

NORTH HERTFORDSHIRE DISTRICT COUNCIL

SCRUTINY COMMITTEE

MINUTES

**Meeting held at the Council Offices, Gernon Road, Letchworth Garden City on
Tuesday, 11 April 2006 at 7.30p.m.**

PRESENT: *Councillors: Martin Stears (Chairman), M. Paterson (Vice-Chairman), J.F. Barry, David Billing, Paul Clark, Sal Jarvis H.M. Marshall, M.R.M. Muir and M.E. Weeks.*

ALSO PRESENT: *Councillors R.A.C. Thake (Planning & Transport Portfolio Holder) and J.M. Cunningham.*

IN ATTENDANCE: *Head of Revenues & Benefits, Chief Engineer, Service Manager - Grounds Maintenance, Projects Manager – Planning Policy & Projects, Senior Planning Officer – Regional & Strategic Developments Group, Scrutiny Officer and Senior Committee & Member Services Officer.*

133. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P.C.W. Burt, D.J. Horrell and Lorna Kercher.

134. MINUTES

RESOLVED: That the Minutes of the meeting of the Scrutiny Committee held on 21 March 2006 be approved as a true record and signed by the Chairman.

135. NOTIFICATION OF OTHER BUSINESS

No items were presented for consideration by the Committee.

136. DECLARATIONS OF INTEREST (INCLUDING PARTY WHIP DIRECTIONS)

No declarations of interest were made and no notification of any party whip directions were given at the meeting.

137. PUBLIC PARTICIPATION

No items were presented under public participation for consideration by the Committee.

138. URGENT/GENERAL EXCEPTION ITEMS

The Committee noted a report providing the details of a General Exception Item accepted by the Chairman for consideration at the Cabinet meeting held on 28 March 2006 entitled "Budget Setting 2006/07 – Car Park Tariffs".

139. CALLED-IN ITEMS

No decisions had been called-in by the Scrutiny Committee since the meeting of the Committee held on 21 March 2006.

140. CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements.

141. QUESTIONS

(a) Closure of Pavilions / Consultation on Savings and Growth Items

At the previous meeting of the Committee held on 21 March 2006, the following question was submitted by Councillor Paul Clark:-

"Q1. In deciding to recommend that the 5 football changing pavilions in Hitchin be shut as a money saving exercise, what consultation did this Council undertake with the Clubs affected prior to recommending this proposal?"

Q2. Since the decision what action has the Council taken in advising the Clubs affected as to what is happening?"

Q3. Also, in recommending the closure was any account taken of the effect this would have on the ability the Clubs would have in competing in County Cups?"

The following response had been provided by the Parks & Countryside Development Manager:-

"A1: To date officers have not undertaken consultation on potential saving options for the budget setting process. They do, however, provide information on the effect of the proposals.

A2: Once Members had taken the decision a meeting was arranged with the Hitchin Sunday League and the Hertfordshire County Football Development Manager.

A3: It is recognised that a small number of football games require official changing accommodation. These could be accommodated in pavilions at the Council's King George V Playing Fields, Hitchin or Bakers Close, Baldock."

Councillor Clark was disappointed with the response, in that no consultation had taken place on the potential savings options, and the fact that many of the football teams affected had first found out about the pavilions savings option through coverage in the local press. He felt that it would be unrealistic for all of the games that required official changing facilities to be accommodated at King George V Playing Fields, Hitchin or Bakers Close, Baldock.

Councillor Clark added that the CPA Assessment now had an element entitled "culture", which included sports provision. He asked for a response as to whether or not any account was taken of the potential implications on the CPA Assessment of the proposed closure of the pavilions.

RECOMMENDED TO CABINET: That, as part of future budgetary Savings and Growth exercises, all affected parties should be consulted sufficiently in advance of any decisions being made on Savings and Growth proposals.

REASON FOR DECISION: To suggest a potential improvement to future Savings and Growth proposals exercises.

(b) Transport issues

The following question had been submitted by Councillor David Billing:-

"Why has the portfolio holder allowed further delays in progressing improvements to public transport, in particular why has there been no meeting of the Member Working Group on Passenger Transport since its only meeting on 16 December when the next meeting was scheduled for January; and why has not the Fundamental Service

Review on Transport started, despite assurances given in October that it would do so by March?"

