

OVERVIEW AND SCRUTINY PANEL

17 OCTOBER 2016 - 2.30PM



PRESENT: Councillor Yeulett(Chairman), Councillor Mrs Hay (Vice-Chairman), Councillor Booth, Councillor Buckton, Councillor Count, Councillor Mrs Davis, Councillor Mrs Laws, Councillor Mrs Mayor and Councillor Pugh

ALSO IN ATTENDANCE: Councillor Clark, Councillor King and Councillor Seaton.

APOLOGIES: Councillor Mason

OFFICERS IN ATTENDANCE: Jane Bailey (member Services and Governance), Rob Bridge (Corporate Director), Richard Cassidy (Corporate Director), Gary Garford (Corporate Director), Anna Goodall (Head of Legal and Governance), Dan Horn (Head of Housing and Community Support), Geoff Kent (Head of Customer Services), Ruth Lea (Legal) and Paul Medd (Chief Executive)

Councillor Yeulett welcomed Councillor Pugh back to the Overview and Scrutiny Panel.

OSC18/16 PREVIOUS MINUTES

The minutes of the meeting of 15 August 2016 were confirmed and signed.

The minutes of the meeting of 5 September 2016 were confirmed and signed subject to the following:

- Councillor Booth stated that Speeding should be a priority and that this should be recorded as a recommendation from the panel.

OSC19/16 ANNUAL MEETING WITH THE LEADER AND CHIEF EXECUTIVE

Councillor Yeulett opened the item and welcomed Councillor Clark - Leader and Paul Medd - Chief Executive. He asked where the Council is currently and what the main challenges are moving forward. Councillor Clark stated that it has always been his ambition to get the Council into a good financial position and with the help of Councillor Seaton as Portfolio Holder for Finance and Rob Bridge we are close to achieving that. He added that we have just submitted our 4 year plan for funding to Government, and it feels like the right time to be looking at opportunities. He stated that one of the biggest things that we are facing at the moment is the combined authority and this is taking up a lot of Leader time and we are now sharing our Chief Executive with the Leader of the combined authority, Councillor Count. He informed members that this organisation is in a position to take full advantage of all that the combined authority can offer. We have the Leader of the combined authority living in March, the Chief Executive connected to this Council and the Leader of FDC all involved, we are in a good position for Fenland's voice to be heard. He stated that should the devolution deal be accepted by this Council there will be a lot more work to come including setting up the election of the Mayor next year.

Councillor Yeulett asked about the change in Government direction and how it will affect our moving away from austerity. Councillor Clark stated that he had met with Sajid Javid that morning and that he had gone through this from the Government's point of view. He stated that the new Government still want to pass decision making down to a more local level, he also made it

absolutely clear that the devolution offer comes with a Mayor, and if a Mayor is not accepted then the devolution deal cannot go ahead. He made reference to Cornwall where a deal had been made without a Mayor but explained that this was done under special circumstances, but actually if Cornwall wanted more powers then they would need to have a Mayor in place. He was positive and complimented Cambridgeshire and Peterborough on the speed that they had put this together and the quality of the work involved. They are excited about the forthcoming devolved Councils if we all choose that option.

Paul Medd stated that building on Councillor Clark's comments, CSR has created a plan whereby we have a focus in terms of how we meet that challenge, there is specific work around Service Transformation and we need to focus more around becoming a more commercial Council. There is a continued challenge in the year ahead around our workforce, there are some fantastic managers and staff here at FDC who have been the mainstay of supporting the delivery of members' priorities. We must keep a focus on their wellbeing because the intensity of their workload and what we are asking them to do is growing, we need to maintain a focus to keep everybody motivated and energised in the workplace. Leading on from that, it is important that we continue to reach out and engage with all Councillors. We have All Member Briefings taking place and as we change and take on new work it is vital that we continue to have effective engagement with elected members. He stated that devolution is a significant challenge with significant potential opportunities and is something that we will all need to further engage with as we move through the process. The next All Member Seminar on 10 November will help to form a better understanding about the devolution proposals before the Council meeting on 17 November. This Council in its own right and particularly as we start to develop a new relationship with Government around devolution is building effective networking links with senior ministers and civil servants and it will be of paramount importance to further develop those relationships as far as devolution is concerned.

