

# OVERVIEW AND SCRUTINY PANEL

MONDAY, 8 NOVEMBER 2021 - 1.30 PM



**PRESENT:** Councillor D Mason (Chairman), Councillor A Miscandlon (Vice-Chairman), Councillor G Booth, Councillor D Connor, Councillor M Cornwell, Councillor A Hay, Councillor M Purser, Councillor R Skoulding, Councillor R Wicks and Councillor F Yeulett

**APOLOGIES:** Councillor S Count, Councillor M Humphrey and Councillor D Topgood

**OFFICERS IN ATTENDANCE:** Amy Brown (Head of Legal and Governance), Nick Harding (Head of Shared Planning), Dan Horn (Head of Housing and Community Support), Phil Hughes (Head of Leisure Services) and Carol Pilson (Corporate Director and Monitoring Officer)

**GUEST:** Matthew Wickham (Freedom Leisure)

**ALSO IN ATTENDANCE:** Councillor S Clark, Councillor S Hoy, Councillor D Laws, Councillor A Lynn

## **OSC19/21 PREVIOUS MINUTES.**

The minutes of the meeting of 11 October 2021 were confirmed and signed subject to the following comments:

- Councillor Booth recommended the minutes make clear that the information regarding apprenticeships is an action for the Combined Authority who act as lead on this area. Councillor Miscandlon noted that an update regarding apprenticeships was forthcoming with the Skills Committee due to meet later that week.

## **OSC20/21 UPDATE ON PREVIOUS ACTIONS.**

Members considered the update on previous actions and made the following comments:

- Councillor Miscandlon asked that Anglian Water be questioned over the licence to discharge and whether this had been, or was planned to be, invoked. Councillor Booth noted that Anglian Water had confirmed they had not been involved in the scheme and Councillor Cornwell supported this stating a similar comment had been made by Anglian Water at another recent local meeting.

## **OSC21/21 2021 PLANNING SHARED SERVICE ANNUAL REVIEW**

Councillor Mason welcomed Nick Harding, Carol Pilson and Councillor Laws to the meeting. Members considered the 2021 Planning Shared Service Annual Review presented by Nick Harding:

- Nick Harding noted several small changes to the report including an alteration to table three to read 2014-2021 and noted that the statistics below table five should read that the Council performed better on major and other applications.

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

- Councillor Cornwell enquired to what degree the reduction of resources at Peterborough City Council (PCC) had affected Fenland District Council's (FDC) need to employ more resources directly, referencing the fact that planning was supposed to be a shared service

with PCC. He also noted references to IT failures in the report and asked for a further explanation of the causes and the affects these had. Nick Harding informed the panel that the shared service was contractually limited to his own and Emma Nasta's employment stating that the shared service was a management level agreement. He explained that FDC had previously received officer support from PCC when capacity allowed but that this was on a short-term, ad hoc loan arrangement rather than a contractual obligation. It was noted that initial attempts to create a shared service at a technical level proved unattainable due to slow and unstable IT connections between PCC and FDC. Nick Harding provided an update on the current situation and informed the panel that, due to an increase in applications, a growth bid was being submitted to Corporate Management Team for assessment and that current practices and procedures were being reviewed to improve efficiency. Regarding the IT issues, Nick Harding explained that these were primarily due to a software upgrade which had taken time to install and had introduced some bugs which need to be addressed before going live. He noted that the only persisting bug revolved around customers using a specific redaction software which resulted in unreadable documents when provided to FDC.

