

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Scrutiny and Overview Committee held on
Thursday, 7 September 2017 at 6.00 p.m.

PRESENT: Councillor Tony Orgee – Chairman
Councillor Kevin Cuffley – Vice-Chairman

Councillors: David Bard Ruth Betson
Grenville Chamberlain Graham Cone
Tumi Hawkins Henry Batchelor

Councillors Simon Edwards, Lynda Harford, Deborah Roberts and Peter Topping were in attendance.

Officers: Victoria Wallace Democratic Services Officer
Alex Colyer Executive Director (Corporate Services)
Julie Fletcher Head of Housing Strategy
Dawn Graham Benefits Manager
Stephen Hills Director of Housing
Stephen Kelly Joint Director for Planning and Economic
Development
Richard May Policy and Performance Manager
Rory McKenna Deputy Monitoring Officer

1. APOLOGIES

Apologies for absence were received from Councillors Jose Hales and Philippa Hart. Councillor Henry Batchelor was present as a substitute for Councillor Hart.

2. DECLARATIONS OF INTEREST

There were no declarations of interest. With regard to Agenda Item 5, Councillors Bard and Cuffley informed the committee that they had been members of the Planning Committee which had considered the planning application relating to this item.

3. MINUTES OF PREVIOUS MEETING

The minutes of the previous meeting were agreed as a correct record.

4. PUBLIC QUESTIONS

There were no public questions.

5. TASK AND FINISH GROUP UPDATE

The Chairman moved agenda item 9 'Task and Finish Group update' to be considered as agenda item 5. The committee unanimously agreed the proposed Terms of Reference of the Ermine Street Housing Task and Finish Group.

6. REFERRAL TO THE COMMITTEE OF THE CALL-IN OF A DECISION REGARDING SALE OF LAND OFF STATION ROAD, FOXTON

The Deputy Monitoring Officer set out the reasons for the call-in of the decision taken by

Cabinet on 15th August 2017, regarding the sale of land off Station Road in Foxton.

The Cabinet had agreed on 15th August 2017, to the sale of access land in Foxton and sale of garden land at number 31 Station Road, Foxton. The call-in focussed on the sale of the garden land at number 31. The Deputy Monitoring Officer explained that Article 13.02 of the Council's Constitution stated that in taking decisions 'the action to be taken shall be proportionate to the desired outcome'. His view was that there was enough to say that the constitution had been engaged and that a meeting of the Scrutiny and Overview Committee should consider the decision.. The committee was informed that it could also refer the matter to Council however officers felt and the committee agreed, that this would mean in practice, that the decision would then be referred back to the Cabinet for re-consideration.

The Chairman drew the committee's attention to two typographical errors in the correspondence from Councillor Roberts, confirming that the date on page 27 was 3 July 2012 and not 2017 and on page 29, the Cabinet meeting referred to had taken place in 2017 and not 2015.

Councillor Deborah Roberts was invited to speak as the local member for Foxton and lead member of the call-in. She made the following points:

- She set out the importance to the village of the area in question.
- Highways had not raised any objections on grounds of safety regarding the single track entrance to the proposed development at the entrance of Station Road. Therefore it was felt by Councillor Roberts and Foxton Parish Council, that the sale of this extra land to widen this road, was not necessary to accommodate the proposed development. It was therefore felt that the decision taken by Cabinet to sell the extra land, was disproportionate.
- Discussions between the Housing department and the applicant (Endurance Estates) negotiating the release and sale of the garden land in question, had happened without the Parish Council being made aware.
- The village supported affordable housing and supported South Cambridgeshire District Council. Councillor Roberts did not agree that this decision was for the future benefit of future residents of the proposed new development.
- The land in question had been maintained by the Parish Council for a long time. The Parish Council had proposed that the District Council consider selling the land to them however this proposal was never considered.

The Chairman of Foxton Parish Council was invited to speak and added the following:

- The main concern for the parish council and its main reason for disagreeing with the decision taken by Cabinet on 15th August 2017, was that the sale of this extra land would give the developer (Endurance Estates) of the proposed development of 22 houses, extra access to the site. It was felt that this would enable further land beyond that for the 22 houses developed, to be developed. In response to this, the committee was informed that for any further future development to take place, the applicant would have to submit a full planning application.

The Committee proceeded to ask Councillor Roberts, Housing officers and the Housing Portfolio Holder questions and to debate this issue. The main points raised were:

- The committee was informed that the sale of this extra land would widen the existing road, enabling it to be adopted by Highways. It was highlighted that this could improve the safety of the road. Some members of the committee pointed out that accommodating the adoption of roads was desirable. Some members' experience suggested that residents preferred roads to be adopted as although private roads could be managed by private companies employed by residents,

this placed potentially expensive responsibility on residents who would be responsible for the cost of any repairs to an unadopted private road.

