

Scrutiny Committee

Minutes of a Meeting of the **Scrutiny Committee** held in the **Warren Room, Lewes House, High Street, Lewes** on **Tuesday, 8 November 2016** at 11.12am

Present:

Councillors P Gardiner (Chair), J Carter (Minutes 19 to 24), S Davy, V Ient, R O’Keeffe MBE, S Osborne (Minutes 19 to 23) and J Peterson (Minutes 19 to 23)

Officers Present:

I Fitzpatrick, Director of Service Delivery (Minutes 19 to 22)

J Harper, Head of Business Strategy and Performance

A Howell, Strategic Policy Officer

J Norman, Committee Officer

L Rowe, Housing Policy and Development Manager (Minutes 19 to 22)

M Woodford, Head of Regeneration and Investment (Minutes 19 to 24)

Minutes

19 Minutes

The Minutes of the meeting held on 8 November 2016 were approved as a correct record and signed by the Chair.

20 Apologies for Absence/Declaration of Substitute Members

Apologies for absence had been received from Councillors S Adeniji and J Harrison-Hicks. Councillor Davy declared that she was acting as substitute for Councillor I Linington for the duration of the meeting.

21 Change in the Order of the Agenda

Resolved:

21.1 That Agenda Item 8 entitled ‘Response to Petition to Full Council Regarding Children’s Play Facilities in Lewes’ be taken immediately before Agenda Item 7 entitled ‘Portfolio Progress and Performance Report 2016/17 - Quarter 2 (July to Sept 2016)’; and

21.2 That Agenda Item 9 entitled ‘Scoping Reports for proposed

Action

Scrutiny Review of Transport' be taken immediately before Agenda Item 7 entitled 'Portfolio Progress and Performance Report 2016/17 - Quarter 2 (July to Sept 2016)'.

22 Options for the Establishment of a Housing Investment Company

The Committee considered Report No 143/16 which sought approval for the development of a new housing and regeneration investment company.

The Director of Service Delivery explained to the Committee that all of the examples of joint companies listed in the Report were regarding previous situations at other authorities. He highlighted paragraph 3 on page 5 of the Report, which detailed that Lewes District Council (LDC) was trying to develop an approach that was in line with Eastbourne Borough Council (EBC) as EBC had already created a housing investment company: Eastbourne Housing Investment Company Limited (EHICL). EHICL was a private company limited by shares where EBC was the sole owner and shareholder. The company was established in order to invest in both housing and business opportunities, with an initial focus upon regenerating the Devonshire ward of the Borough.

The Director of Service Delivery further highlighted EHICL's key priorities in paragraph 3 on page 5 of the Report. He explained that the key priorities were beneficial in providing a framework for the future establishment of the housing and regeneration investment company.

The Committee asked the Director of Service Delivery that the separation of funds between LDC and EBC be clearly stated, should a joint housing and regeneration investment company be established.

DSD

After further discussion of the Report, the Committee asked that in addition to the EHICL's three key priorities and the four Officer recommendations presented on page one of the Report, the following also be considered:

- That Cabinet keep in mind the EHICL key priorities in future establishment of the housing and regeneration investment company.
- That the framework of policy for the future establishment of the housing and regeneration investment company be presented with details regarding design and style of properties.
- That, in selecting the Company's board membership consideration should be given to: a) political balance b) inclusion of a expert who may not be an elected council member.

Resolved:

- 22.1** That the Director of Service Delivery, in consultation with the Leader and Lead Member for Housing, be authorised to procure specialist advice as necessary up to a value of £30k, this being the estimated cost of advice on setting up a housing and regeneration investment company together with costs of developing the business case and investment proposals; and

DSD

- 22.2 That any investment proposals identified be reported back to Cabinet for approval.