- Councillor Yeulett asked which problem listed in the report had the greatest impact on the planning service and how it had been addressed. Nick Harding explained that an additional temporary resource had been deployed to deal with the validation backlog reducing the time behind to four weeks. He also noted the turnover of staff as a part time officer had been replaced by a fulltime officer to help ease the workload and explained that the service is conscious a permanent solution is needed hence the growth bid. Councillor Laws commended the tech team working on the validations and explained that the volume of work had been unprecedented and was not helped by the quality of submissions received. She noted that the Fenland Developers Forum had attempted to educate agents and developers through workshops to improve the submission of their application which had stood at four percent correct first time and has now rose to nine percent six months on.
- Councillor Yeulett asked whether the review of PCC's services was requested unilaterally and if FDC had any input in the process. He also asked how the results would affect FDC. Nick Harding explained that the review was commissioned by PCC due to budget pressures, their backlog of applications and case load work. Carol Pilson noted that PCC have the right to review their own services and that they had paid the courtesy of informing FDC. She informed the panel that there had been ongoing contact between PCC and FDC, that discussions had taken place on the potential impact of the review and that further communication was planned for December. She explained that the review was broad and revolved around ensuring their processes are fit for purpose. In terms of possible effect on FDC, Carol Pilson stated that it could affect the shared service agreement, however FDC had been able to provide input to the review and any change to the agreement would take 6 months to implement providing leeway to address the issue if necessary.
- Councillor Miscandlon asked why the new enforcement officer had not been introduced to the public. He also noted that the planning department were poor at responding to emails from members of the public and asked whether holding emails could be utilised. Nick Harding agreed that an introduction of the new officer to those with current cases would have been ideal however due to time constraints it was felt that prioritisation should be given to validation. He noted that an introduction email could be arranged if the panel believed it pertinent. Regarding the unanswered emails, Nick Harding explained that further investigation would be undertaken and offered to discuss this further with Councillor Miscandlon.
- Councillor Laws asked for clarification on whether members of the public are using the planning enquiry email address. Councillor Miscandlon clarified that individuals were sending in applications and queries and no holding emails were being sent back. Councillor Laws noted that a conversation had been had before regarding improving the IT software and publicising on the website. She noted that the issue stemmed from the agent failing to update the applicant resulting in applicants directly contacting the Council to receive an update.
- Councillor Wicks asked whether the software upgrade was a commercial or inhouse one.

Nick Harding explained that the software provider was Idox who provide the new version of the software. He noted that these updates can go on to cause issues.

- Councillor Wicks asked whether the issues affected other Council's and enquired whether enough testing had been undertaken before the software was implemented. He questioned what feedback was provided to the supplier to rectify any issues found. Nick Harding noted that the issues only affected FDC and that PCC had avoided these, he presumed that the issue lay with the setup of the IT system rather than the software itself. He did note that the issue of redaction seemed to be national. Nick Harding explained that issues are identified by officers and members of the public and that the error messages or descriptions of the problem are then passed to FDC's IT department. He explained that the IT team undertake an initial assessment to identify whether the cause is internal or external and regretted that there was no information to hand regarding time spent by the IT department dealing with these issues.
- Councillor Hay asked why it had taken a prolonged period of time to elicit a response from the Tree Officer regarding Ely House. Nick Harding noted that it was not appropriate to discuss individual planning applications at this meeting but disclosed that this application was incomplete when received and that a reply had been sent in September explaining that the application was invalid and the reasons why.
- Councillor Hay noted that the percentages provided for applications handled in time were difficult to understand without knowing the total number of applications each year. She also asked if time extensions were fixed for each applicant or whether they were decided on a case-by-case basis. Nick Harding informed the panel that in the year ending March 2021, the Council had received 12 major applications, 330 minor applications and 250 other applications. He explained that the time extensions were determined on a case-by-case basis which was determined by the complexity of the application and where the application sat in the overall process. He noted that extensions were negotiated with the agent or applicant and informed the panel that the extensions could be rejected by the applicant or agent if they felt they were excessive.
- Councillor Hay asked that future reports include total numbers alongside the percentages provided and that the shortest and longest extensions also be included.
- Councillor Connor asked for a breakdown of the number of planning applications going to committee over the past three years along with the number of applications during the current year if possible. Nick Harding informed the panel that he would provide a written update after the meeting as he did not have this information to hand.
- Councillor Booth argued that the use of the term shared service was a misnomer. He asked whether there was any possibility of expanding the shared service and questioned whether PCC were likely to pull out of the contract. He felt the Shared Service was going backwards as elements such as the loaning of officers during peak periods which initially sold the service to members was no longer available. Carol Pilson assured the panel that the earlier comment regarding the six-month cessation period was only mentioned to reassure the panel that a sufficient time period was in place to deal with any consequences of the shared service agreement ending. She agreed that the term shared service had become a misnomer as the initial plans to create a true shared service had been unfeasible for reasons explained by Nick Harding earlier in the meeting. She explained that the Council was consistently exploring opportunities to utilise PCC services and cited the development of the local plan as one area where this had been achieved. She explained that dependant on the PCC review outcomes, FDC could reassess whether a deeper integration of the planning shared service was now possible if Members so wished.
- Councillor Booth asked whether there were any potential cost savings with a deeper integration of the shared service. He asked for further information to be included in future reports regarding staff including who the team comprises of and what the staff turnover had been in order to keep members better informed of any changes. Nick Harding explained that emails are circulated when new staff are appointed and that this included members. He apologised if this had been missed with the most recent appointment and said that he would ensure that this would be fixed if it had been overlooked. Councillor Laws explained that the

Planning Officer who left in August was a contractor and that these changes in staff are not usually publicised.