Councillor Yeulett stated that just as there is a north, south divide in the country there is a north south divide in Cambridgeshire, with areas of deprivation. He asked if this is going to be addressed moving forward. Councillor Clark stated that at long last there is an appetite to address this issue. There have been 2 motions that have come before the County Council and they were voted on and agreed that we should start to look at the differences and start to rectify some of the problems. He added that he was at a meeting last week where Cambridgeshire County Council's Business Plan was looked at and it was proposed that approximately £600,000 was to be removed from the transport budget which would have disproportionately affected Fenland. Many of the members there were saying that we cannot remove this funding because it will affect Fenland more than anywhere else. So it seems that in Cambridgeshire there is a whole new way of thinking and the recognition that we need to address the deprivation, education and transport issues that we have. He added that during some discussions with other Leaders including James Palmer who, should the combined authority be established, will be the Leading member on transport and he has offered his support to the Wisbech to March rail link. We are doing our best to address the deprivation problems.

Councillor Yeulett stated that there were many references to County Council and although we understand the joined up working with the County Council what are the Fenland initiatives moving forward. Councillor Clark stated that when we are looking at issues such as transport we have to address them through the County Council but we are working with partners like Cambridge University who are looking to help to raise the standards at Thomas Clarkson School. He added that with the combined authority comes a £100m transport budget to go towards improvements to the A47 and the rail link at Ely which will improve our connectivity with Cambridge.

Paul Medd stated that deprivation is a complex issue and if we look at the Indices of Deprivation (IOD) profile of Fenland the trend is worse, but would be even worse if we had not pursued some of the interventions that we have. However there are still communities and residents across Fenland that are not getting a great deal that is not to say that we have been ineffective but there is much more to be done. Some of the things that we are working on are that we are very active in

respect of health and wellbeing and on behalf of the council Paul Medd is co-chairman for the Public Health Reference Group and along with support from Richard Cassidy who leads on health as part of the management team. This shows that we are positioning ourselves to influence those resources and to make that we are profiling some of the issues that we have. Another opportunity that might come from devolution is that the Chief Executive of Public Health England is keen to connect with Cambridgeshire and Peterborough on devolution to look at our communities that do have challenged public health outcomes. So by definition that means a focus on parts of Fenland that have those issues. It is good that Fenland's agenda is being recognised at a national level and if we can continue this work it is hopeful that we will get more resources into the district.

He added that with regards to housing it has been evidenced that if people have poor living conditions this will impact upon their life and we have a very good housing options team who pursue a whole range of interventions including making sure people are not homeless and looking at the quality of housing, which acts as a platform to tackle any other challenges that they have in their lives. Looking at the role of leisure which is topical as we are currently considering the leisure management options, we encourage people to become more active and take greater self-responsibility for their own wellbeing. With regards to benefits it is important that we process benefits claims and changes in circumstances quickly and efficiently, as a delay can put people into a disadvantaged position, we are pleased to report that performance in this area is good. He added that Dan Horn was leading on behalf of the Council, to access free school meals funding for those people who qualify but were not claiming that support. Sometimes people feel that there is a stigma attached to being a child who is in receipt of free school meals but it is a way that can bring additional wealth into a family. Education underpins people's life chances and helps them to maximise their potential and potentially break the cycle of deprivation and we are very active with regards to education, we have been for many years working with Thomas Clarkson making a significant investment from this authority to enhance part of their facilities as part of the building schools for the future programme. The current chairman of the Board of Governors is a FDC member of staff, he and FDC members also sit on that board and ensure that they are working closely to support the school. This is just a sample of what we are doing to support the improvement in deprivation in the district.

Members asked questions, made comments and received responses as follows:

1. Councillor Booth stated that with regards to the outcomes of the peer review that took place it was suggested that we are probably doing more than we should be but clearly our residents need that input from us, and we also have major challenges ahead with regards to funding, he asked if now is the time that we should be looking to become a unitary authority so that we can have more direct influence on those types of services. With a directly elected Mayor there will be 4 tiers of local Government in this area of and should we be reducing those tiers to deliver more efficient services. Councillor Yeulett reminded members that this is not a political item. Councillor Booth reassured Councillor Yeulett that his point was not politically motivated. Councillor Buckton in relation to Councillor Booth's comment asked how FDC remains relevant when we have a new authority. It appears that we act as an advocate working with other statutory bodies and agencies, and asked, other than assisting with benefits etc, how will we be an authority that adds value to people's lives in the future as we are a small authority and are without the financial back-up that we might have as part of a unitary authority. Councillor Clark stated that it is not within his gift to establish a unitary authority but that the combined authority will be the start of a different organisation and being part of that will address these issues raised. He added that whatever size Council you are from there will be 8 members around the table and each will have 1 vote, so where we have previously not had control about issues relating to Fenland out of Cambridgeshire, we will have authority to address those. Our voice will be getting bigger in that combined authority process not smaller.
2. Paul Medd stated that Councillor Booth raises a good point, we did invite a peer review

