

Monday 10 December 2012
at 6.00pm



Scrutiny Committee

MEMBERSHIP:-

Councillor BELSEY (Chairman) Councillors SHUTTLEWORTH (Deputy Chairman)
Councillors COLES, MURRAY, TAYLOR and WARNER

(An apology for absence was reported from Councillor Ungar)

9. Minutes.

The minutes of the meeting held on 3 September 2012 were submitted and approved and the Chairman was authorised to sign them as a correct record subject to Councillor Jenkins being added as a substitute member at the meeting on behalf of Councillor Taylor, who had submitted his apologies.

10. Declarations of Interest.

None were received.

11. Questions by Members of the Public.

The committee were advised that the following question has been submitted by: Mr Gary Roy Brookshaw, Eastbourne Resident.

QUESTION – Will the committee commission an audit into the use of the Council's powers under section 215 of the Town and Country Planning Act 1990 with particular reference to their effect on elderly, disabled and ethnic minority residents and any direct or indirect discrimination arising therefrom?

The response to the above question was as follows:

'The normal procedure for dealing with land or property subject to potential Notice under s.215 of the Town and Country Planning Act 1990 is as follows:

1. The land or building is referred to the Councils Enforcement Officer via either a complaint from a member of the public or from a Council member.
2. The Enforcement Officer will undertake a visit to the site, collect relevant information, take photographs and, if appropriate, refer it to the Council's multi-disciplinary Difficult Properties Group (DPG) for further consideration.
3. The DPG will then consider the condition of the land/building on the basis of the Enforcement Officer's verbal, written report and supporting photos. A recommendation is then made to pursue an appropriate course of action. The primary consideration is the condition of the actual property that has been identified.

4. If it appears that the condition is in a sufficiently poor condition to warrant s.215 action to be taken (i.e. that the condition of the land/building is having an adverse affect on the amenity of the surrounding area) then an initial 'advisory' letter is sent to the owner as identified from the Land Registry records.
5. If there is no response to the first letter from the owner then a second 'warning' letter is sent, again prior to any formal notice being served.
6. Further consideration is always provided to take into account any other relevant circumstances prior to the serving of an actual Notice.

The Council's Officers are fully aware of the need to comply with all elements of s.149 of the Equality Act 2010 particularly, in the context of exercising functions the Town and Country Planning Act 1990, and the need to eliminate any forms of discrimination, harassment or victimisation.

For example, should enquiries show that the owner of the land/building would find remedying the disrepair identified in the s215 difficult, via either age, illness or disability then contact will be made through the Councils Private Housing Team to liaise with the appropriate support agencies (including Adult Social Care, Reconnect and Homeworks) and offer appropriate advice and assistance. It is therefore unlikely in these circumstances that the Council would take formal action under the Town and Country Planning Act 1990.

Also, if the land/building is owned or occupied by someone from an ethnic minority every effort would be made to ensure that the person responsible clearly understood the nature of the action which the Council was considering. This could include the translation of any enforcement notice and/or interpretation services for meetings/interviews, and that he/she was given the opportunity to seek and obtain advice from other appropriate agencies. Formal action would only be taken in these cases if the Council was completely satisfied that the person responsible was fully aware of the implications and had been given sufficient time to remedy the condition of the land/building in order to ensure, on the Council's part, that the action would not constitute direct or indirect discrimination'.

The Head of Corporate Development assured the committee that a satisfactory outcome to the aforementioned situation had been agreed by all parties and that the matter was now considered closed.

NOTED.

12. Hackney Carriage and Private Hire Vehicles Door Livery.

The committee considered the report of the Licensing Officer aimed at scrutinising the potential impact of the decision made by the Licensing Committee on 16th January 2012 concerning the requirement for permanent door livery to Hackney Carriage and Private Hire Vehicles licensed by the Council and suggest a mechanism to move forward.

The Licensing Officer referred to the previous decision of the Licensing committee made on 16 January 2012, and that following this decision a

petition was compiled by licensed drivers within the Borough. The petition was submitted to the Taxi and Private Hire Forum on 9 May 2012.

Following the receipt of the petition submitted by the licensed trade, the issue was raised with the Head of Corporate Development for direction and advice on appropriate constitutional options for re-consideration of this matter in the light of the petition received. Subsequently, the Chair of Scrutiny requested that decision relating to the requirement for permanent signage be scrutinised to enable resolution.

At the forum on the 17th September 2012 members of the hackney carriage and private hire trade also voiced their discontent at the decision to include rear interior identification stickers to all licensed vehicles. A copy of one of the stickers was included in appendix 5 to the report. It was suggested by trade members that these stickers were; unsightly, quickly became shabby, obscured vision and were easily removed by passengers and therefore should be included as a matter for Scrutiny Committee.

In approving this motion, the Committee noted; that a review was within the spirit of local democracy and good practice on the basis that concerns over this decision had been extensively raised by the hackney carriage trade, that more than 6 months had passed since the decision of the Licensing committee, and the effect of the decision had yet to be implemented.

RESOLVED: (By 5 votes to 1) 1) That the Licensing Committee be requested to review the decision made at its meeting on 16 January 2012 in respect of signage on taxis and private hire vehicles, in particular the requirement for Council corporate livery of a permanent nature on hackney carriage and private hire vehicles as opposed to removable magnetic livery. The justification for the review being:

- Questions over whether a policy of permanent livery as opposed to magnetic removable livery goes beyond what is necessary and reasonable to provide a safe, accessible and identifiable service for the travelling public, and in particular whether public safety would be maintained by removable livery;
- Concerns over whether the cost of complying with a policy of permanent signage would, at a time of economic hardship, place a financial strain on members of the licensed hackney carriage and private hire trade which is not justified.