- Councillor Booth noted that he had received anecdotal information that the validation process was highly stringent and that there was a feeling among some that this was being used as a reason not to progress applications. He asked whether there was scope to review the validation process to streamline it. Councillor Laws noted that the technical team were thorough but that this made sure that the right information is passed to the planning team reducing the amount of time needed there. Nick Harding agreed that the validation process was stringent but that this was necessary to ensure that the drawings are correct to prevent complaints around errors when the plans go out to consultation. He noted that the majority of errors from applicants are simple things such as not signing the document or failing to include scales.
- Councillor Booth asked whether there was an expected completion date for the traveller and gypsy housing needs assessment and questioned why there had been such a long delay considering its importance. Nick Harding noted that he would provide a written response regarding the expected completion date and explained that delays were due to Covid and the hesitancy of the community to allow site visits which are necessary to inform the overall assessment.
- Councillor Mason asked for further information regarding time allocated to major applications against minor applications. He noted that the completion of minor applications in time had dropped from the previous year whilst the completion of major applications had remained at 100 percent. Nick Harding noted that different application types have different levels of complexity and that major applications are dealt with by more senior staff. He explained that it was difficult to assess the data in this way but that he would investigate it further. Councillor Laws further explained that major applications are submitted by highly experienced, professional agents whereas those submitting minor and other applications may have less experience. She surmised that this could explain the discrepancies between Major and Minor applications. Councillor Laws also noted that there had been an increase in the number of minor applications being submitted.
- Councillor Cornwell noted that the lack of responses to emails from FDC had been prevalent in the local news and asked whether the Council's main customer services policies needed revisiting to address this. He asked whether FDC could ask to see what the proposals are and how they would affect the Council. Nick Harding noted that FDC undertake reviews without informing PCC and that there was a differentiation in how the two Council's conduct the process.
- Councillor Mason thanked Nick Harding, Carol Pilson and Councillor Laws for their contribution.

**The report was noted for information.**

## **OSC22/21 PROGRESS OF CORPORATE PRIORITY - COMMUNITIES**

Councillor Mason welcomed Councillor Clark, Councillor Hoy, Councillor Lynn, Dan Horn, Phil Hughes and Carol Pilson to the meeting.

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

- Councillor Miscandlon asked how the aim of bringing empty houses back into use was progressing. Councillor Hoy said that she was very happy with the current progress. She informed the panel that changes had been made relating to Council Tax so that individuals buying long standing empty homes did not have to pay the 300% Council Tax. She noted that the project was up for review at the end of November.
- Councillor Miscandlon enquired around the number of properties available to bring forward for occupation. Councillor Hoy noted that she did not have the answer to that at the current time and explained this was partly due to the difficulty of knowing how many empty homes there were in the area.

