

Minutes of a meeting of the Scrutiny Commission held at County Hall, Glenfield on Wednesday, 31 October 2018.

PRESENT

Mr. S. J. Galton CC (in the Chair)

Mr. B. Crooks CC	Mrs. R. Page CC
Dr. T. Eynon CC	Mr. A. E. Pearson CC
Dr. R. K. A. Feltham CC	Mr. T. J. Pendleton CC
Mrs. H. J. Fryer CC	Mrs B. Seaton CC
Mr. J. Kaufman CC	Mrs. M. Wright CC
Mr. J. Morgan CC	Mr. M. B. Wyatt CC

31. Minutes.

The minutes of the meeting held on 12 September 2018 were taken as read, confirmed and signed.

32. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 35.

33. Questions asked by members under Standing Order 7(3) and 7(5).

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

34. Urgent Items.

There were no urgent items for consideration.

35. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

All members of the Commission who were also members of a District Council declared a personal interest in the reports on the Strategic Growth Plan and the Planning Obligations Policy Review (minutes 38 and 39 refer).

Mr T Pendleton CC also declared a personal interest in the Strategic Growth Plan as he was the Chairman of the Members' Advisory Group which was overseeing its development.

Dr T Eynon CC declared a personal interest in the Annual Performance Report 2017/18 (minute 40 refers) as it made reference to Carillon Wellbeing Radio, for which she was a volunteer, and the Coalville Heritage Society, of which she was a member.

36. Declarations of the Party Whip in accordance with Overview and Scrutiny Procedure Rule 16.

There were no declarations of the party whip.

37. Presentation of Petitions under Standing Order 36.

The Chief Executive reported that no petitions had been received under Standing Order 36.

38. Strategic Growth Plan.

The Commission considered a report and presentation of the Chief Executive which set out the revised Leicester and Leicestershire Strategic Growth Plan (SGP), which had been amended in the light of consultation responses. A copy of the report marked 'Agenda Item 8', and the slides forming the presentation, is filed with these minutes.

The Commission also considered a submission from the Campaign to Protect Rural England, a copy of which is filed with these minutes.

In introducing the report, the Chief Executive advised that the SGP would be a key document to help the local area plan for future development needs. Leicester and Leicestershire were one of the only areas in the country developing a voluntary plan in this way and had consequently attracted interest from central Government and agencies such as Homes England. He noted that the SGP was not set in stone but would be reviewed as new evidence became available and would be considered and tested through the Local Plan process at district council level.

The Commission was advised that the breakdown of consultation responses showed that 42% of respondents agreed with the key priorities and 42% disagreed. 57% of respondents disagreed with the A46 Expressway being a primary growth area. 54% of respondents agreed that Leicester should be the central city. 47% agreed with the proposals for the development of the Northern Gateway (now the Leicestershire International Gateway) whereas only one third of respondents agreed with the proposals for the Southern Gateway, which had been removed from the Plan as a result of the consultation. A full report of the consultation findings was available on the SGP website.

Arising from discussion the following points were raised:-

- (i) The SGP had been prepared in the context of Government policy and guidance, as well as independent evidence, such as the Housing and Economic Development Needs Assessment (HEDNA). The HEDNA was recognised as a robust and comprehensive assessment. It was based on the 2014 housing need projections and was therefore in line with the Government's latest guidance for calculating housing need, which were currently subject to consultation. These figures were preferred by the Government to the 2016 projections which had only recently been published and had yet to be considered in the context of other available evidence and Government policy.

- (ii) The Commission was keen to see a review timetable built into the SGP. Officers advised that it had always been the intention to review the Plan in the light of triggers such as updated housing need projections, but acknowledged that this had not been made explicit. The Commission felt that clarity around the triggers for a review would provide some assurance for stakeholders.
- (iii) Concern was expressed that the response rate for the consultation was low, with only 588 responses received across Leicester and Leicestershire. It was understood that each stakeholder had been responsible for their own consultation; however, it was suggested that the County Council should reconsider its arrangement for consultations, with a view to improving their effectiveness. It was noted by officers that the consultation response was broadly in line with response rates for similar strategic planning documents.
- (iv) Some disappointment was expressed that there was already significant congestion in some areas, such as Coalville, but the SGP proposed further managed growth. The Commission was assured that the SGP intended to change the recent approach to development, which had seen the addition of new extensions to existing settlements and which if continued into the future would lead to further congestion and a lack of sustainability. In addition, a package of measures to address congestion issues around Coalville was already in place. In the future, using the SGP as a framework for the more detailed, statutory Local Plans would result in a more sustainable distribution of development across the county, creating new communities which were supported by infrastructure. It was intended that the Local Plans would also seek to address concerns around issues such as air quality and the housing needs of an ageing population.
- (v) It would be important to take account of development outside of Leicestershire which could have an impact on the county, particularly in terms of congestion and the long-term infrastructure required to address this. Officers confirmed that developments around Toton in the north of the county and the Oxford- Cambridge arc to the south had been taken into account, but acknowledged that the Kettering and the A14 could have been given greater attention. Members were reminded that the proposed A46 Expressway was intended to relieve congestion to the south of the county.
- (vi) It was confirmed that the dual role of the County Council as landowner and as promoter of land for development had not been raised as an issue during the consultation. The County Council was aware of potential conflicts of interest and the usual appropriate safeguards would be put in place before any planning application process commenced. In addition, consideration was being given to how, if any profits were realised from the sale of County Council land, these could be used to forward-fund infrastructure developments.
- (vii) Midlands Connect had commissioned a study into the A46 Expressway, which was due to be published on 7 November and would then be made available to members. Due to the scale of the development, this work was being taken forward by Midlands Connect and Transport for the East Midlands, with support from the County Council and other affected local authorities. The study would look at all options in the context of issues such as cost and resilience for the transport network.

