

SCRUTINY COMMITTEE

Date: 7 December 2009

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 7.30 pm

Present: Councillors: - Phil Stearn (Chairman)

David Bateman
Tony Boto
Gill Mercer

Ron Pinnock
Pam Whiting
Clive Wood

PART A ITEMS

258. MINUTES

The minutes of the meeting held on 28 September 2009 were approved and signed by the Chairman.

259. APOLOGIES FOR ABSENCE

Councillors Richard Gell, Glenvil Greenwood-Smith, Marian Hollomon, Barbara Jenney, Brian Northall and Duncan Reid sent apologies.

260. DECLARATIONS OF INTEREST

There were no declarations of interest under Section 50 of the Local Government Act 2000.

261. PERFORMANCE PANEL

The minutes of the meeting of the Performance Panel held on 19 November 2009 were received. The Committee noted that the Panel was concerned about the under-performing indicator 'Percentage of young people participating in ENC leisure and cultural activities' and had agreed to monitor this measure. The minutes appear at pages 316 to 318 and form part of this minute.

262. TRAINING ON DEVELOPMENT CONTROL FOR MEMBERS OF TOWN AND PARISH COUNCILS

Further to minute 49 (17 June 2009), the Head of Planning Services proposed that a couple of training sessions be held for town and parish councils on the planning application processes; material considerations; section 106 agreements; and the different responsibilities of county, district and parish councils. It was agreed that the officers would seek to do a couple of sessions, one the northern towns and parishes and one for the southern ones, that these would be towards the end of January/early February and that they would seek to provide a basic overview of the application and related processes including enforcement rather than a detailed session involving case studies at this stage. It was

suggested the use of case studies might be helpful depending on the experience of the councillors in attendance and it was noted that the training sessions would enable town and parish councillors to meet officers who they could then contact for advice in the future.

263. DEVELOPMENT CONTROL POLICIES AND PROTOCOLS

The Committee considered a draft Development Control Charter, Enforcement Policy, Major Application Protocol and Member Involvement in Pre-application Discussions Protocol, which had been endorsed by the Development Control Committee at its meeting on 18 November (minute 240 refers). A minor grammatical change was made and it was recommended that section 6.30 of the Development Control Charter be reworded so it was clear exactly how many speakers could speak from each category.

RESOLVED:

That the Development Control Charter, Enforcement Policy, Major Application Protocol and Member Involvement in Pre-application Discussions Protocol be endorsed for referral to the Policy and Resources Committee for approval.

264. CONSTITUTIONAL CHANGES

Members discussed a number of changes to the Constitution proposed by the Constitution Review Group which covered the following issues:

- Member access to confidential papers;
- Ability for Members not serving on particular Committees to remain in meetings after the exclusion of the press and public;
- Determination of Licensing matters (non liquor and gambling) and conservation area adoption and reviews;
- Involving Members in pre-application discussions (as a consequence of the adoption of the protocol if agreed by the full Council).

Wider access to confidential papers for Members was welcomed by the Committee and the Chairman expressed a wish to automatically receive all confidential papers. It was also suggested that a bracketed 's' be added after all references to the Ward Member to allow for multi-Member wards.

RESOLVED:

That, subject to the addition of the minor changes discussed at the meeting, the proposed changes to the Council's Constitution be endorsed.

265. DEVELOPMENT CONTROL IMPROVEMENT PLAN UPDATE

The Committee received the final update on the progress of the Development Control Improvement Plan. It was noted that 94% of Members and 87% of customers, when surveyed, were satisfied with the development control process and that performance had improved in relation to major applications and pre-application queries. A number of procedures had also been improved and a full complement of staff had been reached. Members noted that outstanding issues which required further attention were being progressed.

It was reported that, partly as a consequence of the ongoing Killian Pretty Review, the government had indicated more policy changes that would affect development control would be forthcoming.

The Chairman commented on the marked improvement in performance and thanked the Development Control officers for their work in putting improvements in place.

RESOLVED:

That the progress made in the progress of the Development Control Improvement Plan over its two year implementation period be noted.

266. NEXT MEETING

The Committee noted that the next meeting was scheduled for 24 February 2010 and a future work programme would be considered. Members also noted that an additional meeting might be scheduled for earlier in the New Year to consider the next set of proposed changes to the Constitution.

Chairman



EAST NORTHAMPTONSHIRE COUNCIL

Performance Panel

Minutes of the meeting held on Thursday 19 November 2009 at 7.30pm, in the Members' Room, East Northamptonshire House, Thrapston.

