

A meeting of the **OVERVIEW AND SCRUTINY PANEL (SERVICE SUPPORT)** will be held in **THE WREN ROOM, THE COUNTRYSIDE CENTRE, HINCHINGBROOKE COUNTRY PARK, BRAMPTON ROAD, HUNTINGDON PE29 6DB** on **TUESDAY, 10 FEBRUARY 2009** at **7:00 PM** and you are requested to attend for the transaction of the following business:-

**PLEASE NOTE VENUE AND START TIME**  
**DIRECTIONS ARE ATTACHED AT THE BACK OF THE AGENDA**

Contact  
(01480)

## **APOLOGIES**

1. **MINUTES** (Pages 1 - 4)

To approve as a correct record the Minutes of the meeting held on 13<sup>th</sup> January 2009.

**Mrs C Bulman**  
**388234**

2. **MEMBERS' INTERESTS**

To receive from Members declarations as to personal and/or prejudicial interests and the nature of those interests in relation to any Agenda Item. Please see Notes 1 and 2 below.

3. **LOCAL GOVERNMENT ACT 2000 - FORWARD PLAN** (Pages 5 - 10)

In accordance with the agreed procedure, Members are invited to note the Plan and comment as appropriate on any items contained therein. A copy of the current Forward Plan is attached.

4. **REGIONAL SCALE SETTLEMENT STUDY**

To receive a verbal update by the Head of Planning Services.

5. **THE LOCAL INVESTMENT FRAMEWORK** (Pages 11 - 14)

To consider a report by the Head of Planning Services on the Local Investment Framework.

**R Probyn**  
**388430**

(A copy of the Huntingdonshire Local Investment Framework Final Report is enclosed for Members of the Panel only). Copies of appendices are available on request or at:-

<http://teams.huntsdc.gov.uk/Planning/planning%20policy/Local%20In>

**6. SECTION 106 WORKING GROUP** (Pages 15 - 34)

To consider the report of the Section 106 Working Group.

**Mrs C Bulman  
388234**

**7. WORKPLAN STUDIES** (Pages 35 - 38)

To consider, with the aid of a report by the Head of Administration, the programme of studies.

**Mrs C Bulman  
388234**

**8. OVERVIEW AND SCRUTINY (SERVICE SUPPORT)** (Pages 39 - 46)

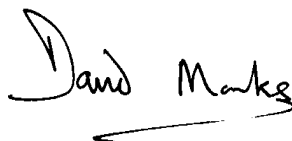
To consider a report by the Head of Administration on decisions taken by the Panel.

**Mrs C Bulman  
388234**

**9. SCRUTINY** (Pages 47 - 52)

To scrutinise decisions since the last meeting. A copy of the relevant Decision Digest is attached.

Dated this 29th day of January 2009



Chief Executive

**Notes**

1. *A personal interest exists where a decision on a matter would affect to a greater extent than other people in the District –*
  - (a) *the well-being, financial position, employment or business of the Councillor, their family or any person with whom they had a close association;*
  - (b) *a body employing those persons, any firm in which they are a partner and any company of which they are directors;*
  - (c) *any corporate body in which those persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or*
  - (d) *the Councillor's registerable financial and other interests.*

2. *A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the Member's personal interest as being so significant that it is likely to prejudice the Councillor's judgement of the public interest.*

**Please contact Mrs Claire Bulman, Democratic Services Officer Tel 01480 388234 / email [Claire.Bulman@huntsdc.gov.uk](mailto:Claire.Bulman@huntsdc.gov.uk) if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee/Panel.**

**Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.**

**Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.**

Agenda and enclosures can be viewed on the District Council's website – [www.huntingdonshire.gov.uk](http://www.huntingdonshire.gov.uk) (*under Councils and Democracy*).

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Democratic Services Manager and we will try to accommodate your needs.

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# Agenda Item 1

## HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the OVERVIEW AND SCRUTINY PANEL (SERVICE SUPPORT) held in the Council Chamber, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN on Tuesday, 13 January 2009.

PRESENT: Councillor J A Gray – Chairman.

Councillors M G Baker, K M Baker, J T Bell, J W Davies, P J Downes, A N Gilbert, P M D Godfrey, D Harty, Ms S Kemp, L W McGuire, M F Newman, R G Tuplin and R J West.

APOLOGY An Apology for absence from the meeting was submitted on behalf of Councillors P H Dakers.

### **66. MINUTES**

The Minutes of the meeting of the Panel held on 9th December 2008 were approved as a correct record and signed by the Chairman.

### **67. MEMBERS' INTERESTS**

No declarations were received.

### **68. LOCAL GOVERNMENT ACT 2000 - FORWARD PLAN**

The Panel considered and noted the current Forward Plan of key decisions (a copy of which is appended in the Minute Book) scheduled for consideration by the Cabinet, which had been prepared by the Leader of the Council.

Members requested that reports on the Local Investment Framework, the deliberations of the Structure Review Working Group and the Masterplan for land east of Sapley Square be submitted to future meetings of the Panel. The Great Fen Masterplan had been previously identified as an item which the Panel wished to consider and the Chairman reported that the contents of the collaboration agreement would be available at a later date. Further information was also sought on proposals for land adjacent to the Grant Cinema, Ramsey and the Supplementary Planning Document for developer contributions.

Having regard to forthcoming decisions on grant and awards, the Chairman urged Members to make any comments on the applications direct to the relevant Executive Councillor in advance of their deliberations.

**69. IMPROVEMENT WORKS TO CAR PARKS AT HUNTINGDON AND ST NEOTS RAIL STATIONS**

Further to Minute No. 08/ 64, the Chairman reported on the circumstances surrounding the decision not to invite representatives of First Capital Connect and Network Rail to attend the meeting. These related to ongoing discussions between the Council as the Local Planning Authority and Network Rail over permitted development rights. The Chairman then welcomed the District Council's Transportation Team Leader who had been invited to the meeting to provide an update on these matters.