- (viii) The Transport Evidence which had been published during the consultation period, leading to its extension, was at a very high level, with broad themes which would need working through at the Local Plan level. A transport strategy would also be developed with Leicester City.
- (ix) The Leicestershire International Gateway would be an area of major growth and job creation. HS2 was expected to be delivered from 2033. The County Council's Cabinet had approved the use of additional resources to enable a proactive approach to be taken to mitigate the impact of HS2 and realise benefits for the area. The Government had announced the creation of a development corporation the previous week, including the International Gateway and station at Toton. This was at an early stage and the implications were not yet known. However, Leicestershire County Council and the Leicester and Leicestershire Enterprise Partnership (LLEP) intended to be actively involved in creating it.
- (x) In response to a query about skills and workforce, the Commission was advised that this would feature in the Local Industrial Strategy (LIS), which would focus on putting the right training facilities in place and supporting people into better jobs, including through the promotion of knowledge-based skills. The LIS would interact with the SGP particularly as the LLEP was involved in both documents. The evidence base was also consistent across the two.
- (xi) A conscious decision had been taken to exclude strategic B8 class of land use, (storage and distribution) from the SGP. This was because the four district councils most affected by this type of land use were already working together to commission an independent study which should enable them to influence any proposals for strategic B8 development in Leicester and Leicestershire in the future.
- (xii) It was confirmed that the SGP evidence base had identified the protection of green wedges as an important consideration when planning for development. The methodology for identifying and reviewing green wedges had been in place for a number of years. It was currently being considered by Planning Officers and would be revised if necessary.

RESOLVED:

- (a) That the comments now made be submitted to the Cabinet for consideration at its meeting on 23 November;
- (b) That the Cabinet's attention be drawn to the view of the Commission that arrangements for review should be explicitly built in to the Strategic Growth Plan;
- (c) That details of the national consultation on the national planning policy and guidance be circulated to members of the Commission for information.

39. Planning Obligations Policy Review.

The Commission considered a report of the Chief Executive which sought its views on the review of the County Council's Planning Obligations Policy as part of the consultation process. A copy of the report marked 'Agenda Item 9' is filed with these minutes.

The Commission noted that it was Lonek Wojtulewicz, Head of Planning, Historic and Natural Environment's last meeting before he left the Council to take up a new post in

central Government. The Commission thanked Lonek for his advice over the years and particularly his work on the Development Control and Regulatory Board.

In introducing the report, officers explained that the Planning Obligations Policy was a corporate document to ensure that the County Council had a co-ordinated approach to applying for Section 106 contributions. However, each department would be able to decide individually the best way of allocating the funds.

Arising from discussion the following points were raised:-

- (i) Members felt that policy was a useful and comprehensive piece of work. The addition of adult social care contributions was welcomed and it was hoped that the inclusion of major adaptations would encourage developers to build more accessible homes in the first place. New national planning guidance had placed emphasis on homes for the ageing population as well and the County Council could request these when responding to consultation on planning applications. In terms of Extra Care and Supported Living developments, the Adults and Communities Department would compare the need for these types of housing with what was available to assess the level of contribution required.
- (ii) In response to a query regarding the use of Section 106 monies for extra school places, it was confirmed that the County Council sought to have trigger points in the Section 106 agreements to ensure that the building of new classrooms was timed appropriately. It was more difficult to phase development when a new school was required. Issues regarding Schools Admissions Policies should be raised with the Children and Families Service Department.
- (iii) Lessons had been learnt regarding travel packs, as some of the Section 106 funds allocated for these had previously had to be returned to developers. The County Council now sought to have greater flexibility and creativity in how Section 106 contributions to public transport could be used.
- (iv) The consultation would be targeted at stakeholders, such as developers. There would also be an option for the general public to respond to the consultation online, although given the nature of the consultation it was expected not to generate much public interest and would not be widely promoted.
- (v) A view was expressed that, where Section 106 contributions were sought for libraries, these should be for community managed libraries rather than those provided directly by the County Council. It was confirmed that the focus would be on the main libraries but this did not preclude a case being made for provision for community managed libraries.