team in and one of the things they said was that we were doing too much. They explained that it will be unlikely that we will have the resources to continue to do everything. We reflected on that feedback and have looked at reducing some things, and there have been difficult discussions and decisions for members with regards to CSR and looking at our financial circumstances it is important that we do, in a well-managed way, pull back from some things. He added that with regards to deprivation, this will continue to be a main focus and we need to be smart about how we use resources in order to stretch beyond our defined boundaries to influence key stakeholders and partners to have a positive impact in Fenland. When we are looking at how Fenland remains relevant with regards to devolution, the debate around unitary authorities is a complex one, but if Politicians around Cambridgeshire feel it is worthy of a debate they will raise it. Devolution could be a 'game changer' to positively affect the lives of local people because more resources will be invested from Government and it will offer us more autonomy in terms of local decision making and control moving forward. He stated that there will be work to do to understand how this Council fits into the combined authority and that will affect the overall dynamic, but the things we do day by day will not significantly change. Under Devolution there is a heading of public service reform, and we are in the early stages of defining what that might look like, this includes making us more efficient in view of the financial challenges and to ensure that public service delivery moving forward is more joined up. As we sit here today, notwithstanding all the opportunities, FDC remains highly relevant.

3. Councillor Booth stated that his point for raising this is not politically motivated and this has been debated for some time by all parties, he stated that the point for raising this now is that we have these challenges ahead and so now should be the time to look at all the options. Councillor Yeulett thanked Councillor Booth for clarifying that point;
4. Councillor Booth asked for clarification that with regards to the Indices of Multiple deprivation (IOD) data, have the rural villages around Wisbech been lifted out as they used to be included but in recent reports Wisbech and March were mentioned but not the rural villages. Paul Medd clarified that often rural villages form part of deprivation analysis due to isolation and access to services, stating that obviously this applies to some people more than others as some will have transport but in some cases where older people are living in rural locations access to services is a huge issue for them. He stated that his understanding is that there have been no changes but agreed to check if the data still includes rural villages and feedback;
5. Councillor Pugh asked how employment will be affected by devolution moving forward. Councillor Clark stated that Anglian Water are working with COWA to train their workforce with specialist courses. He added that within the devolution deal there is skills funding which will enable us to train people with skills specifically for work in our area. Also Peterborough will become a University Town so we are hoping that with a local university comes university degrees into the area;
6. Councillor Pugh asked if there is any means to bring employment into the area. Councillor Clark stated that there are local employers saying that they have vacancies that they are unable to fill because we do not have the skills base to fill them in the area. If we get the skills budget we will be able to train local people for those roles. He added that none of this is an overnight solution but devolution begins to offer long term solutions to these on-going issues. Paul Medd stated that devolution is not going to wave a magic wand but what it does is to realise new money, one of the barriers to further employment in this district is infrastructure and if we can get a fraction of the money available it puts us in a better position for inward investment. It gives us the opportunity to grow the employment base in the district, with more highly skilled jobs and hopefully this can start to have an impact on the deprivation issues that we have discussed here today. To compete nationally Cambridgeshire and Peterborough will need to do a lot of work in terms of skills and we want to make sure that we have a fit for purpose workforce in our area to be able to attract business, and even if they do not locate to Fenland the spin off from that business can still have a positive effect on this area. He stated that Councillor Clark is playing a leading role on the Garden Town Proposition for Wisbech, and if we can secure this it will have a

fundamental effect on influencing infrastructure and connectivity to Wisbech that can strengthen the economy in that part of Fenland;