Present:

Councillors:

Glenvil Greenwood-Smith (Chairman) Duncan Reid
Gill Mercer

Officers:

Lisa Hyde (LH) – Head of Policy and Community Development
Emma Gadsby (EG) – Policy and Performance Manager
Sacha Drew (SD) – Performance Officer
Peter Cooper (PC) – Democratic Services (Minutes)

ACTION

1. APOLOGIES

1.1 Councillor Phillip Stearn sent his apologies.

2. DECLARATIONS OF INTEREST

2.1 No interests were declared.

3. MINUTES

3.1 The minutes of the meeting held on 17 September 2009 were received and approved and the Panel noted the following:

3.2 Minute 4.5 – BV218a.05 Abandoned Vehicles Investigated and BV218b.05 Abandoned Vehicles Removed - the explanation of response times to investigate and remove all the vehicles reported as abandoned under these two Indicators would be added to future quarterly report, and was included in the second quarter performance report.

3.3 Minute 4.6 – ENPL26% Standard Local Authority Searches Carried Out in 5 Days - the number of days taken to undertake Searches after 5 days would be included in future quarterly reports and was included in the second quarter performance report.

4. SECOND QUARTER PERFORMANCE 2009/10

4.1 SD reported on the Council's performance under the statutory national and local performance indicators for the period from 1 April to 30 September 2009.

4.2 The under and over performance; measures within tolerance; missing target and value indicators for the period were submitted for consideration and Members made comments on the indicators as follows:

(a) Over Performing Indicators

- 4.3 The Panel noted and welcomed the progress being made with the Indicators reported under this sub-heading.
- 4.4 NI192 Percentage of Household Waste sent for Reuse, Recycling and Composting – it was **agreed** that the Contractors be requested to supply a breakdown of the recycling figures, including green waste, and that these be sent to Councillor Reid for his information. **EG**
- 4.5 ENPCD32/50 Amount of external funding received – it was **agreed** that Su Davies, the External Funding Manager, be congratulated on the amount of external funding that she had managed to obtain for the Council. **EG**

(b) Under Performing Indicators

- 4.6 Members noted the reasons and explanations why the Indicators reported under this sub-heading were not performing according to their targets.
- 4.7 ENPCD07 Percentage of Young people participating in ENC leisure and Cultural Activities – the Panel noted that although performance had improved over the summer period, it would probably remain underperforming owing to seasonal changes and because there was no longer a Children and Young Person's Co-ordinator. In view of this, it was **agreed** to monitor the performance of this measure. **EG**
- 4.8 ENPL26 Percentage of Standard Local Authority Searches Carried Out in 5 Days – Members noted the second quarter performance and discussed the five day deadline. The impact of staffing issues on performance was noted.
- 4.9 ENOD22 Percentage of Employees Who Receive an Annual PDR (September) and an Interim PDR (March) - it was noted that although most PDR meetings had taken place, the final steps for sign-off had not been completed in most cases by the deadline. It was expected that the performance for the interim PDRs in March 2010 would show an improvement because the process should be quicker and would no longer be new to staff.

(c) Other Indicators

- 4.10 The indicators performing within tolerance; missing target and missing value were submitted for information and these were noted by the Panel.
- 4.11 ENICT22 Percentage of Transactions Available Online and ENICT21 Percentage of Services Identified as Appropriate, Online and Available – Members noted that the second quarter results were missing owing to staff absence. Members asked that in future, deputies be able to calculate performance measures in the absence of the lead officer.

(d) Performance Compared with other Rural Authorities 2008/09

- 4.12 The Panel received and noted the benchmarking figures provided by SPARSE comparing the Council's performance with other similar rural authorities.

ACTION

5. DATES OF FUTURE MEETINGS

- 5.1 It was noted that the next meeting of the Panel would be held on Thursday 25 February 2010 in the Members' Room at 7.30pm.

ALL

SCRUTINY COMMITTEE

Date: 5 January 2010

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 7.30 pm

Present: Councillors:- Phillip Stearn (Chairman)
Glenvil Greenwood-Smith (Vice-Chairman)

David Bateman
Tony Boto
Richard Gell
Marian Holloman
Sue Homer
Barbara Jenney

Gill Mercer
Brian Northall
Duncan Reid
Pam Whiting
Clive Wood

Also Present: Councillor Roger Powell (Observer)

PART A ITEMS

294. APOLOGIES FOR ABSENCE

Councillors Peter Bedford and Ron Pinnock, and Sharn Matthews and Rachel Reeds sent their apologies.

295. DECLARATIONS OF INTEREST

There were no declarations.

296. QUESTIONS UNDER COUNCIL PROCEDURE RULE 10.3

There were no questions.