The following response had been provided by the Transport Policy Officer:-

"To take the question in three parts:

1. The Member Working Group has not been arranged because:
 - a. The original timescale was based on needing bus contract budget savings in the current financial year. I understand that this issue will still need to be looked at, but for next financial year.
 - b. HCC want to review the contracted bus network in Spring 2006 so it seemed to me to make sense to use the Member Working Group (MWG) to help them do this as well as a. above. I am awaiting HCC's view on when this process will start and have advised them of the need to use the MWG for this process.
 - c. The MWG was partly set up to consider proposed changes to the commercial bus network. We have not been advised of any potential changes (informally or otherwise) so there has been no need for the MWG to meet on this basis alone.
 - d. To a certain extent the new free-fare concessionary fares scheme will influence all of the above so we will need to allow some time for it to settle down to understand the implications on contracted bus services.
2. It is difficult to progress improvements to Public Transport ahead of the Urban Transport Plans for Letchworth and Baldock and any review of the Hitchin Transport Plan. The main reason being is because we need the input of the transport operators and HCC to be able to implement changes. It would be unwise to consider Public Transport in isolation to any other transport issues and the points made above under 1 are also relevant, especially a. and d. with regard to knowing how much and where public money can be spent. Experience has shown that the District Council is unable to deliver significant transport improvements on its own. There are also major strategic land use and transport proposals that influence how local public transport might work that we will need to take into account. In addition the rail operator has just changed and we are awaiting contacts or details as to how they will engage with NHDC. I would recommend that public transport improvements are pursued via the Urban Transport Plans.

Clearly, the development opportunities in Hitchin and Letchworth will need to be considered on their own merits and public transport improvements secured from them. This is not an unusual situation and I will be working with HCC and operators to ensure that we get the best Public Transport solutions from these developments as and when they come forward. NHDC/HCC/Operators are part of the Urban Transport Plan process so there is some 'common ground' between the two processes.

3. I am not as familiar with the terms of the Transport FSR as I would like to be so am unsure what is to be covered (i.e. just the things we fund? just the things we are required to deliver? all of the above?) so cannot comment any further. I would suggest that the Head of Planning & Building Control is asked to respond on this issue on his return from Annual Leave."

The Cabinet Portfolio Holder for Planning and Transport added that there were insufficient resources to run the Transport FSR in parallel with the current Street Scene FSR. He agreed with the questioner that the Transport Member Working Group should be more wide-ranging than merely concentrating on commercial bus services, and hoped to convene a meeting of this Group in the near future. He urged County Councillors to do their utmost at County Council meetings to ensure that the Urban Transport Plans for the District's towns were progressed expeditiously, and

concluded by stating that it was impossible for the Council to produce transport policies in isolation, and that joint working with the County Council was essential.

(c) Large Scale or Cumulative Development

The following question had been submitted by Councillor David Billing:-

“What is the Cabinet doing urgently, before the Local Development Framework can be implemented, to speed up the production of effective Supplementary Planning Documents (or statements with equivalent legal force) to cover specific communities in geographic areas which are currently vulnerable to large scale or cumulative development, so as to give those communities some protection in planning terms from aggressive and unsuitable developments?”

The Cabinet Portfolio Holder for Planning and Transport replied that the production of each Supplementary Planning Document took approximately 12 months. There were no resources in the Planning Department to progress the LDF documents and prepare the type of localised plan suggested by the questioner without affecting the timescales for the LDF process. These timescales had been agreed with GO-East, and if not met would mean that the Council was in default. He stressed that the best way of securing integrity of the planning process was to continue towards the production of an agreed Local Development Scheme.

142. NORTH HERTFORDSHIRE DISTRICT COUNCIL – THE DRAFT FORWARD PLAN: 1 MAY 2006 – 31 AUGUST 2006

The Chairman of the Scrutiny Committee presented the Draft Forward Plan to the Committee, which covered the period 1 May 2006 – 31 August 2006.

RESOLVED:

- (1) That the Draft Forward Plan, covering the period 1 May 2006 – 31 August 2006, be noted;
- (2) That an item on Letchworth Leisure Management Contract – Contractual Variation be submitted to the next meeting of the Committee to be held on 23 May 2006, in advance of its consideration by Cabinet;
- (3) That an item on London Luton Airport Phase 1 – Planning Application be submitted to the meeting of the Committee to be held on 19 June 2006, in advance of its consideration by Cabinet;

REASON FOR DECISION: To ensure that the Scrutiny Committee could identify any matters it wished to consider prior to consideration by Cabinet.

28.143. WORK PROGRAMME 2005/2006 – SCRUTINY COMMITTEE & SUB-GROUPS

The Scrutiny Officer submitted a report that updated the Committee on the progress being made on the various topics under scrutiny.