7. Councillor Mrs Hay stated that at the last meeting the panel raised the idea of Cabinet appraisals and asked if this had been beneficial in relation to agreeing performance targets and asked how often updates are taking place. Councillor Clark stated that he was sceptical initially, but that reviewing people's responsibilities has worked well. The appraisal were all carried out on a verbal basis as everything discussed is subject to Freedom of Information requests and there needs to be an understanding that a Leaders role is a long way from that of an employer's role. He stated that the process of appraisals has been very useful and was extended to include the Chairman and Vice Chairman of Committees. The plan is to review the appraisals to take forward for the next financial year;
8. Councillor Buckton stated that the priorities were announced during a group meeting and asked if these would be made public. Councillor Clark stated that he would give that some thought and discuss further;
9. Councillor Booth asked that with regards to the Wisbech Garden Town proposals are there any intentions to carry out a wider consultation specifically to the areas that will be heavily impacted. He stated that he is unsure that these areas are really fully aware of what is being proposed. Councillor Clark stated that from the early stages there has not been a great swell of people wanting to know more about the proposals but the information is there and has been available at the Wisbech 20/20 meetings too. There will be public consultations carried out before any major decisions are made but we are a very long way from making any decisions at this time;
10. Councillor Booth stated that people have seen the headlines but probably do not realise what areas have been earmarked and unless they are keeping up to date and reading Council papers they will not be aware of all the details. Paul Medd stated that we have started some initial engagement but are at a very early stage. He added that you cannot rush the potential for up to 12,000 new homes, this is a fundamental change to what is set out in our plan, and there are some issues around viability and infrastructure to understand. All of this would need to be managed in a thoughtful and thorough way. The initial work is to set out a credible development to Government to see if there is an appetite and because of the challenging viability circumstances in Fenland we will be looking for the Government to invest hundreds of millions of pounds in the district. if it moves forward there will be a commitment to an on-going level of continual public engagement for something of this scale, if it happens, but there are no guarantees at this stage;
11. Members of the panel raised a number of questions in relation to the Planning Service and the new shared working arrangements. The questions were focussed on the following areas:
 - Accessibility;
 - Capacity - particularly as a result of the increase in the volume of planning applications;
 - Performance;
 - Consistency of decision making;
 - Relationships with developers;
 - Planning training availability for Parish and Town Councils.
12. Paul Medd thanked members for their feedback and confirmed that he would reflect on the comments made, as the District Council is committed to providing a Planning Service that supports local development and promotes growth. He also reminded the Panel that there is an existing commitment to review the Shared Planning Service in conjunction with the Overview and Scrutiny Committee, as the shared agreement will soon have been operational for twelve months. The review is scheduled to take place in the new year and therefore these questions and comments will help inform that process;

13. Councillor Yeulett referred to sickness levels, he stated that East Cambridgeshire have reported 2 days and Cambridgeshire County Council reported 6.7 days, he asked what the levels are at FDC. Paul Medd confirmed that this is something we monitor on a regular basis;
14. Councillor Yeulett asked Councillor Clark where he will be in a years' time. Councillor Clark stated that he would like to think that FDC will agree to the combined authority proposals and benefit from a share of the £20m over the next 30 years, and that we will have our share of the £100m housing fund, producing 5000 affordable houses as every home that is built needs a builder, a ground worker, somebody fixing carpets etc. and this will bring skills and prosperity into the area. We have a lot to look forward to and a lot of benefits that hopefully we can start to see;
15. Councillor Yeulett asked Paul Medd where he sees the Council in a years' time. Paul Medd stated that we want to see progress with our deficit reduction; there are areas where we can be more commercial. Making the right balance between the ability of residents to pay and looking at where genuine opportunities present themselves as every pound that we raise takes the pressure off of members having to make difficult decisions about services. He added that he would want to see devolution in place and supported, at the moment there is a lot of talk around this and we want to see some real examples and have a clear sight about what the future might hold for Fenland. He stated that the word culture has been mentioned and it is always important that we have the right culture across the workforce so that we continue to get the best out of people, so they continue to be committed to doing a great job. We have a good relationship between officers and members, a strength of relationship that allows us to be honest and that is important so that we can understand what the priorities are and demonstrate that we take feedback seriously and will react to that. We need to continue to work hard at this relationship that is healthy for the organisation moving forward.

Councillor Yeulett thanked Councillor Clark and Paul Medd for attending and answering the questions put to them by members today. He stated that there are challenges ahead and some of the issues raised today around deprivation, employment and skills are really important to Fenland and it is good to see that we are making progress there. He added that planning is very important to people and we look forward to the responses from officers with regards to the issues raised here today.

OSC20/16 CUSTOMER SERVICES COMPREHENSIVE SPENDING REVIEW (CSR) UPDATE

Councillor Yeulett introduced the item, and thanked officers for responses to queries made during the pre-meeting. He explained that those responses are used to clarify issues raised during those discussions.

Councillor Seaton presented the Customer Services CSR Update.

