning applications and within the planning process.

Members explained the frustrations experienced by both residents and Councillors who were dealing with ongoing issues and asked Officers to consider these points of view when dealing with enforcement matters.

The Committee noted that whilst the performance of planning enforcement had improved, it was a difficult area in which to quantify performance, and that the number of Section 215 notices issues should

not be used as a measure. Officers explained that Section 215 notices could be useful as a threat of action, thereby making subsequent negotiation more effective.

Officers also explained that the Planning Enforcement Management Plan had been written in order to give clarity to the process, and that should the view of Members be that it requires amendment, this could be looked at. With regards to planning enforcement, improvements had been made but it was acknowledged that there was still work to do. There had been a high backlog of cases which had taken time to work through and Officers were doing all they could to improve the situation.

The Executive Member for Place Shaping explained to the Committee that the number of planning applications submitted to the Council for consideration had grown exponentially over the past few years, and as such, these applications generated more complaints and enforcement issues. The Executive Member went on to say that his experience of the planning enforcement team had been positive and that they had been focusing on the most important issues; public interest, confidentiality and clarity were key, with Officers often having a difficult job in keeping different parties informed at the same time.

Committee Members acknowledged that the situation had improved, but that public perception was key, and they often wanted issues resolved as quickly as possible, and may not always understand why it is such a complicated process. Officers explained that they did their best to describe the process of resolution and to prioritise action, and were open to comments and changes to the policy if required.

Members noted that the planning enforcement and planning teams were encouraged to work collaboratively, and that the correct legal support was also essential to the team's ability to resolve cases. Officers confirmed that current staffing levels were at the levels that the service had budgeted for, including extra contingency support. There were current vacancies in the planning team but these were being recruited to at present.

The Committee asked for confirmation from Officers of the number of cases resolved prior to 2018; it was agreed that this figure would be checked and circulated to Members after the meeting.

In relation to Section 215 notices, Officers explained that in order to work out the costings for direct action to be taken as a result of Section 215 Notices, a number of matters needed to be considered, including the potential need for tenders, availability of local firms to undertake the process, the scale of the work and cost recovery.

Some Members felt that Section 215 Notices should be used more regularly by the Council for enforcement matters, and that the appropriate legal support and budgets should be identified to undertake the work internally; it was also agreed by the Committee that there should be more

communications work about planning enforcement, especially successful cases.

RESOLVED:

- i. To note the report.**
- ii. To suggest that Officers consider the membership of the Planning Enforcement Sub-Group in consultation with the Chair of Scrutiny Committee.**
- iii. To ask Officers to supply the Committee with details of the number of planning enforcement cases resolved prior to 2018, after the meeting.**
- iv. To ask Officers to undertake more communications work around planning enforcement.**

22 DRAFT HOUSING REVENUE ACCOUNT (HRA) BUSINESS PLAN AND ACTION PLAN 2020-2025 (S/19/11)

The Committee received the report of the Housing and Environmental Health Service Manager which asked Members to consider and comment on the draft version of the HRA Business Plan and its accompanying Action Plan 2020-2025. The HRA and Action Plan were considered by the Executive on 5 September 2019 and approved for consultation with key stakeholders.

Members noted that the HRA detailed the Council's ambitions over the next five years and beyond as to how it managed and looked to improve its housing stock, ensuring as much as possible that the needs of residents were met now and in the future.

Officers explained that the HRA Business Plan provided tenants, the Council and Members with priorities and direction as to how it would manage Council owned social housing in the Selby District. The plan outlined key responsibilities for the Council and set out priorities for spending. The plan took into account the views of tenants and formed a key element of the over-arching Housing Strategy, including an understanding of the demand versus resource of social housing and reviewing the Council's long-term financial position.

Members learnt that HRA self-financing commenced in April 2012, which allowed local housing authorities to fully retain the money they received in rent in return for taking on a proportion of national social housing debt. This allowed them to plan and provide services to current and future tenants. Although this system provided the freedom to develop and deliver a less constrained vision for council housing, it was noted that it should be done in a prudent, viable and measured way with a number of checks and balances built into the system.

The Committee acknowledged that the Council's plan was consequently

to drive the development of more new homes and for all housing in the District to be of a quality, type and size which met the needs of local communities. The new objectives were:

- **Objective 1:** To ensure good quality housing within the District which helped to meet the needs of the local community.
- **Objective 2:** To provide a first rate housing management service which made the best use of existing stock.
- **Objective 3:** To deliver a financially sustainable service which demonstrated value for money and ensured that investment was targeted to Council priorities.

Members expressed concerns around maintenance of homes to a decent homes standard, and emphasised the importance of recruiting a maintenance workforce that could address the work that needed doing. Officers acknowledged that recruitment of trade workers had been difficult due to the Council being unable to pay the market rate for services, and past issues with the management of performance. A new housing system was currently being implemented which would improve monitoring, and contracts were being reviewed in order to streamline the improvement works that were required. Apprentice schemes were already being used successfully and it was hoped that this would continue to expand in the coming years.

Members asked a number of questions about the housing service, including its sustainability, the number of Council homes lost each year to Right to Buy, and the use of sustainable and renewable materials. Officers confirmed that they were looking closely at thermal and energy efficiency, including the phasing out of electric and solid fuel systems. Gas systems were still being fitted in Council homes, but Members were assured that improvements to insulation were also being considered.