297. REQUEST TO “CALL IN” UNDER SCRUTINY PROCEDURE RULE 14.3

It was reported that a request had been made to call-in the following matter:-

Committee (date)	Agenda Item	Reasons for call-in
Policy & Resources (09/12/09)	Item 14: Irthlingborough Conservation Area Review	1. The document produced to P&R Committee was a 'draft' only copy 2. The 'draft' referred to a paper referring to 'shop frontages' which appears to be non existent 3. The changes from the original consultants plan are dramatic 4. The new 'draft plan' is smaller and in one piece covering only the town centre but has

		<p>a building excluded in the centre, but Cllr. Northall was told that the plan could not be split and it has been</p> <p>5. At the P&R Committee on 9 November it was decided that if this conservation review was agreed by Irthlingborough Members it could come back to P&R. Clearly Irthlingborough members are not in agreement with the plan therefore it needs more discussion.</p> <p>6. Furthermore, as has been pointed out since the decision to defer this at P&R Committee, no changes have been made to the documents.</p>
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Alternative decision proposed	Reconsideration of the Irthlingborough Conservation Review by the Planning Policy Committee		
Reason why alternative decision is considered to be in the best interests of the Council	The best interests of the Council will be served by transferring consideration of the Irthlingborough Conservation Review to the Planning Policy Committee in view of the impending constitutional change which is tabled for Full Council on 11 January 2010.		
<i>The request to call-in was signed by the following Councillors</i>			
Brian Northall	Gill Mercer	Peter Bedford	Glenvil Greenwood-Smith

Members had before them a background report containing the minutes of the discussions on the Irthlingborough Conservation Area Review at two meetings of the Policy and Resources Committee on 9 November and 9 December 2009, and details of the consultation process. The decision at the second meeting was to approve the revised proposals to designate the Irthlingborough Conservation Area in accordance with the documents submitted to the Committee.

The Members instigating the call-in expanded on the reasons for the request, and especially emphasised the following:-

- The Irthlingborough Ward Members considered that the consultation was not extensive enough
- They still had issues of concern in relation to the size of the Conservation Area and the buildings to be included in the Area
- The Ward Members attending the Workshop with officers on 25 November had not accepted the proposals which were then submitted to the Policy and Resources Committee on 9 December, and the Ward Members did not feel that they had reached an agreement
- There were no Members from Irthlingborough serving on the Policy and Resources Committee and therefore the opportunity to influence the decision was limited.

The Head of Planning Services, Senior Conservation Officer and Democratic Services Officer commented as follows:-

- The term “draft” was applied to the documents presented to the Policy and Resources Committee on 9 November and 9 December because the Conservation Area had not yet been adopted by the Committee

- The document referred to in the papers submitted to that Committee under the heading “Shopfronts and Signage” (*Shopfront Design and Adverts Supplementary Planning Document*) was in the course of preparation and whilst in the view of the Head of Planning Services, an adopted document would not have influenced the decision on the extent of the Conservation Area, it would be invaluable in assisting property owners or their agents when they made proposals for change and would also give the Council firmer control, particularly when enforcement matters were being considered
- There had been two rounds of public consultation since 2008. The original proposals comprised three separate Conservation Areas and as a result of the first round of consultation, and advice from the Council’s consultants, a revised proposal for a single Conservation Area had been the subject of the second round of consultation in Summer 2009. Only buildings which were worthy of inclusion had been included in the revised proposals
- The impression of the Planning Officers following the workshop on 23 November was that the Irthlingborough Ward Members had no outstanding issues to resolve
- The matter had been considered once more by the Policy and Resources Committee on 9 December (rather than the Planning Policy Committee at a later date) to comply with resolution (3) of minute 224 (9 November 2009), and details of responses from both rounds of public consultation had been submitted.

Members asked a number of questions which were answered by the Officers. The Chairman of the Committee suggested Members consider whether the relevant procedures had been undertaken correctly both in relation to the consultation on the Conservation Area and the consideration at the Policy and Resources Committee, and whether the consultation had been sufficient. He also drew attention to the opportunities which existed for Members not serving on the Policy and Resources Committee to request to speak at meetings and also to raise issues and give views within political groups to influence final decisions.

The Committee was given advice on:-

- the choices available within the Scrutiny Procedure Rules, and
- the procedure to be followed if Members wished the decision of 9 December to be reconsidered, in the light of the wording in paragraphs 14.5 and 14.6 of the Scrutiny Procedure Rules and the impending change to the Terms of Reference to the Planning Policy Committee at the Council Meeting on 11 January.

A motion to seek reconsideration of the decision was then proposed and seconded but on being put to the vote was LOST. Members, by a majority, considered that the process for consultation and consideration of the proposed Conservation Area at Irthlingborough had been undertaken correctly and that consultation had been sufficient, and accordingly

RESOLVED:

That the decision on the Irthlingborough Conservation Area in minute 279 (9 December 2009) be not referred back for reconsideration.

(Note: In accordance with paragraph 14.6 of the Scrutiny Procedure Rules, the decision in minute 279 now takes effect)

Chairman