- The committee was informed that the tenant of the property to which the garden land in question belonged, was happy with the sale of the land. The committee was also informed that the tenant had a right to buy the property but had not yet taken that up.
- Cllr Roberts informed the committee that her views had not been sought regarding this matter before the sale of land had been agreed by Cabinet, though she had received letters informing her of what was being done.

In response to the points raised during the discussions, the Housing Director informed the committee of the following:

- The option to look at the extra strip of garden land in question to widen access to the proposed development, had been raised by the developer (Endurance Estates) in 2015. The Parish Council were informed of this by the Housing department. There had been no discussions between the applicant and the Housing department regarding future development.
- The garden land in question had been valued at £5000, which reflected that this was a small strip of land. The land had been valued by an independent valuer.
- A 50% uplift had been applied to the sale of the access land in order to protect the Council's asset in case any future development benefitted from this land. This was HRA land and therefore the funds raised from the sale of this were ring-fenced and could only be spent on the provision or maintenance of affordable housing.
- Throughout the process leading to the Cabinet decision to sell the land, the Housing department had liaised with Councillor Roberts and Foxton Parish Council. Discussions had taken place with Councillor Roberts and the parish council before the original planning application for 22 houses had been submitted.
- The Housing Director was satisfied that the parish council and Councillor Roberts had been kept informed and that their views had been sought.
- He confirmed that if the tenant of the property decided to exercise their right to buy in future, that they could sell the strip of land in question.
- The committee was informed that when first approached by Endurance Estates, the Housing department advised that they would not enter any negotiations with the tenant regarding the sale of garden land as they could be seen as acting in favour of the proposed planning application.
- When asked why the transfer of the land to the parish council had not been considered, the committee was informed that it would not have been appropriate for the Housing Portfolio Holder to make any decisions regarding the land before a decision on the planning application had been taken.
- The Housing Director advised the committee that it would seem perverse for another Council department to refuse approval for the sale of land which was of benefit to a planning application which had been approved by the same Council's Planning Committee, as was the case here.

The Housing Portfolio Holder informed the committee that:

- Before this decision had been taken, she and the Head of Housing Strategy had met with Foxton Parish Council having offered meeting dates for their convenience. They had spent at least an hour discussing the proposals with the parish council.
- The Housing Portfolio Holder meeting originally scheduled to take place on 21 June 2017, was cancelled as there were no substantial items to warrant a public meeting taking place.

The Committee debated and discussed the issue further, raising the following points:

- Some members felt that the sale of this extra land was not needed as the outline planning permission for the proposed development had been granted with the existing single track access. Therefore the sale of the land was not necessary to accommodate the viability of the proposed development.
- Some members felt that the sale of the land made it possible to add speculative development sites to the village.
- Some members felt that the sale of this land was not proportionate and that it was premature to sell it.
- Some members spoke in favour of roads being adopted where possible and pointed out that the potential adoption of this section of road being made possible by the sale of this land, would potentially make possible the adoption of roads in the 22 house development.

Taking account of all the points raised, the Scrutiny and Overview Committee considered the decision taken by Cabinet on 15th August 2017 regarding the sale of land off Station Road in Foxton. Six members voted in favour of Option A which was to allow the decision to be implemented without further delay, and two members voted in favour of Option B which was to refer the decision back to Cabinet. The Scrutiny and Overview Committee therefore **AGREED** to allow the decision taken by Cabinet on 15th August 2017, to be implemented without further delay.

7. CUSTOMER CONTACT SERVICE REVIEW OF PERFORMANCE 2017

The Benefits Manager and Finance and Staffing Portfolio Holder presented performance information for the Customer Contact Service, which provided a mid year review of the service's operational performance between 1 January 2017 and 31 July 2017.

The committee raised some concern regarding the number of abandoned calls.

The committee was informed that:

- The Council's current contract did not allow for the Contact Centre to take a message from callers in order to return their call.
- Extra temporary staff were being employed for peak times of activity. Last year's performance was impacted by a period of staff vacancies and sickness and it was acknowledged that the service had not been quick enough to recruit to vacant posts. This had been rectified through recruiting to posts in a more timely way and from September 2017, the service would be taking on apprentices. It was hoped that through the apprenticeship scheme, the service would retain staff for longer.
- The Council did not charge a supplement to callers for its 0300 number. Regulations prevented this.
- The new customer portal would allow users 24/7 access to the Council. Despite this it was recognised that not all residents would want to use the portal and the Council would continue to cater for these residents, who would continue to be able to telephone the Council.

The committee commended the huge improvement in Contact Centre's performance and noted the report.

8. 2017-18 FIRST QUARTERLY POSITION STATEMENT ON FINANCE, PERFORMANCE AND RISK

The Finance and Staffing Portfolio Holder and the Policy and Performance Manager presented the 2017-18 first quarterly position statement on finance, performance and risk.