By way of introduction, the Transportation Team Leader explained that improvements to the car parking facilities at both Huntingdon and St Neots Stations had been agreed as part of negotiations concerning the award of the railway franchise to First Capital Connect. Members were then acquainted with the background to the ongoing discussions between the Local Planning Authority and Network Rail. Arising from the expansion proposals, the Panel expressed concerns about vehicular access to the St Neots Station and the Western Car Park in Huntingdon.

In discussing the current situation, Members commented that any changes to vehicular access at Huntingdon Station could not be considered in isolation from the Huntingdon West Area Action Plan, and the parking capacity problems experienced by off-peak travellers in the Town. Members also queried the impact that the outcome of current enquires concerning permitted development rights would have on the situation.

The Panel discussed connections between train and bus services operating from the Huntingdon and St. Neots Stations. Problems in this respect were particularly apparent in St. Neots. The Panel were informed that while Stagecoach had already been advised of these problems, Councillor P L E Bucknell would be meeting with bus companies to discuss the matter in the near future.

**70. SOCIAL CONSEQUENCES OF ALCOHOL ABUSE**

Further to Minute No. 08/31 and with the assistance of a report by the Working Group (a copy of which is appended in the Minute Book) the Panel were acquainted with the outcome of the deliberations of the Social Consequences of Alcohol Abuse Working Group which had been established to consider the problem of alcohol abuse and its social consequences.

In considering the Working Group's report, Councillor L W McGuire outlined his continuing concerns at the Local Strategic Partnership's decision not to support an application for funding to implement the County-Wide Alcohol Strategy as an investment proposal for reward monies from the Local Public Service Agreement. In his view, this would have resulted in a co-ordinated approach being taken to tackling problems associated with alcohol consumption.

Members also emphasised the need to emphasise to enforcement agencies to make full use of the powers available to them to tackle

the effects of alcohol misuse and resultant public disorder. A suggestion was made that the wording of the recommendations should be strengthened accordingly. Having agreed that the study should be revisited towards the end of the year, it was

RESOLVED

that subject to the amendment of recommendation (c) by the Head of Administration after consultation with the Chairman in accordance with the views set out above, the Working Group's report and recommendations be endorsed for submission to the Cabinet.

## **71. WORKPLAN STUDIES**

The Panel considered and noted a report by the Head of Administration (a copy of which is appended in the Minute Book) reviewing the Panel's programme of studies. In doing so, Councillors Harty and McGuire reported on the investigations being undertaken by the Working Groups reviewing the Section 106 process and maximising Council income respectively.

In considering future potential areas for study, the Panel's attention was drawn to the list of suggestions for studies which had previously been identified. It was decided that the Council's future borrowing arrangements should be considered following the forthcoming meeting of the Corporate and Strategic Framework Panel. In light of the ongoing review of the Council's political management structure and the potential change to the overview and scrutiny arrangements, it was agreed that it would not be appropriate to start any fresh studies before the commencement of the new Municipal Year. .

## **72. OVERVIEW AND SCRUTINY PANEL (SERVICE SUPPORT)**

The Panel considered and noted a report by the Head of Administration (a copy of which is appended in the Minute Book) reviewing the Panel's progress to-date on issues that had been previously discussed.

The Panel were acquainted with the deliberations of the Countywide Freight Quality Partnership with regard to parking for Heavy Commercial Vehicles. The Central Services Manager was asked to establish the current situation with regard to the Alconbury site and to the outcome of discussions at the first meeting of the three County group which had been established to pool information and develop an Heavy Commercial Vehicle Strategy.

The Chairman reported on his recent discussions with the Executive Councillor and the Director of Environmental and Community Services concerning the Great Fen Project. Having discussed the Panel's representation at a forthcoming meeting with business representatives it was agreed that Councillor M G Baker should chair the meeting on local procurement on 12<sup>th</sup> March 2009.

**73. SCRUTINY**

The Panel considered and noted the latest edition of the Council's Decision Digest, summarising the Council's decisions since the previous meeting.

Having regard to the deliberations of the Overview and Scrutiny Panel (Service Delivery) on customer service development in St. Ives and St. Neots, the Panel endorsed their comments on the need to consult Ward Councillors on any proposals to change the location of existing customer service centres and on the investigation of outreach services in larger villages. It was agreed that these views should be conveyed to the relevant Executive Councillor.

**74. DATE OF NEXT MEETING**

The Panel noted that the next meeting would be held on Tuesday, 10<sup>th</sup> February 2009 at 7.30pm in the Wren Room, Countryside Centre, Hinchingsbrooke Park.

Chairman



## FORWARD PLAN OF KEY DECISIONS

Prepared by **Councillor I C Bates**  
 Date of Publication: **16 January 2009**  
 For Period: **1 February to 31 May 2009**

Membership of the Cabinet is as follows:-

Councillor I C Bates	- Leader of the Council	4 Church End Hilton Huntingdon PE28 9NJ Tel: 01480 830250 E-mail: <a href="mailto:Ian.Bates@huntsdc.gov.uk">Ian.Bates@huntsdc.gov.uk</a>
Councillor L M Simpson	- Deputy Leader of the Council and Executive Councillor for Customer Services and Information Technology	45 Devoke Close Stukeley Meadows Huntingdon Cambs PE29 6XE Tel: 01480 388946 E-mail: <a href="mailto:Mike.Simpson@huntsdc.gov.uk">Mike.Simpson@huntsdc.gov.uk</a>
Councillor P L E Bucknell	- Executive Councillor for Planning Strategy and Transport	Compass House Pathfinder Way Warboys PE28 2RD Tel: 01487 824222 E-mail: <a href="mailto:Peter.Bucknell@huntsdc.gov.uk">Peter.Bucknell@huntsdc.gov.uk</a>
Councillor K J Churchill	- Special Advisor to the Cabinet	51 Gordon Road Little Paxton St Neots PE19 6NJ Tel: 01480 352040 E-mail: <a href="mailto:Ken.Churchill@huntsdc.gov.uk">Ken.Churchill@huntsdc.gov.uk</a>
Councillor D B Dew	- Executive Councillor for Leisure	4 Weir Road Hemingford Grey Huntingdon PE28 9EH Tel: 01480 469814 E-mail: <a href="mailto:Douglas.Dew@huntsdc.gov.uk">Douglas.Dew@huntsdc.gov.uk</a>
Councillor C R Hyams	- Executive Councillor for Operational and Countryside Services	22 Bluegate Godmanchester Huntingdon Cambs PE29 2EZ Tel: 01480 388968 E-mail: <a href="mailto:Colin.Hyams@huntsdc.gov.uk">Colin.Hyams@huntsdc.gov.uk</a>