RESOLVED: That the progress being made by past and existing sub-groups be noted.

REASON FOR DECISION: To enable the Scrutiny Committee to plan and carry out its workload efficiently.

144. REVIEW OF RESIDENTIAL PARKING

The final report of the Residential Parking Task and Finish Group was presented by the Vice-Chairman of the Committee. The report included recommendations which the Task and Finish Group had asked to be presented to the Cabinet Portfolio Holder for Planning and Transport.

In response to a question, the Chief Engineer commented that Ove Arup had been appointed by the Hertfordshire Parking Group, consisting of representatives from all District/Borough Councils in the county, to prepare a performance monitoring report on parking. He undertook to discover when this report was due for publication.

Members considered that the Task and Finish Group had carried out a very useful piece of work, and noted that one of its recommendations was that an additional review be undertaken by the Committee to look at areas the Group had been unable to cover, such as displacement effects and pay and display. The Committee agreed that this additional review could also include investigations into the nature of consultation processes and the need to involve/consult non-residential users on Controlled Parking Zones.

RESOLVED:

(1) That the following recommendations of the Residential Parking Task and Finish Group be supported, and be considered within the context of the Council's Car Parking Strategy:

- There needs to be a policy which gives set criteria that determines whether or not a CPZ investigation be undertaken. For example; a petition of 20 signatures submitted to the local area committee. This will increase awareness for Ward Members and alert them to give correct information to their constituents;
- There needs to be a policy in place which explains what the Council will do if there is a very low take up of parking permits in a particular area. e.g. withdrawing a parking scheme. This should be brought to the local area committee and reviewed as a rolling programme;
- To give clarity about the difference between a parking permit and a CPZ, ensure that clear explanations are given when using parking terminology published on the Council's website and on written documents. Particularly where the audience are members of the public or Councillors. In addition, during any consultation process with residents, include a list of options for residents to choose from;
- Once a CPZ has been implemented, there needs to be an annual review to assess its effectiveness and to identify any problems that may have arisen since its implementation, this could be in the form of a satisfaction survey;
- In terms of initiatives for using road space availability, there needs to be greater flexibility to give suitable parking options;
- In order to maximise the productivity of staff and to enable a more co-ordinated process, permits should be issued at set times during the year;
- Local Area Committees should have a more active role in overseeing and reviewing any investigations, changes or implementations of CPZs in their area;
- An additional review is undertaken by the Scrutiny Committee to look at the areas that this group could not cover, such as displacement effects and pay and display; the nature of consultation processes; and the need to involve/consult non-residential users on CPZs.

(2) That the above recommendations be considered by the Cabinet Portfolio Holder for Planning & Transport.

REASON FOR DECISION: To enable the Scrutiny Committee to carry out its work efficiently.

145. DRAFT SUPPLEMENTARY PLANNING DOCUMENT – PLANNING OBLIGATIONS AND ASSOCIATED SUSTAINABILITY APPRAISAL AND STRATEGIC ENVIRONMENTAL ASSESSMENT

The Projects Manager – Planning Policy and Projects, assisted by the Senior Planning Officer, presented a report which was to be considered by Cabinet at its meeting to be held on 25 April 2006 in respect of the draft Supplementary Planning Document (SPD) – Planning Obligations and Associated Sustainability Appraisal and Strategic Environmental Assessment. The draft SPD itself had been circulated as Appendix 1 to the report.

The Projects Manager – Planning Policy and Projects outlined a number of typographical errors to the report and Appendix 1, which would be amended in the version submitted to Cabinet. An addendum to Section 5.5 – Open Space, Outdoor Sport and Recreation – was tabled at the meeting.

The Projects Manager – Planning Policy and Projects and Senior Planning Officer responded to a number of questions raised by Members. In particular, Members were advised that the measurement of the benefit to each community of monies received through planning obligations would be covered by the monitoring procedures to be adopted as part of the SPD. In respect of community facilities, Members noted that relevant bodies, such as the Primary Care Trusts, would be consulted to ascertain whether or not there was a need or demand for additional provision.