- Councillor Booth asked why Councillor Boden was not in attendance as he was listed as a portfolio holder. Councillor Mason informed him that Councillor Boden had sent his apologies as he was on holiday.
- Councillor Booth asked whether the total number of empty houses was included in the pack. He also enquired as to whether bringing empty houses back into circulation was being achieved at a faster rate than those becoming empty. Councillor Hoy confirmed that the total number of empty houses were not included in the pack and agreed to provide the figure to the panel after the meeting. Regarding effectiveness she noted that the scheme had been successful in bringing empty houses back into circulation and that lessons had been learnt which have helped improve the scheme.
- Councillor Booth asked for clarification on whether section 215 notices could be used to bring empty homes back into use. Councillor Hoy explained that this was more relevant to planning and that the current policy was based around helping reduce Council Tax for buyers along with proactively contacting owners to see how the Council could assist in bringing empty houses back into use.
- Councillor Cornwell noted the effect of Covid on community services. He asked what plans there were to promote resident's wellbeing once the Covid situation has lessened. Councillor Clark explained that the Council was moving forward with plans for Golden Age events and fairs once there was certainty on the safety. She noted there had been increased activity within Active Fenland with activities being held across the District. There was a further discussion regarding what plans were in place to regenerate the general community. Councillor Clark noted that it had been difficult to make plans due to the current Covid climate and that there was no overarching strategy regarding community services. She explained that the Council remained open to offering assistance wherever needed and noted the possibility of supporting Cambridge County Council in the delivery of the Household Support Fund.
- Councillor Cornwell noted that the Council should be encouraging progression and suggested that there seemed to be a reluctance to move on post-Covid. Carol Pilson explained that there was still a lot of uncertainty regarding Covid and that the Council was currently attempting to restart the positive projects which were placed on hold due to the pandemic including the Active Fenland programme and the Four Seasons events. She noted that the Council plays a role in encouraging communities to undertake events safely through the Community Safety Advisory Group and that the volunteer Street Pride groups had begun to meet again with initial plans made moving forward. She also noted that there were a variety of funds available to help people return to the community and that all these activities could act as a springboard for further involvement when there is less uncertainty around the Covid situation.
- Councillor Mason noted that events undertaken so far had been very successful and suggested that future events such as the Golden Age Fair be incorporated with other community events. Councillor Clark confirmed that this was a possibility under consideration following the success at Whittlesey.
- Councillor Booth surmised that part of the issue regarding the uncertainty around Covid lay with the overall guidance available. He noted that guidance from the Community Safety Group on how to undertake a successful event would be useful for communities. Councillor Clark also mentioned that it was difficult to find enough volunteers for events as many people were still worried about the pandemic.
- Councillor Yeulett asked whether there were any other initiatives regarding the Post-Covid period from other portfolio holders. Councillor Lynn noted that the Community Champions scheme was back up and running and that they were in contact with the minority groups across Fenland. Dan Horn noted that a project had been successfully undertaken in the past year regarding illegal money lending which had helped inform young people in Wisbech about how to prevent the practice in the community. Councillor Lynn explained that they were currently looking at ways to expand these projects to include other areas such as scams and drugs.
- Councillor Yeulett asked Councillor Hoy whether there were any problems caused by Covid

regarding housing. She explained that the pandemic had not had a huge effect on housing other than preventing eviction which could increase the amount of work for housing options now that eviction is possible again. She noted the true effect of this is unlikely to be observable for several months.

- Councillor Yeulett asked whether there had been any challenges or notable increases in domestic violence due to the pandemic. Councillor Lynn noted that he had engaged in the walk a mile in their shoes event to help raise awareness. Dan Horn explained that detecting domestic abuse formed a large part of the Community Safety Partnership's work and that there had been a coordinated approach across all public sector partners in dealing with these issues. He noted that the role over the past 12 months had revolved around workplace development and that training sessions had been held online for key staff who might be in contact with domestic abuse victims.
- Councillor Miscandlon asked whether there was any further information on how to apply for the money made available for tree planting from central government. Carol Pilson explained that the Council would be liaising with Town and Parish Council's over suitable locations and that members would be consulted during this process.
- Councillor Miscandlon informed the panel that free fishing lessons are being provided on the 27<sup>th</sup> November at the Manor in Whittlesey as the previous event had proven popular.
- Councillor Booth asked what the Council was doing to pressure Clarion into bringing housing association stock back into use as there had been lengthy delays attributed to Covid. Councillor Hoy mentioned that Clarion are due to attend the next meeting and that this would be a good question to ask them. She noted that the Council will continue to place pressure on Clarion to complete repairs and that improvements had been made with urgent appointments now being completed on the same day.
- Councillor Booth noted the figures provided regarding memberships for the learning to swim programme. He asked why the August figures for 2021 were being compared to January 2020 instead of August 2019 as this would provide more meaningful data. It was agreed that this would be adopted going forward.
- Councillor Mason thanked Councillor Clark, Councillor Hoy, Councillor Lynn, Dan Horn, Phil Hughes and Carol Pilson for their time.

**The report was noted for information.**

### **OSC23/21 FREEDOM LEISURE REVIEW**

Councillor Mason welcomed Councillor Clark, Matthew Wickham, Phil Hughes and Carol Pilson to the meeting.

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

- Councillor Yeulett asked what the Council's financial contribution was to Freedom Leisure and whether the money would be paid back to the Council. He asked where the funds had come from within the Council's budget and questioned whether the service had returned to normal levels of activity following the easing of restrictions and if the service was now financially feasible. Carol Pilson noted that the support provided to Freedom Leisure had been reported to Cabinet and committed to circulating this report with the panel. She explained that the management fee owed to FDC by Freedom Leisure had been deferred since the start of the pandemic and that once a certain threshold had been hit, they would begin to repay the Council. She also explained that FDC had covered the cost to keep the service functional over the course of the pandemic. Carol Pilson informed the panel that support had been sought via the National Leisure Recovery Fund to help offset some of the costs which may have fell on the Council due to contractual obligations. She noted that the Government also provided Council's with a scheme related to income so that 75 pence in every pound was recovered from losses during the pandemic. Carol Pilson noted that the balance paid to Freedom Leisure had been taken from reserves and that the effect on the overall budget will be reviewed at Council in February.