Councillor A Hansard	- Executive Councillor for Resources and Policy	78 Potton Road Eynesbury St Neots PE19 2NN  Tel: 01480 388942 E-mail: <a href="mailto:Andrew.Hansard@huntsdc.gov.uk">Andrew.Hansard@huntsdc.gov.uk</a>
Councillor Mrs D C Reynolds	- Executive Councillor for Housing and Public Health	17 Virginia Way St Ives PE27 6SQ  Tel: 01480 388935 E-mail: <a href="mailto:Deborah.Reynolds@huntsdc.gov.uk">Deborah.Reynolds@huntsdc.gov.uk</a>
Councillor T V Rogers	- Executive Councillor for Finance and Environment	Honeysuckle Cottage 34 Meadow Lane Earith Huntingdon PE28 3QE  Tel: 01487 840477 E-mail: <a href="mailto:Terence.Rogers@huntsdc.gov.uk">Terence.Rogers@huntsdc.gov.uk</a>

Any person who wishes to make representations to the decision maker about a decision which is to be made may do so by contacting Mrs Helen Taylor, Senior Democratic Services Officer on 01480 388008 or E-mail: [Helen.Taylor@huntsdc.gov.uk](mailto:Helen.Taylor@huntsdc.gov.uk) not less than 14 days prior to the date when the decision is to be made.

The documents available may be obtained by contacting the relevant officer shown in this plan who will be responsible for preparing the final report to be submitted to the decision maker on the matter in relation to which the decision is to be made. Similarly any enquiries as to the subject or matter to be tabled for decision or on the availability of supporting information or documentation should be directed to the relevant officer.

Roy Reeves  
Head of Administration

Notes:- (i) Additions/significant changes from the previous Forward are annotated \*\*\*

(ii) For information about how representations about the above decisions may be made please see the Council's Petitions Procedure at <http://www.huntsdc.gov.uk/NR/rdonlyres/3F6CFE28-C5F0-4BA0-9BF2-76EBAE06C89D/0/Petitionsleaflet.pdf> or telephone 01480 388006

Subject/Matter for Decision	Decision/ recommendation to be made by	Date decision to be taken	Documents Available	How relevant Officer can be contacted	Consultation	Relevant Executive Councillor	Relevant Overview & Scrutiny Panel
Review of Central Services***	Cabinet	19 Feb 2009	None.	Ian Leatherbarrow, Director of Central Services Tel No 01480 388002 email - <a href="mailto:Ian.L Leatherbarrow@huntsdc.gov.uk">Ian.L Leatherbarrow@huntsdc.gov.uk</a>	ELAG and Staff	A Hansard	Service Support

Subject/Matter for Decision	Decision/ recommendation to be made by	Date decision to be taken	Documents Available	How relevant Officer can be contacted	Consultation	Relevant Executive Councillor	Relevant Overview & Scrutiny Panel
Leisure Centres Management Arrangements***	Cabinet	19 Feb 2009	None.	Roy Reeves, Head of Administration Tel No 01480 388003 email - Roy.Reeves@huntsdc.gov.uk		D B Dew	Service Delivery
Proposals for Riverside Park	Cabinet	19 Feb 2009	Draft Proposals for Riverside Park	Richard Probyn, Planning Policy Manager Tel No. 01480 388430 or email - Richard.Probyn@huntsdc.gov.uk	Approve following consultation with other key stakeholders	P L E Bucknell	Service Support
Local Investment Framework	Cabinet	19 Feb 2009	Core Strategy	Richard Probyn, Planning Policy Manager Tel No 01480 388430 or email Richard.Probyn@huntsdc.gov.uk	Adopt as delivery mechanism for Core Strategy	P L E Bucknell	Service Support
Capital Grant Aid Awards	Grants	19 Feb 2009	None	Dan Smith, Community Initiatives Manager Tel No 01480 388377 or email Dan.Smith@huntsdc.gov.uk	Copy of the report made available to all Members prior to meeting	Mrs D C Reynolds and T V Rogers	Service Delivery
Structure Review Working Group - Findings	Cabinet	19 Feb 2009	Previous Working Group Papers	Roy Reeves, Head of Administration Tel No 01480 388003 or email Roy.Reeves@huntsdc.gov.uk	Members	K Churchill	Service Delivery Service Support
Land Adjacent to - the Grand Cinema, Ramsey	Cabinet	19 Feb 2009	Report to Cabinet - 7th June 2007	Keith Phillips, Estates and Property Manager Tel No 01480 388260 or email Keith.Phillips@huntsdc.gov.uk		A Hansard	Service Support

Subject/Matter for Decision	Decision/ recommendation to be made by	Date decision to be taken	Documents Available	How relevant Officer can be contacted	Consultation	Relevant Executive Councillor	Relevant Overview & Scrutiny Panel
Great Fen Collaboration Agreement***	Cabinet	12 Mar 2009	None	Malcolm Sharp, Director of Operational Services Tel No 01480 388301 email - Malcolm.Sharp@huntsdc.gov.uk		P L E Bucknell	Service Support
St. Ives Environmental Improvements***	Cabinet	12 Mar 2009	None.	Paul Jose, Head of Environmental Management Tel No 01480 388332 email - Paul.Jose@huntsdc.gov.uk	Interested parties	T V Rogers	Service Support
Lettings Policy Review***	Cabinet	12 Mar 2009	HDC Lettings Policy: Allocation of Accommodation: Choice Based Lettings - Code of Guidance for Local Housing Authorities, CLG August 2008	Jon Collen, Housing Needs and Resources Manager Tel No 01480 388220 email - Jon.Collen@huntsdc.gov.uk		Mrs D C Reynolds	Service Delivery
New Industrial Units, Caxton Road, St. Ives***	Cabinet	12 Mar 2009	None.	Keith Phillips, Estates and Property Manager Tel No 01480 388260 email - Keith.Phillips@huntsdc.gov.uk	Not applicable	A Hansard	Service Support
Parish Plans and Local Plan Policy	Cabinet	12 Mar 2009	Previous Report to Cabinet in Dec 2003	Richard Probyn, Planning Policy Manager Tel No. 01480 388430 or email. Richard.Probyn@huntsdc.gov.uk	Adopt process of incorporating relevant Parish Plan Policies into Planning Policies	P L E Bucknell	Service Support