RESOLVED:

That the comments now made be taken into consideration as part of the consultation on the Planning Obligations Policy and submitted to the Cabinet for consideration.

#### 40. Annual Performance Report 2017/18.

The Commission considered a report of the Chief Executive which presented the draft Annual Delivery Report and Performance Compendium for 2018 and sought the

Commission's views on the Annual Delivery Report. A copy of the report marked 'Agenda Item 10' is filed with these minutes.

Members welcomed the comprehensive report, which was also felt to be more realistic than in previous years. The work of the Communities Team and Local Area Co-ordinators was praised, as was the recognition of high levels of sickness absence and work being undertaken to reduce it. It was suggested the provision of affordable homes, home education of children and community mental health services for children and young people were all areas which would merit further scrutiny.

Arising from discussion the following points were raised:-

- (i) There was no official ranking of local authority performance undertaken nationally. The LG Inform (Local Government Association) benchmarking system was generally considered to be the most reliable, however the benchmarking in the Annual Performance Report had been undertaken internally, using a variety of national data sources including LG Inform.
- (ii) Concern was expressed regarding the increase in crime. It was recognised that this was a national issue, but there were three areas where Leicestershire's performance was in the fourth quartile when compared with other two-tier county areas.
- (iii) It was suggested that the increase in the number of safeguarding inquiries in care homes could relate to recruitment and retention issues in this area. Officers would work with the Adults and Communities Department to identify whether the data demonstrated a link or not.
- (iv) It was noted that commercial investments were a major theme for the County Council but queried whether the profits recorded included staff time and whether the County Council was getting the best value for money. It was also queried whether investment in solar energy would continue to provide value for money, given that central Government was reducing its support to the tariff. Officers undertook to investigate these matters further.
- (v) It was confirmed that, although air quality was not addressed by the Annual Performance Report, it was both a national and a local issue and would be addressed in the forthcoming Annual Report of the Director of Public Health. A report on air quality would also be submitted to the Environment and Transport Overview and Scrutiny Committee early in the new year.

RESOLVED:

That the comments now made be submitted to the Cabinet for consideration at its meeting on 23 November.

#### 41. Revenue Budget and Capital Programme Monitoring Report - Period 6.

The Commission considered a report of the Director of Corporate Resources which provided an update on the 2018/19 revenue budget and capital programme monitoring position. A copy of the report marked 'Agenda Item 1' is filed with these minutes.

It was confirmed that the Special Educational Needs (SEN) overspend within the Dedicated Schools Budget (DSG) had increased slightly since the report considered by

the Commission in September 2018. A discussion with the Schools Funding Forum had already taken place and the plan to deal with the overspend had been broadly accepted. More detail would be provided in the next report to the Commission.

It was noted that issues relating to rigid plastics being sent to landfill were likely to be caused by an international reduction in demand for it. Leicestershire had not been impacted to the extent of some other local authorities.

RESOLVED:

That the 2018/19 revenue budget and capital programme monitoring position be noted.

42. Review of Earmarked Funds.

The Commission considered a report of the Director of Corporate Resources which set out the findings of a detailed review of revenue earmarked funds and balances. A copy of the report marked 'Agenda Item 12' is filed with these minutes.

The negative reserve for Special Educational Needs (SEN) was expected to increase over the next couple of years, because the plan to address the overspend required investment to increase the provision of lower cost provision in the county. Managing demand was also part of the plan and partnership with schools was key to this. The reserve was expected to achieve balance over the next four to five years. The risk was recognised and more detail would be included in the report to the Commission on the Medium Term Financial Strategy for 2019/20 – 2022/23 in January.

The grant for Supporting Leicestershire Families (SLF) was expected to cease in 2021. The County Council had put £2million aside to extend the programme for a couple of years. The position would be assessed following the Comprehensive Spending Review, which was expected to clarify the national landscape.

RESOLVED:

That the review of revenue earmarked funds and balances be noted.

43. Date of next meeting.

It was noted that the next meeting of the Commission would be held on 14 November at 10.00am.

10.00 am - 1.45 pm  
31 October 2018

CHAIRMAN