Members asked questions, made comments and received responses as follows;

1. Councillor Count stated that during the pre-meeting he had raised the issue of cutting hours and restricting access. He asked that as the public generally recognise us as 'the council' and do not differentiate between town, district or county, did we approach the county council or other districts with regards to a shared service. Officers stated that 2 years ago we went through a process with county council to see what they could offer and the price came back too high. He stated that you have a proposal that restricts hours and it is 2 years since the county council was approached, but the county council methods of contact are changing and there have been some big technological changes, he suggested that before Cabinet makes a decision on this officers go back to the county council and let them know that we have agreed how much we have to spend on this service and this is what we can deliver for

that to see if they can match or improve on that offer from before. Councillor Seaton stated that we have had discussions with County Council and we do have a very good record of shared services in other areas, we always try to make the best use of the services that we have before we look at other options. Rob Bridge confirmed that we have had extensive discussions with County Council and developed a business case, it was clear that the way that we operate our contact centres and looking at quality of service and efficiencies that it was going to cost us more money. The process gave us insight to how we could further drive efficiencies within the contact centre team. The conversations with County took place not that long after members started to look at the CSR work, we can deliver these proposals now and have further talks about what more can be done moving forward. Some other things that we need to bear in mind, we have been very careful from a Fenland perspective that we have a way that customers can work with us as we have a demographic that means it could be challenging if we went completely digital, which some councils are doing. This is something that we have been praised for when we have been assessed for Customer Service Excellence as they recognise that we are always trying to offer what our residents need, and if we were to totally stop face to face contact it would have a massive impact on our communities. He agreed that the public do not differentiate between Council roles and stated that within the hubs the next discussions with County Council will be around not just sharing the buildings but sharing the staff too and making the area multi-functional. There is a will to investigate that further to look at the public sector reform and unified approach to dealing with customers. The next step is deciding what we do with regards to the March and Wisbech shop, looking at whether we move out and into libraries or something different, it might be that we bring partners into our facility;

2. Councillor Booth stated that the point has been raised with regards to feedback from the pre-meeting. He suggested that these questions were recorded as part of the minutes so that the public have access to them. Members agreed;
3. Councillor Booth stated that the Leader of the County Council is putting forward a suggestion and that officers should take that on board or at least investigate further. He stated that the point around people not differentiating between the tiers of Government is valid, and as District Councillors we deal with many issues that are not strictly the responsibility of the district. He added that statistics show that the amount of people using the telephone service is decreasing year on year, he asked if officers considered profiling the reduction of staffing to correspond with that, and achieving the savings that way. Councillor Seaton confirmed that all options have been investigated. He added that what we are trying to achieve is to continue provide a very good service to our customers, we have a good service now which is well thought of and well respected and just because we are looking at this option it does not stop us looking at shared options in the future. He stated that this is part of the CSR and the savings here form part of the overall savings that need to be made, we have to have a balanced budget and none of the decisions that we are looking at are ones that we want to make. Geoff Kent stated that we have reduced the staffing over the past few years as the demand for the service has reduced and this is a continuation of this;
4. Councillor Yeulett asked for clarification that the service is frequently reviewed. Geoff Kent confirmed that the service is under constant review. Councillor Yeulett asked if this is a philosophy of the Council. Geoff Kent stated that there is a duty to find efficiencies where we can but the key element of the service has always been the staff themselves, they are passionate about customer services and regardless of the service and how often they are open those staff are at the heart of it. Rob Bridge confirmed that we have been working on delivering value for money and efficiencies and we have to recognise that customer services item is a big area of expenditure. Looking at some of the value for money profiles that area can look expensive, but members made the decision to have four facilities, one in each of the market towns and a contact centre, and there are not many other districts that have that set up. He stated that we have looked at this service over the past few years and have saved around £500,000 in various ways, we have looked at the shop opening times, moving to the hubs and therefore saving money on premises and we have looked at streamlining

the management. We have looked at these things whilst ensuring that we can maintain appropriate service levels to the public. Looking at feedback customers find this service helpful and is something that they want to remain, but there is always a balance about making it more efficient. Going back to the report we have analysed the data and looked for a point during the working day where we can close early or change the operating times, recognising that we have successfully carried this out at the shops already;