Subject/Matter for Decision	Decision/ recommendation to be made by	Date decision to be taken	Documents Available	How relevant Officer can be contacted	Consultation	Relevant Executive Councillor	Relevant Overview & Scrutiny Panel
To adopt Somersham Conservation Area Boundary Changes and Character Statement	Cabinet	12 Mar 2009	Draft Consultation Document	Richard Probyn, Planning Policy Manager Tel No. 01480 388430 or email - Richard.Probyn@huntsdc.gov.uk	Approve changes for adoption having followed consultation with the public and statutory bodies	P L E Bucknell	Service Support
Huntingdon West Area Action Plan Preferred Options	Cabinet	12 Mar 2009	Issues and Options Report and Summary of Representations	Richard Probyn, Planning Policy Manager Tel No. 01480 388430 or email - Richard.Probyn@huntsdc.gov.uk	Approve for Consultation	P L E Bucknell	Service Support
St. Neots Market Town Strategy	Cabinet	12 Mar 2009	St. Neots Market Town Transport Strategy	Richard Probyn, Planning Policy Manager Tel No 01480 388430 or email Richard.Probyn@huntsdc.gov.uk	Approve for adoption having followed consultation with the public and statutory bodies	P L E Bucknell	Service Support
Older Persons Housing Strategy Update	Cabinet	12 Mar 2009	Housing Strategy 2006-11. Ageing Well, Housing, Health and Social Care Strategy for Older People. Lifetime Homes, Lifetime Neighbourhoods, A National Strategy for Housing in an Ageing Society, CLG, DWP, and DH, March 2008	Jo Emmerton, Housing Strategy Manager Tel No. 01480 388203 or email - Jo.Emmerton@huntsdc.gov.uk		Mrs D C Reynolds	Service Delivery

Subject/Matter for Decision	Decision/ recommendation to be made by	Date decision to be taken	Documents Available	How relevant Officer can be contacted	Consultation	Relevant Executive Councillor	Relevant Overview & Scrutiny Panel
A14 Statutory Orders Consultations	Cabinet	2 Apr 2009	None.	Richard Probyn, Planning Policy Manager Tel No 01480 388430 or email Richard.Probyn@huntsdc.gov.uk	Endorse HDC's position on the orders	P L E Bucknell	Service Support
Draft Planning Contributions Supplementary Planning Document	Cabinet	2 Apr 2009	Huntingdonshire Development Plans	Richard Probyn, Planning Policy Manager Tel No 01480 388430 or email Richard.Probyn@huntsdc.gov.uk	Approve for Consultation	P L E Bucknell	Service Support
Master Plan for land Formerly East of Sapley Square, Oxmoor	Cabinet	2 Apr 2009	Draft Issues and Options Document	Richard Probyn, Planning Policy Manager Tel No 01480 388430 or email Richard.Probyn@huntsdc.gov.uk	Approve for adoption as informal planning guidance	P L E Bucknell	Service Support
Great Fen Masterplan	Cabinet	23 Apr 2009	None	Malcolm Sharp, Director of Operational Services Tel No 01480 388301 or email Malcolm.Sharp@huntsdc.gov.uk	Consultation process in preparation.	P L E Bucknell	Service Support
Leisure Facilities Strategy	Cabinet	23 Apr 2009	Leisure Facilities Strategy	Ms J Peadon, Leisure Development Manager Tel No 01480 388048 or email Jo.Peadon@huntsdc.gov.uk		D B Dew and L M Simpson	Service Delivery

**CABINET**

**19<sup>TH</sup> FEBRUARY 2009**

**OVERVIEW & SCRUTINY**

**10<sup>TH</sup> FEBRUARY 2009**

## **THE LOCAL INVESTMENT FRAMEWORK**

**(Report by Head of Planning Services)**

### **1. INTRODUCTION**

- 1.1 The purpose of this report is to inform Members on the importance of the work in Developing a Local Investment Framework for Huntingdonshire and to briefly explain what it contains and how it will be used to deliver growth in the district.

### **2. BACKGROUND**

- 2.1 A Local Investment Framework (LIF) is now a requirement of 'PPS12: Local Spatial Planning' where it states that Core strategies should be about delivery whereas in the past too much emphasis has been put on process of doing a plan. The purpose of a LIF is to determine the level of local and strategic infrastructure required to support the level of new development coming forward in Huntingdonshire up to 2026. Huntingdonshire's Core strategy will be the subject of an Examination In Public by an independent inspector and the LIF will be part of the evidence to identify how and when the infrastructure will be delivered.
- 2.2 EDAW were employed as the lead consultants with related transport, engineering specialists and property advisers to carry out the task of producing a LIF. Following continued partnership engagement between March and October 2008 including two workshops and culminating with discussions at the various LSPs, HSP Executive and the Board, the finalised version of the Local Investment Framework is attached (Appendix A).
- 2.3 EDAW started the process by carrying out population projections for the new development where they noted that over the next 20 years the population will grow by around 13,900, the district will accommodate between 12,000 – 13,000 new homes between 2006 – 2026, and that there will need to be between 10,000 and 20,000 new jobs created. During this process EDAW:
- Engaged with providers to understand their plans and implications for growth with the advantage that it brings together all stakeholders and suggests processes that will be needed in future to coordinate delivery at a local, subregional and regional scale
  - Arrived at infrastructure needs of new communities in the future and identified any blockages in delivery identifying who provides funding – utilities, pct ,local authority, grants, developers, when they should provide it and the phasing gaps in provision

- Analysed the market and what developers can contribute as planning obligation
- Set up a projects database model which is key to the process and programming for delivering the required infrastructure for growth and can be updated with changing circumstances.