DSD

Recommended:

- 22.3 That Cabinet delegate authority to the Director of Service Delivery and the Assistant Director of Legal and Democratic Services, in consultation with the Lead Member for Housing and their counterpart at Eastbourne Borough Council, the Cabinet Portfolio Holder for Community, to undertake work to set up a joint Lewes District Council/Eastbourne Borough Council wholly owned housing investment company;
- 22.4 That in the event that the establishment of a joint company on the basis set out in Resolution 22.3 is not considered appropriate or agreed by Eastbourne Borough Council, that Cabinet delegate authority to the Director of Service Delivery and the Assistant Director of Legal and Democratic Services in consultation with the Lead Member for Housing, to set up a Lewes District Council wholly owned company;
- 22.5 That Cabinet, through the housing company, seek to improve the built environment in key identified areas, encourage greater tenure diversity, the highest quality of supply and provide some much needed new housing;
- 22.6 That Cabinet consider the establishment of different and innovative approaches to delivery, partnerships and funding so as to minimise reliance on external funding and support wider strategic objectives/projects;
- 22.7 That Cabinet place local communities at the heart of the regeneration process to ensure that maximum benefits were derived which support sustainable communities;
- 22.8 That Cabinet ensure that the newly established housing and regeneration investment company board be presented with a policy framework which included details regarding design and style of properties;
- 22.9 In selecting the Company's board membership consideration should be given to: a) political balance b) inclusion of an expert who may not be an elected council member.

23 Response to Petition to Full Council Regarding Children's Play Facilities in Lewes

The Committee considered Report No 145/16 which requested an agreed response to a petition received by Council on 11 May 2016.

The Head of Regeneration and Investment explained to the Committee that the petition had requested that:

“A share of the Section 106 money that was allocated to the community in

respect of the Phoenix development, Lewes, to be allocated in order to improve recreational opportunities for young people as they feel there is a lack of such facilities in the local area.”

He highlighted paragraphs 2.2 to 2.6 on page 40 of the Report, which provided background information regarding the original application. The Head of Regeneration and Investment further highlighted that as with all large planning consents, a Section 106 Agreement was signed, setting out certain obligations required from the developers. Part of the Section 106 Agreement related to public open space and recreation and play space. It required that prior to the commencement of Phase 1 of the development, a design and budget for carrying out works to the Pells Recreation Ground should be agreed; and the developer should undertake those works before the 200th dwelling was occupied. It also required that prior to the commencement of Phase 2 and Phase 3 of the development a design and a budget for carrying out works to the Malling Fields Recreation Ground should be agreed, and the developer should undertake those works according to an approved timetable.

The Head of Regeneration and Investment clarified that the final decision on agreeing to the design and the budget of the works to the recreation grounds lay with the South Downs National Park Authority as it was the local planning authority.

The Committee noted that the title of the Report was misleading and should read “Recreational Opportunities for Young People” and that this should be the theme on which provision is based, given the reasoning behind the petition.

The Committee queried as to whether there were any East Sussex County Council representatives on any of the working groups. The Head of Regeneration of Investment advised that he would find out and report back to the Committee at a future date. If there were none, the Committee felt that consideration should be given to their inclusion.

Resolved:

- 23.1** That the response to the petition set out in Report No 145/16 be agreed.

24 Scoping Reports for proposed Scrutiny Review of Transport

The Committee considered Report No 146/16 which proposed a potential future scrutiny review into the impact of all available transport options within Lewes District and their effect on the local economy.

The Head of Business Strategy and Performance reminded the councillors that the topic under consideration within the Report was put forward for consideration by the Committee at its meeting on 8 September 2016 and that the aim of this Report was to agree the scope for a review, should the Committee wish to proceed.

The Head of Business Strategy and Performance highlighted page 45 of the

Report, which detailed the following potential objectives that the Committee could consider in the scope of the review:

- a) To scrutinise how the strategic direction set out in both the Council Plan and the Local Plan in relation to all transport provision in the district was implemented by the Council in practice, with its partners, for the Scrutiny Committee to satisfy itself that this is being progressed robustly.

Then

- b) To limit the scope of the review to public transport services only, considering how the Council works with its partners to ensure effective public transport planning and delivery and to investigate whether this is being undertaken in a way which supports the local economy.

And/or

- c) To consider how transport infrastructure planning is likely to take place in the future, with the establishment of Sub National Transport Bodies (subject to the Devolution Bill being adopted).