5. Councillor Mrs Davis asked if officers have taken into account that calls to the contact centre may increase as a result of some of the CSR decisions, for example with regards to garden waste collections. Rob Bridge confirmed that we know when the peaks in calls are expected, for example, when the council tax bills are sent out there is an increase in phone calls and we make use of the Revenues and Benefits Team to help to support during those peaks. We have already talked about the prospect of increased calls with regards to the garden waste and support for the team and certainly during the initial start-up period. We do not want this to have an impact on the morale of the team who are very conscientious about doing a good job and also an impact on the customer who might have a difficulty with the new process, this has implications in respect of the reputation of the council. Looking at the Council's Channel Shift Strategy, it is important that, in the right way, we offer our website which means customers start to move away from making phone calls, being able to do something on the website in a quick and easy way will take the pressure off of the council, and the improved website has more functionalities now and has more to come, and these things together will help with any increased customer contacts that we have;
6. Councillor Mrs Mayor stated that with regards to emergency out of hours calls that are diverted to the CCTV team, it has already been established people do not differentiate between county and district councils, if there was a highways issue and a customer contacts us about it does the CCTV team have other out of hours contact numbers in order to be able to deal with those calls. Rob Bridge stated that he would hope that they have all of those details, but agreed to check and feedback;
7. Councillor Booth stated that expanding on Councillor Mrs Mayor's point, he suggested that some calls could be redirected at that initial point by giving the caller options at the start of the call. This is a smarter use of the service by redirecting some of the calls that may be for other areas. Rob Bridge agreed to investigate further;
8. Councillor Booth asked about the attrition rates with regards to the customer services staff. Traditionally the attrition rates in this area are high and suggested making the savings through natural attrition. He added that if we are going to look at service transformation in the future why would we want to cut the service now in order to increase it again moving forward. Rob Bridge stated that the customer services staff have been a stable workforce with a low attrition rate, and we have managed the situation when we have had vacancies. He stated that his focus is to deliver a balanced budget, but agreed to have a look and feedback to the final Cabinet report on the proposals to be considered;
9. Councillor Booth stated that he feels that this is something that should be investigated and the outcomes of that investigation reported to Cabinet as it is another option. Rob Bridge agreed to look into this and include in the Cabinet report;
10. Councillor Booth stated that channel shift information was provided and this gave data on average use. He added that we need to be mindful that in Fenland there is a lower take-up particularly in rural areas as this is one of the indicators of multiple deprivation and therefore this is not as good research as is indicated. Rob Bridge agreed and stated that we have been careful around the channel shift programme, and when we introduced the kiosks to the shops we branded it as assisted digital, offering support. If those people are shown how to use the equipment in the shops we are up-skilling them and giving them confidence that might help them do other things and start to build on that confidence;
11. Councillor Yeulett asked officers for confirmation of recommendations from the panel today. Anna Goodall confirmed that the recommendations are to investigate the use of interactive voice response (IVR) to divert calls appropriately and to investigate staff attrition rates to help inform operational hours;

12. Councillor Yeulett asked for clarification when these recommendations would be going to Cabinet. Rob bridge confirmed that the Cabinet meeting is scheduled for 17 November 2016.

Councillor Yeulett thanked Councillor Seaton, Rob Bridge and Geoff Kent for attending the meeting.

OSC21/16 COMMUNITY RIGHTS UNDER THE LOCALISM ACT 2011 - COMMUNITY RIGHT TO BID POLICY REVISION

Councillor King introduced Ruth Lea from Peterborough Legal Services and presented the Community Right to Bid Policy Revision Report to the Panel.

He thanked the panel for their feedback and suggestions which have been incorporated into the policy wherever possible. He stated that members raised some concerns with regards to the Portfolio Holder's role when the decision is being considered at Cabinet. Following discussions with the Legal Officer it has been agreed that the Portfolio Holder will be at the meeting to present the report but will not take part in the vote as they would have previously made a decision on the item.

He stated that the second concern raised was that of the Overview and Scrutiny's right to call in the Portfolio Holder's Decision within 5 days, there are usually 3 options to consider when for a call in, to endorse it, to refer to Cabinet or to refer to Full Council, but to refer this to Full Council would cause a problem as full council does not have this function within our constitution and so this is not an option. He confirmed that the Legal Officer is looking to include some wording within the policy and flowchart to clarify this.

He confirmed that revised documents including all the changes would be emailed to members for clarification.

Members asked questions, made comments and received responses as follows:

1. Councillor Buckton stated that he was heartened by the response to Overview and Scrutiny's suggestions, and is pleased that the panel are able to add value to these processes. He added that having been involved in the review process for Assets of Community Value he is happy that the policy is being reviewed. He thanked Councillor King on behalf of the panel for having the opportunity to be able to comment on the policy moving forward and for taking the comments made into account when revising the policy and as a result of this we have a much better policy. Councillor King stated that he is grateful for the feedback provided by the Overview and Scrutiny Panel as it raised some points including the call in issue which needs to be addressed, it is important that we get this policy right;
2. Councillor Buckton stated that with regards to the revised policy and allowing people 5 minutes to speak at a review, both of the reviews carried out have been in relation to public houses and if a public house is listed as an Asset of Community Value this has potentially a significant financial consequence for the owner. The panel felt that 5 minutes is not sufficient time in that circumstance. We discussed this and suggested aligning the timings with the Licensing Hearings, where the Chairman at the start of the hearing will ask how long somebody needs and a reasonable amount of time is then allocated. He added that he would like the policy wording to say 'a reasonable amount of time'. In the original wording of the policy it is unclear if it is a hearing or a meeting, and although it is described as a meeting by allocating 5 minutes to make a representation it would appear to be a hearing. Councillor King stated that following their discussions with regards to time allocations they were looking to align it with a Planning Committee Meeting. He added that the danger of allocating 15 minutes is that it encourages people to come and present a whole case, when we want to encourage them to include everything possible in their submission prior to the