### **3. FUTURE DEVELOPMENTS**

- 3.1 Linked to the delivery of the Huntingdonshire Core Strategy will be the development of a Supplementary Planning Document (SPD) for Planning obligations using evidence from the market analysis chapter of LIF to arrive at a total figure for obligations expressed as a tariff per house. This will be an interim measure before the possible transition to a proposed Community Infrastructure Levy (CIL) that is part of the new Planning act 2008.
- 3.2 Whilst the regulations relating to how CIL will operate will not be introduced before September 2009 it is clear that the LIF will be essential evidence to produce a charging schedule (term used in the draft consultation paper on CIL) for developers – that justifies the type and costs of infrastructure and the ability of developers to pay towards some of that infrastructure.
- 3.3 The Council is working currently with Cambridgeshire Horizons and the other Cambridgeshire Councils to produce a potential scheme for a subregional infrastructure tariff. Then it will be possible, if considered appropriate at the time, to merge the two tariffs into one single tariff.
- 3.4 Within the council arrangements have already been set up to recognize the pivotal role of the Growth and Infrastructure LSP to implement the Core strategy with the use of the model to monitor progress. To aid this the developing Growth and Infrastructure Action Plan will now be merged into this model to formulate the overall plan for delivery of growth and infrastructure.
- 3.5 It is recognised that there is a need to continue to ensure that there is 'buy in' from all the Council services and our Partners in other services. There is already a need to populate parts of the model and to keep it up to date and this may involve additional resources for this important task.
- 3.6 Finally the LIF recognises the need for a St Neots Delivery Board similar to the Boards set up to deliver growth in the Cambridge area to enable the delivery of the amount of growth envisaged in the Core Strategy for St Neots. This needs to be set up and the relationship with Cambridgeshire Horizons formalised.

### **4. RECOMMENDATION**

- 4.1 It is recommended that Cabinet:  
note the information provided in this report and support the future work programme illustrated in section 3. above.



## **BACKGROUND INFORMATION**

Core Strategy: Submission Document HDC  
Huntingdonshire Local Investment Framework Draft September 2008  
Huntingdonshire Local Investment Framework Draft November 2008  
EEDA Board Regional Infrastructure Report September 2008  
EEDA Integrated Development Programmes  
GCP Long Term Delivery Plan

**Contact Officer: Richard Probyn**  
**☎ 01480 388430**

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## **OVERVIEW & SCRUTINY PANEL      10<sup>TH</sup> FEBRUARY 2009 (SERVICE SUPPORT)**

### **SECTION 106 WORKING GROUP (Report by the Working Group)**

#### **1. INTRODUCTION**

- 1.1 Planning obligations and agreements have become increasingly important in providing public services including highways, recreational facilities, education, health and affordable housing. Agreements can involve significant sums of money and in the light of Members' concerns about the need to ensure that money is allocated and spent in a timely fashion, the Overview and Scrutiny (Service Support) has been considering quarterly monitoring reports on the receipt of S106 money and its allocation and expenditure on specific schemes.
- 1.2 At its meeting held on 12<sup>th</sup> February 2008, the Overview and Scrutiny Panel (Service Support) decided to establish a Working Group to investigate the current Section 106 Agreement mechanism from the negotiation of agreements to the expenditure of money received. The Panel's interest in the subject was prompted by the scale of income received from this source and the time taken, in some cases, to secure its expenditure. As sums are negotiated for other public sector infrastructure providers, the Panel also was interested in ensuring that a transparent audit trail existed to ensure that receipts were being used locally. This had previously been highlighted by the Panel's Cycling Working Group which had been unable to establish a clear link from Section 106 contributions for transportation to its expenditure on individual cycleway schemes in the District.

#### **2. MEMBERSHIP AND DECLARATIONS OF INTEREST**

- 2.1 The Working Group comprised Councillors P J Downes, D Harty, M F Newman and R J Tuplin with Councillor Harty as its rapporteur. Councillor T D Sanderson was co-opted to the group as a result of his interest in the subject matter.
- 2.2 Councillors P J Downes and D Harty declared personal interests in the subject matter as Members of Cambridgeshire County Council.

### **3. WHAT IS A SECTION 106 AGREEMENT?**

- 3.1 Planning obligations, known as Section 106 agreements, are agreements between local authorities and developers negotiated in the context of the granting of a planning consent. They enable a proposed development to contribute to the needs of a local community associated with the development by securing developer contributions towards the provision of infrastructure and services.
- 3.2 The legislative framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990. It permits local authorities and developers to make agreements over the use of land, including those which require sums to be paid to the local authority.
- 3.3 Through planning obligations, developers contribute towards sustainable communities and help ensure the success of new developments. They can make cash or in-kind contributions towards a range of infrastructure and services including local roads and public transport schemes, education, public spaces, community facilities and affordable housing.
- 3.4 Current Government policy set out in circular 05/2005 requires fair, open and reasonable negotiation of planning obligations, so that obligations enhance a development and enable proposals to go ahead which might otherwise be refused.
- 3.5 A local authority should not seek a contribution through a planning obligation unless it is:-
  - Necessary
  - Relevant to planning
  - Directly related to the proposed development;
  - Fairly and reasonably related in scale and kind to the proposed development; and
  - Reasonable in all other aspects.
- 3.6 The income received by the District Council from Section 106 agreements in Huntingdonshire during 2006 and 2007 was £447,055 and £401,273 respectively. Much larger sums are paid by the developers direct to Cambridgeshire County Council.

### **4. WHAT CONTROLS DO WE CURRENTLY HAVE IN PLACE**

- 4.1 Currently the Section 106 process is regulated by a number of mechanisms, including the involvement of Members.