Lastly, Officers explained that whilst off-site construction or modular homes had been looked at, there were still significant issues with this type of construction, and at present it was not cheaper than the traditional building methods.

RESOLVED:

To note the Draft Housing Revenue Account Business Plan and Action Plan 2020-2025.

23 CORPORATE PERFORMANCE REPORT QUARTER 1 - 2019/20 (APRIL TO JUNE) (S/19/12)

The Committee received the report of the Head of Business Development and Improvement which asked Members to consider the information as set out in the report, as part of their role in reviewing and scrutinising the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas.

Members noted that the quarterly Corporate Performance Report provided a progress update on delivery of the Council's Corporate Plan 2015-20 as measured by a combination of progress against priority projects/high level actions and performance against KPIs.

Officers explained that in Quarter 1 52% of KPIs were showing improvement over the longer term, or had maintained 100% performance, and 65% of KPIs were on target; a further 15% of KPIs were within five percent of target.

Officers were asked to supply the Committee with a copy of the minutes from a sub-regional meeting aimed at connecting areas of deprivation (including Flaxley Road and Abbots Road) with employment opportunities, as mentioned in the performance monitoring report.

RESOLVED:

- i. To note the Council's performance in Quarter 1 (April to June).**
- ii. To ask Officers to supply the Committee with a copy of the minutes from a sub-regional meeting aimed at connecting areas of deprivation (including Flaxley Road and Abbots Road) with employment opportunities.**

24 FINANCIAL RESULTS AND BUDGET EXCEPTIONS REPORT TO 30 JUNE 2019 (S/19/13)

The Committee received the report of the Head of Finance which asked Members to consider and comment on the content of the report; financial information contained in the report enables the Council to monitor its financial and budgetary position and to ensure that budget exceptions are brought to the attention of Councillors.

Members noted that at the end of quarter 1, the General Fund indicated an outturn deficit of £291, driven by a shortfall on planned savings. The cost of services was showing a small surplus, although this was made up of a number of variances detailed in the report. The HRA was indicating an outturn surplus of (£112k) due to lower external borrowing requirements, partially offset by lower savings expected in the current financial year from the implementation of the new housing system.

Officers explained that General Fund savings were showing a forecast shortfall of £311k, whilst the HRA was forecasting savings to be £195k lower.

The Committee noted that the capital programme was forecasting an underspend of £766k, of which £214k was General Fund and £552k Housing Revenue Account. In the general fund, the majority related to Disabled Facilities Grants and a delay in the procurement of new Microsoft licences. The HRA was principally the phasing of the Empty

Homes Programme which was expected to deliver over three years, with £750k of spend anticipated in this financial year.

Members also noted that the Programme for Growth was progressing well with projects delivering over multiple years.

The Committee asked Officers to supply some further information about the industrial units for rent as mentioned in the report, specifically where they were and their size, as well as the negotiations on the remaining lease time left on the Market Cross site, where the Contact Centre were currently based but would be vacating shortly.

RESOLVED:

- i. To note the Council's financial results and budget exceptions to 30 June 2019 (Quarter 1).**
- ii. To ask Officers to supply further information to the Committee about the Council's industrial units, specifically where they were and their size, as well as the negotiations on the remaining lease time left on the Market Cross site.**

25 TREASURY MANAGEMENT QUARTERLY UPDATE Q1 - 2019-20 (S/19/14)

The Committee received the report of the Chief Finance Officer which asked Members to consider and comment on the content of the report; the information contained in the report was required in order to comply with the Treasury Management Code of Practice.

Members noted that the report reviewed the Council's borrowing and investment activity (Treasury Management) for the period 1st April to 30th June 2019 (Q1) and presented performance against the Prudential Indicators.

Officers explained that on average the Council's investments totalled £58.4m over the quarter at an average rate of 0.95% and earned interest of £138k (£95k allocated to the General Fund; £43k allocated to the HRA), which was £29k above the year to date budget. Whilst cash balances were expected to reduce over the year, should interest rates remain static, forecast returns could be in the region of £494k, a budget surplus of £59k. However, a no deal Brexit could lead to a cut in the Bank Rate and therefore the position would be kept under review.

The Committee noted that the capital programme was forecasting an underspend of £766k, of which £214k was General Fund and £552k Housing Revenue Account. In the general fund, the majority related to Disabled Facilities Grants and a delay in the procurement of new Microsoft licences. The HRA was principally the phasing of the Empty Homes Programme which was expected to deliver over three years, with

£750k of spend anticipated in this financial year.

Members were informed that addition to investments held in the NYCC investment pool, the Council had £4.94m invested in property funds as at 30/06/19 with a net rate of return of 3.5% and achieved net income of £24.6k in Q1.

The Committee acknowledged that long-term borrowing totalled £59.3m at 30 June 2019, with £1.6m relating to the General Fund and £57.7m relating to the HRA. Interest payments of £2.5m were forecast for 2019/20, which was a saving of £0.3m against budget. The Council had no short term borrowing in place as at 30 June 2019, and the Council's affordable limits for borrowing were not breached during this period.

RESOLVED:

To note the Council's borrowing and investment activity (Treasury Management) for the period 1 April to 30 June (Quarter 1) and performance against prudential indicators.

The meeting closed at 6.30 pm.