2) That Licensing committee also be requested to review the decision to include rear interior identification stickers on the grounds that these stickers are perceived to be unsightly, quickly become shabby, obscure vision and are easily removed by passengers.

13. Eastbourne Emergency Road Repairs.

The committee received a presentation form the East Sussex County Highways Department regarding Road Repairs within East Sussex.

For copies of the presentation please contact Katie Armstrong, Senior Civic Services Officer at: katie.armstrong@eastbourne.gov.uk

The Committee were invited to ask questions following the presentation.

Members discussed aspects of the presentation including the method of repairs, timescale for emergency repairs and the policy agreed 'standard' size and depth of potholes requiring repair. Members considered the funding available for repairs for the 2000+ miles of roads within the County and asked how the roads within Eastbourne had been prioritised for resurfacing and/or maintenance works.

NOTED.

14. Corporate Plan Consultation Results 2012.

The Committee considered the report of the Head of Corporate Development presenting findings of the public consultation exercise which set out a timetable for the 2013/14 version of the Corporate Plan.

The Head of Corporate Development advised that the consultation exercise undertaken was a key element in further demonstrating the Council's commitment to using evidence and engagement to enhance its knowledge in setting priority activities. The availability of robust and comprehensive feedback from across the community together with improvements to the use of the Local Futures data would provide a solid basis for continuing the Council's improvement journey in respect of corporate planning and strategic direction.

Members' attention was drawn to the highlighted key messages arising from the consultation:

- Total responses to the consultation were around double the response rate of previous years
- Significant increase in responses from under 18s and the 30-50 age group
- Town centre redevelopment was still the highest priority single project by a significant margin
- Creation of jobs (both generally and for youth) showed increased prioritisation – possibly reflecting current economic situation
- Reducing crime levels showed increased prioritisation – possibly reflecting recent local major incidents
- "Leisure activity" priorities such as cultural provision and sport facilities showed reduced prioritisation – possibly due to being seen as non-essential in difficult economic times
- "Pleasant place" priorities such as street cleaning, decent and affordable homes, tackling derelict sites, and preserving parks and open spaces remained significant priorities for Eastbourne residents
- Across all 19 corporate priority theme subject areas, 13 polled a highest response rate of "very important" and the remaining 6 polled a highest response rate of "important"
- The highest polled scores of "very important" were 66% for improved job opportunities generally, 64% for improved youth employment opportunities and 58% for improved public transport

- Across all priority theme areas, 84% of respondents considered that the Council's current choice and range of priorities were important or very important

Members discussed the 'sample' size of 312 respondents and were advised that in relation to many consultation exercises, and with reference to the previous use of Citizen's Panels, a sample of 300 was considered a robust consultation response.

Members were advised that any specific comments or recommendations from this committee would be reported verbally to the Cabinet at its meeting on 12 December 2012.

NOTED.

15. Corporate Performance Quarter 2 2012/2013.

Members considered the report of the Deputy Chief Executive and Chief Finance Officer updating the Members on the Council's performance against Corporate Plan Priority actions, indicators and financial targets for 2012/2013.

Members considered Appendix 1 containing information regarding quarter 1 activities and outturns of the performance indicators listed within the Corporate Plan which had been broken down into the 4 theme chapters. A summary table at the beginning of each chapter's data showed the number of indicators on and off target.

Each project had been allocated a number of in-year actions and milestones to be completed in order to progress the project efficiently. The specific milestones for Quarter 2 were set out in the actions report in Appendix 1 and details of the milestones for the whole year were available on Covalent and could be supplied on request.

Members noted the quarter 2 financial outturn for the year 2012/2013, the report further highlighted the general fund revenue account, housing revenue account and the capital programme.

The variance to date included a surplus of £22,000 which was a movement of £8,000 compared to the position reported at the end of the first quarter in June. Service expenditure has a variance of £228,000 mainly as a result of overspends in Theatres, Airbourne and the Redoubt. These were however virtually off set by; surplus generated from the Solarbourne scheme and savings due to vacancy management.

The projected outturn shows a negative variance of £56,000. This was within the 0.35% of the net budget and was within an acceptable tolerance level. This will be continuously reviewed by management with the aim of reducing the final position.

The contingency fund currently stood at £126,277 and had been set aside to offset service expenditure at this stage of the year. Therefore there was no

funding available for any future unforeseen one off areas of expenditure at this stage unless the overall projected outturn became more favourable.

The Housing Revenue Account performance was highlighted in paragraph 4.1. In addition Members were advised that due to actual lower interest rates on external borrowing than previously allowed for within the budget a saving in the region of £200,000 for the outturn should be achieved. Members also noted that the HRA outturn was therefore predicted to be a positive variance of £139,000.

Members noted that the capital programme was detailed in appendix 4, and included all new schemes approved as at the end of September. Actual expenditure was low compared to the budget as a number of schemes were yet to commence, in particular;

- Housing Enabling (see report elsewhere on the agenda)
- Town Hall Roof
- Migration to Microsoft 2010 platforms
- Redesign of Customer Contact Centre.

The report further detailed activity in Treasury Management, the Council's Annual Investment Strategy and Investment Performance.

NOTED.

The meeting closed at 7.48p.m.

**Councillor Belsey
Chairman**