- 4.2 At Member level, a Section 106 Advisory Group has been established for some time to consider the terms of any proposed agreements which are likely to involve the provision of a financial contribution towards local infrastructure, community facilities or affordable housing where the total contribution from an individual planning application is likely to be in excess of £100,000. The Advisory Group's current terms of reference are listed in Appendix A.
- 4.3 The Advisory Group, currently chaired by Councillor R G Tuplin, normally meets in advance of meetings of the Development Control Panel on an *ad hoc* basis to formulate recommendations for consideration by the Panel when determining a relevant planning application. Ward Members are invited to relevant meetings of the Advisory Group to comment upon proposals.
- 4.4 Financial monitoring is currently undertaken by the Overview & Scrutiny Panel (Service Support). The Panel receives a quarterly report detailing the receipt and expenditure of money negotiated under Section 106 Agreements by the Council.
- 4.5 The Council has established a Section 106 database which records monetary and non-monetary benefits generated by agreements and their expenditure which is maintained and updated by an officer with specific responsibility for this work in the Policy and Strategic Services Division.

## **5. FUTURE PROPOSALS**

- 5.1 As part of its deliberations, the Working Group has noted the potential impact of the forthcoming Community Infrastructure Levy which is expected to be implemented from September 2009. The Levy will be a new charge which local authorities in England and Wales will be empowered, but not required, to place upon most types of new development in their area. Charges will be based upon simple formulae which relate the size of the charge to the scale and character of the development to which it relates. The proceeds of the levy will be spent on local and sub regional infrastructure to offset the impact of the development on a local area.
- 5.2 It is anticipated that the Levy will improve predictability and certainty for developers as to what they will be asked to contribute; will increase fairness by broadening the range of developments asked to contribute; will allow the cumulative impact of small developments to be better addressed; and will enable important sub-regional infrastructure to be funded. Whilst it is anticipated that Local Planning Authorities will retain the power to enter into Section 106 Agreements for affordable housing contributions, the Working

Group has noted that there are a number of uncertainties associated with the introduction of the Levy which are yet to be addressed.

- 5.3 The District Council is also in the process of preparing a new Supplementary Planning Document (SPD) for Section 106 Agreements across the District under the existing legislation to apply a tariff per household to cover the cost of local infrastructure. This is proposed as an interim measure pending the transition to the proposed Community Infrastructure Levy and is expected to be in a draft format by March 2009, subject to staff resources. The tariff based SPD will be linked with the evolving Cambridgeshire Horizons Variable Tariff Rate for strategic infrastructure. It is hoped that the SPD will bring consistency, transparency and clarity, whilst producing an efficient and effective delivery system.
- 5.4 New legislation from April 2008 also enables the Local Planning Authority to require draft Heads of Terms for a S106 Agreement to be submitted as part of the application validation process, usually for larger developments.

## **6. THE PRESENT ARRANGEMENTS**

- 6.1 In Huntingdonshire the majority of section 106 obligations are a product of negotiation with respective developers, following consultation with various service providers. The latter include the Council's Operations, Leisure and Housing Divisions, together with the County Council and National Health Service for education, highways, transportation and health care requirements. The negotiation process is undertaken by District Council officers.
- 6.2 Those proposals involving agreements of less than £100,000 can be dealt with under the Council's scheme of delegation. Applications involving more than £100,000, affordable housing and some other benefits, must be referred firstly to the S106 Advisory Group who will submit recommendations to the Development Control Panel when the relevant planning application is being determined.
- 6.3 Once planning permission has been granted, subject to a Section 106 agreement, the Head of Legal and Estates drafts and formalises the benefits, together with relevant trigger points in a formal document. Once the agreement has been sealed the planning permission is issued. Where the benefits involve an external organisation such as the County Council that body generally becomes a party to the agreement.

- 6.4 The agreement will specify the appropriate trigger points when a payment must be made or a benefit delivered. Generally these relate to the commencement or conclusion of a development or the point at which a specific percentage of the development has been completed. The recovery arrangements are instigated by the recipient authority with the District Council not collecting and remitting payments for others. In the case of benefits to the District Council, recovery is pursued by the Division responsible for the service to which the benefit relates. The situation is also monitored by the officer in the Policy and Strategic Services Division to ensure that recovery arrangements are pursued and that payments are not overlooked.

## **7. METHODOLOGY**

- 7.1 At the outset of the review, the Group met with the Leader of the Council, Councillor I C Bates and the Executive Councillor for Operational and Countryside Services, Councillor C R Hyams to ensure that the review did not duplicate similar inquiries being initiated by the Executive. As a result of those discussions, it was agreed that the study on this matter should be undertaken by the Overview and Scrutiny Panel. The Working Group's remit was

"to investigate the Section 106 process adopted by the Council including the relationship with other infrastructure partners and make recommendations if improvements are thought to be necessary".

- 7.2 The Working Group has subsequently met on a number of occasions over the ensuing months and has received information on the current process and its operation from:-

- the Head of Planning Services and Development Control Manager
- the Head of Operations
- the Head of Housing Services and Housing Policy Enabling Officer
- the Policy & Strategic Services Manager and Policy Officer; and
- the Head of Legal Services.

- 7.3 This has included details of the way in which Section 106 Agreements are negotiated, the role of the Section 106 Advisory Group, expenditure of Section 106 receipts, the provision of affordable housing, the role of the Legal Division in the preparation and enforcement of agreements and the compilation and monitoring of the Council's Section 106 database which records

monetary and non monetary benefits generated by agreements and their expenditure.