- meeting. He asked if the panel would be happy if the wording was changed to 10 minutes;
3. Councillor Buckton stated that the panel had moved away from stating a specific time and would prefer a policy which says 'a reasonable amount of time' as this enables the times allocated to be agreed within the circumstances. Ruth Lea stated that from the point of view of Councillor King, we are looking at making sure he has sufficient information at the time of the submission of the application and that the presentation at the meeting is affirming and reinforcing the application rather than offering new information at that stage. She added that while using the term 'reasonable amount of time' is a well-established process it can lead to uncertainty, however, you can have an indicative timeframe and allow the decision maker the opportunity for supplementary questions, as the facility to question gives balance and maintains control. Councillor King asked with this in mind would the panel be happy for the wording to say 'a reasonable time, approximately 10 minutes';
 4. Following further discussion around the wording the panel agreed the wording as 'a reasonable amount of time, at the discretion of the Portfolio Holder, followed by questions'.
 5. Councillor Buckton stated that the policy says the review process conducted by Cabinet and does not specify if the Portfolio Holder making the original decision will be present at the Cabinet meeting. Councillor King confirmed that he would attend the meeting to present the report and to answer any questions, but that he would not participate in the vote. Councillor Buckton stated that schedule 2 of the procedure for the review says that an Officer of the authority (in this case Cabinet), who did not take any part in making the decision to be reviewed shall carry out the review and make a review decision. He stated that in his view this means that anyone making the original decision should not be involved in the review. Ruth Lea stated that the Portfolio Holder would not be involved in the decision making process but would attend the meeting to make a presentation of their decision making and would then take no further part in the decision. Councillor King stated that the Cabinet would want to know what was originally considered and why that decision was made and have the opportunity to ask questions about it. He informed members that Portfolio Holders present items at each Cabinet meeting, not officers, and so this would follow that process. He reiterated that he would not take part in the vote;
 6. Councillor Buckton asked if Councillor King would be present or would take part in any discussion following the presentation. Councillor King stated that it is his intention to be present to answer any questions. Councillor Buckton stated that it would be a review of your decision and for that reason he does not feel comfortable that you are planning to participate in that review, as it cannot be described as an independent review. He added that he would want people to feel that if they had asked for a review they could feel confident that the review process was 100% independent;
 7. Councillor Count stated that he agrees with Councillor Buckton's comments with regards to this matter. Looking at the guidance from the schedule the person who made the initial decision should not be involved in the subsequent review process. He agreed that in order for Cabinet to make a fresh decision the Port Folio Holder should present the report explaining what the decision was and why they made it, there can then be the opportunity to answer any questions but they should then leave the room. This will be the time where the debate is opened and the vote is taken and this is the decision making process. Looking at other examples in the Council where people are excluded from participating in a decision making process the normal procedure would be to leave the room. Councillor King stated that Cabinet would want to ask questions but they would not be able to do that. Councillor Count reiterated that there would be an opportunity for Cabinet to ask questions following the presentation of the report. Councillor King stated that although he did not feel that it would be necessary to leave the room he would agree if there was a strong feeling from the panel. He stated that previously Officers have attended and presented the review having been part of the original decision making process. With this in mind he asked if Officers would be excluded too. Councillor Buckton confirmed that currently when reviews come to Overview and Scrutiny, the panel are not carrying out the review but are deciding if the decision should be referred back to Cabinet for them to review it. He reiterated that if the person who made the decision in the first place is part of the review then to an outsider they

may think that person has the potential to try to get that decision upheld rather than making a second objective view. He stated that the regulations clearly say that the review should be conducted by somebody who was not involved in making the original decision. Councillor King confirmed that he would look at the regulations and take guidance on this following the meeting. Ruth Lea stated that she understands what the spirit of the regulations is aiming at, however in law there are many different ways of establishing this type of arrangement, and therefore it is correct for Councillor King to investigate further and to take further advice. In the spirit of what is trying to be achieved it is important that the Portfolio Holder as the decision maker is able to present and answer questions and everybody agrees with this. We need to seek clarification with regards to whether or not the Portfolio Holder is in the room, although away from the table, whilst the debate and decision takes place. For clarification she asked the panel if they suggest that the Portfolio leaves the room at that stage. Members agreed. Ruth Lea agreed to investigate further. Councillor King agreed to feedback to the Panel following further investigation;