The Portfolio Holder drew the committee's attention to:

- The new format of the variances at page 35.
- The extra two columns that had been added to the table on page 37.
- Changes to the risk register which had been implemented as agreed by the Audit and Corporate Governance Committee.

The report was discussed and the committee raised the following points:

- The cost of planning appeals concerned the committee. Whilst this was a concern, the Portfolio Holder pointed out that there was little that the Executive could do about this.
- The Executive Director confirmed that £77,000 of recharges was still to be invoiced to Cambridgeshire County Council for re-provision and the new homes programme. The Finance and Staffing Portfolio Holder would look into why these recharges had not yet been made.
- The committee was informed that the Council would be reimbursed by central government for the costs incurred for the general election.

The committee raised the following specific areas of concern:

- The Council's poor performance in paying invoices. The Portfolio Holder acknowledged this and was addressing this with officers. Committee members were particularly concerned about the impact of this on small businesses. The committee was informed that the Council had set itself a difficult target and that it did not take much to put performance in the red.
- The number of days it took to process new housing benefit. In response to this the committee was informed of the main reasons for this poor performance, one of which was the general election as many staff had been involved in the running of this which had taken them away from processing new housing benefit. The committee was assured that measures were in place to improve performance.
- The worsening of customer satisfaction with the planning service. The Joint Director of Planning and Economic Development informed the committee that this was being targeted. The service was looking into providing a duty officer on the telephone, as well as more information being provided on the website. Members also informed the Joint Director of Planning and Economic Development that customers were known to be dissatisfied with the length of time to determine planning applications. The Joint Director pointed out that the trajectory of this performance indicator was improving and it was hoped that this would improve customer satisfaction levels.
- The length of time it took for commercial premises planning applications to be processed. The Finance and Staffing Portfolio Holder advised members to submit their concerns regarding this directly to the Planning Portfolio Holder.
- The length of time for discharge of conditions, which incurred significant costs to developers. It was felt that the statistics in the performance report did not capture the small number of applications that were significantly over time. In response to this, the Joint Director of Planning and Economic Development provided some reassurance that the validation time had significantly improved, having reduced to five days from over 20 days. He recognised that the financial implications of the time to discharge conditions were potentially significant.
- Councillor Chamberlain informed officers of the feedback from the Council's task and finish group looking at rural businesses. The feedback from senior level business people was that the Council was notorious for the length of time taken

to process commercial planning applications.

The Scrutiny and Overview Committee noted the report.

9. SHARED WASTE SERVICE UPDATE

The committee was informed that this meeting fell outside the sequence of 3C Shared Services performance monitoring and as such, there was no report to present the committee. A report would be presented to the committee at its meeting in November.

Committee members raised concern regarding the performance of the waste service. Following the last Scrutiny and Overview Committee meeting, members had seen an immediate improvement in the service, however this had since worsened again with entire streets in Sawston and Great Abington having recent missed bin collections. Councillor Orgee informed the committee that the reason given for streets not having their bins emptied in Great Abington was that the bin lorry had been full. Councillor Batchelor highlighted that the apparent difference in behaviour between City and South Cambridgeshire District Council bin crews could be that they were on different pay structures and it was believed that the City bin crews did not get paid overtime. It was advised that as this was a shared service, the staff should be on the same pay structure.

10. WORK PROGRAMME

The committee discussed its work programme for future meetings and agreed to add the following items to the November meeting agenda:

- Performance of the Planning Department.
- Performance of Planning Enforcement.
- Performance of the Shared Waste Service.

An update from the Ermine Street Housing Task and Finish Group would be added to the February 2018 meeting.

The Finance and Staffing Portfolio Holder informed the committee that the Council would no longer be allowed to charge customers for credit card transactions and that how the Council dealt with this needed to be looked at. The Portfolio Holder suggested the committee may wish to set up a task and finish group to meet and look at this issue. The Committee thought that this was a suggestion to be followed up.

The Chairman informed the committee that a member of the public had contacted him about council procedures for dealing with complaints about councillors. He informed the committee that the member of the public's concerns related to complaints about parish councillors, but the issues raised could be of wider relevance. The Chairman suggested setting up a task and finish group and suggested Councillor Hart might agree to be involved, to look at the Council's procedure for dealing with complaints about parish councillors. The Executive Director pointed out that the new standards regime had had a significant impact on what the Council could do with regards to complaints relating to parish councils. Councillor Orgee agreed to investigate this further prior to arranging any meetings.

11. MONITORING THE EXECUTIVE

There were no reports from Scrutiny monitors.

12. TO NOTE THE DATES OF FUTURE MEETINGS

The committee agreed the next meeting scheduled for Thursday 9 November 2017, would start at 5pm with the pre-meeting taking place at 4pm. These times were each an hour earlier than in previous documentation.

The Meeting ended at 8.06 p.m.