- 7.4 Information was obtained from similar scrutiny reviews carried out by other local authorities. Of those available, details of the studies undertaken by Bradford, Stoke on Trent City Council and Cardiff County Council were provided to members of the Working Group. In considering the reviews and recommendations, the Working Group was pleased that a significant number of the concerns and issues raised in those reports had already been addressed and measures implemented in Huntingdonshire.
- 7.5 Having regard to the role of partners in the negotiation and delivery of agreements, the Working Group also met with representatives of NHS Cambridgeshire, Cambridgeshire Constabulary and Cambridgeshire Fire and Rescue Service. Representatives of Cambridgeshire County Council declined to attend one of the Working Group's meetings but a paper outlining the Section 106 process adopted by the County Council and how their requirements were determined was provided for the Group's attention. Subsequently, in their capacity as County Councillors, Councillors Harty and Downes met relevant County Council Officers to discuss the County Council's role in the process and its treatment and expenditure of Section 106 receipts.
- 7.7 From the discussions it emerged that NHS Cambridgeshire has only become involved in the Section 106 negotiation process in recent years and is being encouraged to develop funding formulae to provide evidence of infrastructure deficits to assist in Section 106 negotiations. Although Cambridgeshire Constabulary and Cambridgeshire Fire and Rescue Service are consulted on planning applications, they are not involved in the negotiation of Section 106 agreements. It is anticipated that the emerging Supplementary Planning Document on Planning Obligations will help define who should be consulted formally.

## **8. DELIBERATIONS**

- 8.1 The Working Group raised a series of questions with the Head of Planning Services and the Development Control Manager arising from their initial investigations. A copy of the answers provided by the Head of Planning Services is available on request from the Democratic Services Section. The Working Group's investigations can be divided into a number of distinct areas:-
- Negotiation of Agreements;
  - Section 106 Advisory Group / Information provided to District Council Members



- Local Involvement
- Monitoring and Accountability
- Expenditure of Receipts
- Enforcement Action

## **Negotiation of Agreements**

- 8.2 As part of its deliberations, the Working Group discussed the present arrangements for the negotiation of agreements with developers.
- 8.3 The current negotiations are undertaken by the Development Control Officers responsible for the relevant planning application. Officers have to make a judgement against what is reasonable for a particular application to deliver in terms of infrastructure funding. The Working Group was told that this can vary depending upon the economic climate and any particular characteristic of the site which can affect its development value. In so doing, the Working Group debated whether Members should be more actively involved in the negotiation process, having regard to their local knowledge. In particular, Members were aware that by the time that a report is submitted to the Members Section 106 Advisory Group, the negotiations with applicants and other infrastructure providers have been completed and there is little opportunity for the Advisory group to make changes at such a late stage in the process.
- 8.4 In addition, all requests for Section 106 contributions have to be supported by up to date policies and evidence. While Ward Members may be able to offer a local perspective on community needs, the Working Group recognised that without sufficient justification, some proposals could not be supported. Where a particular development is unable to finance all of the obligations being sought by infrastructure providers, a reasoned judgement has to be made as to which are the most important, initially by Officers and subsequently by the Advisory Group and Development Control Panel. Competing infrastructure requirements are therefore considered on a case by case basis taking account of evidence, need and applicable policies and having regard to any relevant corporate and local objectives. Any contentious or problematic discussions with other public bodies are referred for consideration by the Section 106 Advisory Group, after the relevant organisations have been asked to justify their requirements. In the circumstances outlined in the preceding two paragraphs with the Section 106 Advisory Group having an important role in ensuring that agreements negotiated cohered with existing evidence and policy

provision. The Working Group did not consider it appropriate for Members to be involved earlier in the negotiation process.

- 8.5 Members have also discussed whether the District Council should be negotiating more generalised agreements as opposed to those which are site specific. However with the exception of developments that have been negotiated for the Transport Strategy, the Head of Planning Services has demonstrated satisfactorily that current S106 Agreements must be directly related to the proposed development and fairly and reasonably related in scale, although this is likely to change with the introduction of the Community Infrastructure Levy referred to earlier. This could introduce the possibility of the pooling of Section 106 receipts so that funding can be provided for key service centres and local settlements which are unlikely to generate Section 106 receipts of their own.

#### **Section 106 Advisory Group / Information provided to District Council Members**

- 8.6 As part of its deliberations, the Working Group considered the role of the Section 106 Advisory Group and its method of operation. Members were generally of the opinion that the current arrangements work well. A possibility that was discussed in a similar vein to greater involvement by Ward Members referred to above, was for the Advisory Group to become involved earlier in the negotiation process for individual development proposals, on the basis that Members can provide a local dimension and the Advisory Group became involved too late to effectively make any changes. However this was discounted by the Working Group for the same reasons as greater Ward Member involvement.
- 8.7 The Group recognised that Ward Members inevitably will have an interest in what is being proposed in their wards and may have local knowledge of infrastructure deficits. However it was felt that this is best dealt with by way of a clear explanation to all Members of the Section 106 process and a reminder that Members receive notification of all new planning applications via the weekly planning list. This serves to alert Members to the submission of applications in their respective wards and gave them the opportunity to ask for individual applications to be determined by the Development Control Panel on material planning grounds. This also provides Members with an opportunity to notify the relevant Development Control Officer, whose names are listed in the weekly list, of any local issues that they think might be suitable for possible inclusion in a Section 106 agreement. This will enable all developments, including those of less than the £100,000 threshold of the Advisory Group to be addressed and it was suggested that an indication

should be made on the list to demonstrate where Section 106 Agreements were likely to be proposed. The Working Group therefore **recommends that a guidance note be prepared and drawn to the attention of Members to illustrate how they can comment on applications and S106 Agreements by reference to the weekly planning list notification.**

- 8.8 It has been suggested also that Members should have access to completed agreements which will help them improve their knowledge of the infrastructure negotiated for their areas. This is feasible using the Public Access Software system and the Working Group **recommends that arrangements be made for the content of S106 Agreements to be recorded in respect of relevant planning applications in the Public Access System.**