RECOMMENDED TO CABINET:

- (1) That the following comments of the Scrutiny Committee be considered as part of the deliberations on the Draft SPD on Planning Obligations:-
 - (a) Table 1 and Paragraph 5.7 - Waste Collection & Recycling Standard Charge (£71) - refers mostly to recycling - consideration of possible increase in this charge to reflect the waste collection/landfill element;
 - (b) Table 1 - consideration of possible grading of the Waste Collection/Recycling standard charge and the standard charges for HCC Libraries/Youth & Childcare items;
 - (c) Paragraphs 6.8.10 - 6.8.17 - Standard Charge - Non-Residential development - re-wording to clarify requirements for charges where no on-site car parking is provided, thereby displacing such provision to off-site locations;
 - (d) Section 6.8 - Sustainable Transport - possible inclusion of a paragraph stating support for the Cycling Strategy/provision of cycleways;
 - (e) Addition of a paragraph explaining a possible methodology for ensuring that any financial contributions secured in connection with planning obligations pertaining to rural areas are clearly earmarked for the benefit of the villages concerned;
- (2) That the practicability of increasing from 25% the percentage of affordable housing required to be provided on sites of 20 or more dwellings, and the potential to lower this threshold from 20 dwellings, be investigated as part of the on-going work on the Local Development Scheme.

REASON FOR DECISION: There is a need for the Council to adopt guidance on seeking planning obligations. The draft SPD will ensure that the processes for securing obligations are dealt with in a speedy, predictable, transparent and accountable manner in line with Circular 05/2005 - Planning Obligations.

146. AMENDMENTS TO THE CURRENT POLICIES USED TO MANAGE THE DISTRICT'S CEMETERIES

The Service Manager – Grounds Maintenance presented a report seeking comments on proposed amendments to the current Rules and Regulations for management of the District's cemeteries. The proposed new Rules and Regulations were attached as Appendix A to the report, and the decision to adopt them would be made by the Strategic Director of Customer Services under Delegated Powers.

The Committee was advised that the existing Rules and Regulations had developed over a long period of time from the need to meet basic site conditions, but did not reflect the current environment or the needs of bereaved relatives. In addition, the development of Wilbury Hills Cemetery would be introducing new facilities that were not catered for in the existing Rules and Regulations, such as an option for green burials in meadow land.

The Service Manager – Grounds Maintenance answered a number of questions raised by Members on the proposed new Rules and Regulations.

The following comments were made by the Committee:-

- References to a chapel in the Rules and Regulations for Baldock Cemetery should be removed as there was no chapel in that cemetery;
- The headings in the document be amended to show a clear demarcation between each section;
- The wording of relevant sections should be clarified in order to state that the planting of bulbs and annuals in graves would be permissible;
- The document should make appropriate reference to the fact that, as well as christian funerals, the cemeteries would be available for funerals involving other religious faiths.

RESOLVED: That the comments of the Committee, as detailed above, be considered by the Strategic Director of Customer Services as part of his Delegated decision on the proposed new Rules and Regulations for the management of the District's cemeteries.

REASON FOR DECISION: To meet the Council's strategic objectives to encourage responsible citizenship, promoting first class leisure and cultural facilities to contribute to healthy living for all our citizens, and ensuring that we listen to our citizens and deliver responsive high quality, value for money, customer focussed services; and to ensure public safety is ensured at all times within our Cemeteries and that any potential risks are reduced or at least limited to protect the users of this facility.

147. SCRUTINY COMMITTEE ANNUAL REPORT 2005/06

The Scrutiny Officer presented the Committee's Annual Report 2005/06, which was intended for submission to Annual Council on 16 May 2006.

The Chairman commended the report to the Committee, subject to the following amendments:-

- (i) the inclusion of the name of former Councillor G.C. Hollands in the Membership of the Committee on Page 2 of the document; and
- (ii) insertion of the name of Councillor Sal Jarvis (representing the Liberal Democrat Group) in Section 5 – Effective Planning – as being involved with the Chairman and Vice-Chairman in pre-agenda and briefing meetings.

RESOLVED: That the Scrutiny Committee Annual Report 2005/06, as now amended, be approved for submission to Annual Council on 16 May 2006.

REASON FOR DECISION: To enable continued development of the effectiveness of the Scrutiny Committee.

148. ITEMS REFERRED FROM SCRUTINY COMMITTEE FINANCE SUB-GROUP – 24 MARCH 2006

The Scrutiny Committee was informed that the Finance Sub-Group, at its meeting held on 24 March 2006, had considered a reports of the Head of Financial Services in respect of Treasury Management.

RESOLVED: That the recommendation to Cabinet made by the Finance Sub-Group at its meeting held on 24 March 2006, in respect of Treasury Management, be noted.

REASON FOR DECISION: To enable Members to make informed decisions on service and financial planning processes.

The meeting ended at 9.45pm.

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Chairman