- Councillor Mason asked whether there were any concerns over Freedom Leisure's ability to repay the money owed. Carol Pilson explained that they were due to begin paying back some of the management fee in January showing that the sector was beginning to recover from the pandemic.
- Councillor Yeulett asked how Freedom Leisure planned to compete against Pure Gym in Wisbech as they had recently lowered their prices. Matthew Wickham stated that this was a challenge that Freedom Leisure experienced across most of their gyms in England and Wales and that rather than lower prices they compete by selling a more rounded package than their competitors including all facilities not just the gym.
- Councillor Hay echoed Councillor Yeulett's concern regarding Pure Gym and asked whether Freedom Leisure believed that the removal of the daytime membership option would have a negative effect on the service. Matthew Wickham explained that the change had been made in the best interests of as many people as possible. He noted that if there was sufficient feedback that it would be open to review as their goal was to help as many individuals stay active as possible.
- Councillor Hay noted that there seemed to be very little consultation with users when the daytime membership was initially ceased and expressed the concern that the effect of the change would only be seen when individuals decided not to sign back up. Matthew Wickham accepted this point but explained that consultation would always result in a recommendation to reduce the price. He noted that reducing the cost would have a knock-on effect on other areas and that the price had to be weighed against the services provided. He explained that they could not make alterations based on specific demographics as the service was designed to attract customers from all walks of life.
- Councillor Booth asked whether the grant received was masking the true extent of the issue being faced. He questioned the confidence that Freedom Leisure had around returning to a positive position by January. Matthew Wickham noted that the forecasting undertaken since the beginning of the pandemic had proven fairly accurate and there was no reason to expect this to be far off for January. He remarked that areas such as learn to swim had experienced a boom and were 51 percent up from pre-pandemic levels. He noted that Fenland membership numbers were the highest within their own internal league tables albeit 12 percent down on pre-Covid figures. He explained that communication had improved across the sector and that Freedom Leisure were confident that they were in similar situations if not better off than other operators in the country. He also noted the importance for Freedom Leisure to return to pre-Covid levels as the financial margins within the industry are small. He noted that there were challenges due to price rises in utilities and goods which they were attempting to offset as much as possible.
- Councillor Booth asked what negatives there were from the feedback and complaints and requested that more information be provided around complaints analysis. Matthew Wickham agreed that the report was very one sided in terms of the feedback from customers included. He noted that most feedback around staff was exceptionally good but agreed that they could improve further by continuing to take complaints on board. He agreed to provide a complaints analysis going forward.
- Councillor Miscandlon asked whether Freedom Leisure had considered moving to solar power due to the rise in utility prices. Matthew Wickham stated that Freedom Leisure were focused on improving their environmental footprint as a corporate priority. Phil Hughes explained that work had been undertaken in 2016/2017 to put PV on all leisure centre roofs and combined heaters in all centres with swimming pools. Matthew Wickham noted that they would take the point onboard and discuss how further improvements could be made.
- Councillor Wicks asked what recovery maintenance plans were in place with regards to the swimming pools that had laid dormant during the pandemic and noted issues reported at Whittlesey swimming pool. Matthew Wickham stated he was not aware of any specific issues and that he would provide an update to the panel after the meeting. He stated that ahead of reopening's Freedom Leisure undertook full maintenance plans like those undertaken when starting from scratch. He noted that issues arose as the machinery was not designed to be turned on and off.

- Councillor Mason thanked Councillor Clark, Matthew Wickham, Phil Hughes and Carol Pilson for their time.

**The report was noted for information.**

**OSC24/21 FUTURE WORK PROGRAMME**

Members considered the Future Work Programme.

- Councillor Wicks asked for an update on when Cambridge County Council Highways team would attend a meeting. Amy Brown noted that it had been suggested this wait until the new year due to personnel changes so that a more comprehensive report can be given.
- Councillor Booth asked for a watching brief on the planning review at Peterborough and any impact this may have on FDC.
- Cllr Mason noted that the annual review of Clarion was due for the next meeting. Councillor Miscandlon requested that all Councillors be asked whether they had any issues they wished to be addressed at the next meeting of Overview and Scrutiny.

3.59 pm

Chairman