8. Councillor Buckton stated that there is use of gender exclusive language within the policy as in several places it refers to 'his', he suggested that this should be changed to gender neutral. Officers agreed;
9. Councillor Booth stated that page 33 of the report refers to Key Proposed Changes, and that he was expecting to see community engagement, he added that although it may have been covered within the actual policy, it should be made clearer in this report before it goes to Cabinet. Councillor King confirmed that there is a reference to Town and Parish Councils within the policy;
10. Councillor Booth stated that the report refers to neighbouring wards, he pointed out that some neighbouring wards may be outside of the district. Councillor King agreed to change this to say 'neighbouring wards within the district'.
11. Councillor Booth stated that with reference to page 40 - 8. Procedure for Review, he asked if this should be referred to as an Appeal or Challenge instead. Ruth Lea confirmed that it is important to get the emphasis right, every nominee or applicant has the right to appeal following the review, and we do not want to confuse or cross over with that terminology. She suggested wording such as 'reconsideration' however review is a fairly well established term that has been used previously. She reiterated caution against using 'Appeal' as that implies a legal escalation. Councillor King suggested 'Procedure for Reviewing the Original Decision'. Councillor Buckton stated that the term 'Review' is used in the legislation and in the schedule and therefore it is important that we use the same terminology with an explanation to reviewing the decision within the text. If people investigate and look at parts of the legislation which are referred to, it then becomes confusing if we are using different terminology;
12. Councillor Booth stated that people are more likely to read the policy and not as likely to read the legislation. Councillor King suggested amending the wording to say 'Procedure for Review (of the original decision)'. Members agreed;
13. Councillor Mrs Hay stated that she was pleased to see that officers have taken the suggestion from Overview and Scrutiny for District Councillors to be consulted and asked if they will be allowed to attend the meeting. Ruth Lea stated that when we discussed this we felt that it was important that the applicant and the owner are able to speak at the meeting and although we see the importance of the representations from other bodies such as the District Councillor, their representation would be considered as part of the written process. We need to ensure that the application form is guiding people very clearly, so at an early stage all of the information that the decision maker will need is forthcoming, as that has been the difficulty in the past. Councillor King stated that he has no problem with the District Councillor attending and suggested that a possible compromise might be that the Councillor attends to observe. Councillor Mrs Hay agreed;
14. Councillor Booth asked for clarification of the status of the meeting, is it a public meeting, as decisions should be public unless they are confidential. He stated that he is concerned if these meetings are not public particularly with regards to Public Assets, as members of the public should be able to observe. Councillor King stated that there is a strong argument for

having a public meeting but we were guided by the way other Councils deal with this. Ruth Lea stated that this has been considered as a Cabinet member delegated decision and these type of decisions are being taken across the council on a daily basis, the decision and report would be published and the usual time for call in is allowed;

15. Councillor Count stated that he appreciates that under the delegated powers of a Cabinet member they would be expected to make a decision in a private meeting, but the moment that we have been asked to review that decision it should be carried out in a public meeting. Councillor King confirmed that the review meeting would be public as it would be a Cabinet meeting. He asked for confirmation that the initial decision could be made in private and that the review meeting would be a public meeting. Members agreed. Councillor Booth stated that he disagreed, as the purpose of the legislation is for the community to get involved to protect assets within their community and yet we are suggesting that at the key point where the decision is being made we want to exclude them. Councillor King stated that the applicant and the owner of the property would have the opportunity to come along and speak and the District Councillor would be able to observe. Councillor Booth stated that given the nature of the legislation he feels this decision should be made in public. Councillor Count stated that we are talking about a Cabinet member's decision and saying that this one is different because it affects people's lives but it is the same for virtually all of the delegated decisions made by Cabinet members. As there is a review process in place, people have the right to see that. Councillor King stated that he would give this matter some more thought and to have a further discussion with the Legal Officer before feeding back to the panel.

Councillor King thanked the panel for their help and guidance with regards to the revision of this policy.

OSC22/16 FUTURE WORK PROGRAMME

Councillor Yeulett stated that following some recent comments with regards to difficulties faced by the Planning Committee with regards to Paperless he feels that it is a good idea for the Paperless Review Group to meet to have a look at the progress of the Paperless Project. He confirmed that the group would be, Councillor Mrs Hay, Councillor Buckton, Councillor Pugh and Councillor Mrs Mayor. Members agreed.

Members considered and agreed the Draft Work Programme 2016/17 for the Overview and Scrutiny Panel.

5.20pm

Chairman