The Head of Business Strategy and Performance clarified that part a) could proceed early in 2017, followed by part b) and part c) at a later date, when more information was available regarding the Sub National Transport Bodies. She further clarified that the Committee was being asked to decide between a three or five member Scrutiny Review Panel to carry out the Review.

Three members of the Committee who were present at the meeting volunteered to sit on the Panel. The Committee asked the Head of Business Strategy and Performance to write to the remaining Committee members who were not present at the meeting for further volunteers, which would then be referred to Group Leaders to agree the final panel membership.

HBS&P

Resolved:

- 24.1** That a scope for a scrutiny review of transport as set out in Appendix A of Report No 146/16, be agreed;
- 24.2** That a Scrutiny Panel made up of five Members that is politically balanced be established to carry out the Review;
- 24.3** That the Panel scrutinise how the strategic direction set out in both the Council Plan and the Local Plan in relation to all transport provision in the District is being implemented by the Council in practice, with its partners, for the Scrutiny Committee to satisfy itself that this is being progressed robustly;
- 24.4** That the Panel also consider public transport services, considering how the Council works with its partners to ensure effective public transport planning and delivery, and to investigate whether this is

being undertaken in a way which supports the local economy;

24.5 That the Panel consider how transport infrastructure planning is likely to take place in the future, with the establishment of Sub National Transport Bodies (subject to the Devolution Bill being adopted); and

24.6 That the Head of Business Strategy and Performance contact Scrutiny Committee members regarding their interest in the Scrutiny Panel.

HBS&P

25 Portfolio Progress and Performance Report 2016/17 - Quarter 2 (July to Sept 2016)

The Committee received Report No 144/16 which detailed the Council's progress and performance in respect of key projects and targets for the second quarter of the year (July to September 2016) as shown on pages 27 to 38 of the Report.

The Head of Business Strategy and Performance presented the Report. She brought the second bullet point on page 24 to the Committee's attention, as the information presented was not accurate. She stated that the bullet point should read '2 indicators did not meet planned targets during the 2nd quarter', not '8 indicators' as listed in the Report.

The Head of Business Strategy and Performance highlighted that the current Report showed the best performance of any similar Report she had previously presented to the Committee. The Committee noted that it was pleased to see such positive performance indicators throughout the Report.

It was noted that, on page 32 of the Report, the red square next to 'New Depot Site' indicated that the project had been terminated. The Committee queried why there was no percentage for waste or recycling being collected at the door step in reference to page 32. The Head of Business Strategy and Performance explained that no target had been set as the Strategic Waste Review had not yet been completed, but that performance was still being reported on a quarterly basis.

The Committee also queried what would happen if the judicial review in February 2017 quashed the Joint Core Strategy, in reference to page 33. The Head of Business Strategy and Performance stated that she would provide a written response to the Committee.

HBS&P

Resolved:

25.1 That Report No 144/16 be noted.

26 Forward Plan of Decisions – 1 November 2016 to 28 February 2017

The Committee received the Forward Plan of the Council, as set out under pages 47 to 55 of the Agenda.

Resolved:

- 26.1** That the Forward Plan of the Council for the period from 1 November 2016 to 28 February 2017 be noted.

27 Scrutiny Committee Work Programme 2016/17

The Committee considered its Work Programme for 2016/17, as set out on page 56 of the Agenda.

The Head of Business Strategy and Performance explained to the Committee that the Equalities Report had been moved to 12 January 2017. She further explained that, following the Committee's request to consider the Council Tax Reduction Scheme, a report would be presented to the Committee at its meeting on 17 February 2017. The Committee requested that this include a review of access to the Hardship Fund.

HBS&P

Resolved:

- 27.1** That the Scrutiny Committee Work Programme 2016/17 be agreed, with the amendments agreed by the Committee at its meeting.

28 Date of Next MeetingResolved:

- 28.1** That the next meeting of the Scrutiny Committee scheduled to be held on Thursday, 12 January 2017 in the Ditchling Room, Southover House, Southover Road, Lewes commencing at 10:00am be noted.

The meeting ended at 12:30pm.

P Gardiner
Chair