### **Local Involvement**

- 8.9 The Working Group discussed the role and involvement of town and parish councils in the process, whether their views should be formally invited on the content of Section 106 Agreements and whether representatives should be invited to attend meetings of the Advisory Group. Members concluded that the same considerations applied as with ward members. Individual town and parish councils have an opportunity to comment on planning applications in their areas and to address the Development Control Panel on request where an application is to be determined in that forum. The Working Group has been advised that the new 1APP planning application format requires applications for major development to be accompanied by a document setting out the proposed Section 106 heads of terms which will provide a greater opportunity for town and parish councils and other interested parties to comment as part of the planning process.
- 8.10 It was suggested to the Working Group that some local councils might be reluctant to comment on Section 106 agreements if they were recommending refusal of an application. However commenting in this way does not weaken a town or parish council's recommendation on an application itself and is similar to the District Council's position at local inquiries when defending decisions to refuse applications on appeal. Nevertheless the Working Group acknowledge that local councils have a valuable role to play in the planning process and that there has been a perception in the past on the part of local councils that insufficient weight is attached to their views. The Working Group therefore **recommend that clear guidance is given to town and parish councils on how to comment on the content of agreements for development in their areas as part of the normal consultation**

## **arrangements and speaking at Development Control Panel meetings.**

- 8.11 Part of that guidance should take the form of a flow chart showing the process for local members and town and parish council involvement and a model agreed with the Development Control Manager is attached at Appendix B.
- 8.12 In a similar vein and having regard to their earlier recommendation concerning the use of an indicator on the weekly planning list to inform members where it was likely that a Section 106 agreement would be proposed, the Working Group **recommend that Parish and Town Council's should be reminded to review the weekly list on a regular basis.** It was hoped that by providing an early indication in this way this would improve parish / district liaison.
- 8.13 Town and parish councils can of course also demonstrate their infrastructure requirements through their own Parish Plans which can provide a useful evidence base of local need. The Working Group concluded that, where possible, Town and Parish Councils should be encouraged to prepare Parish Plans in order to provide the necessary evidence to support their requests for infrastructure improvements.

## **Monitoring and Accountability**

- 8.14 The Group has discussed the arrangements for monitoring the receipt of funds from Section 106 Agreements and their expenditure. The Group was aware that an extensive Section 106 database had been created in recent years, which contains details of Agreements, trigger points, funding and non monetary benefits. The monitoring of income and expenditure is currently undertaken by the Overview and Scrutiny Panel (Service Support) which receives quarterly monitoring reports, the format of which has become more extensive at the request of the Panel. Overall, Members were content with the information contained in the reports submitted to Overview and Scrutiny although comments were made on some of the terminology within the report, namely the use of the phrase "schemes in place" which could be misleading as it incorporated schemes that have not yet been started. With this in mind, the Working Group has suggested a number of changes to the monitoring report including the use of the terminology "schemes identified", together with the anticipated date as to when the scheme is expected to commence and a brief

description of the proposals. Concern was also expressed that other Members of the Council may not be aware of the monitoring reports existence and the funding which is retained for expenditure in individual wards. As a result, the Policy and Strategic Services Division, which collates the report and maintains the database has been asked to ensure that copies of the report are circulated on a quarterly basis to all Members of the Council. **The Working Group recommend that the suggested changes are made to the wording of the report and that the report is circulated to all Members in on a quarterly basis.**

8.15 The Working Group was also of the opinion that it would be logical to extend the remit of the Section 106 Advisory Group to include the monitoring role and for its terms of reference to be amended accordingly. However it was recognised that monitoring will need to be undertaken on a regular basis. Given the ad-hoc basis upon which dates for meetings of the Advisory Group are currently arranged, it was suggested that dates for meetings of the Advisory Group should be reserved in the Council's calendar of meetings to enable monitoring to take place on a quarterly basis. To enable the Advisory Group to have a greater input into the development of agreements it was suggested that meetings should be held one week prior to the Development Control Panel to provide an opportunity for investigations or clarification to be provided if requested by the Advisory Group before the Panel met to determine the planning application and Section 106 Agreement. The Working Group therefore **recommends that the remit and terms of reference of the Section 106 Advisory Group be expanded to include monitoring and that meetings be convened on a regular basis with dates reserved in the Council's calendar one week prior to each Development Control Panel.** Draft terms of reference are appended at Appendix C

8.16 The Working Group has discussed the fact that meetings of the Section 106 Advisory Group, in line with other Council Advisory groups, are not open to the public. Having regard to the fact that the monitoring report is currently submitted to the Overview and Scrutiny Panel (Service Support) and given that it is desirable to maintain this level of transparency and openness, the Group has suggested that the monitoring report should be submitted to the Development Control Panel on a quarterly basis with any recommendations / comments from the Advisory Group. The Working Group also wish to ensure that the Advisory Group has the ability to ensure that relevant officers are invited to attend meetings as and when members raise concerns about progress being made with particular schemes and that the Policy Officer with responsibility for monitoring agreements is in regular attendance.

- 8.17 The Working Group has discussed whether there is a role for the District Council to monitor the receipt of funding and its expenditure by other infrastructure providers but has concluded that the Council does not have a remit to monitor or scrutinise the actions of other public bodies, especially as those providers are often signatories to the individual agreements themselves. The Working Group was aware of previous concerns expressed by another working group about the difficulty in establishing a clear link between Section 106 contributions and its expenditure on individual schemes in Huntingdonshire and has been pleased to note that the County Council recently has appointed a dedicated officer with responsibility for Section 106 monitoring which hopefully will improve communication and transparency. With regard to the expenditure of S106 receipts in Huntingdonshire where they relate to development in the District, the Working Group has acknowledged that the cost of education and highway schemes will often outweigh the contribution from an individual development. It is inevitable that the County Council will need to pool funding to enable some projects to proceed and that there is no further action that can be taken to improve the transparency of the process under the existing system. However the Working Group is of the view that it would be possible to provide the Advisory Group with regular updates on the progress of transportation projects funded in this way.
- 8.18 Currently responsibility for securing financial payments contained in Agreements rests with the Policy & Strategic Services Division who pursue recovery when the trigger points are reached. Non financial contributions are secured by the Spending Departments. The Working Group queried whether there were advantages to be derived from centralising all contributions, potentially by the Policy and Strategic Services Division which maintains the S106 database. However Members have been informed that there would be capacity and technical problems if this were to be pursued. Support is provided by the Policy and Strategic Services Division which reminds others when trigger points have been reached and the Working Group is satisfied that the present arrangements are working well. In addition the Legal and Estates Services provide support to services in the event that there are disputes with developers. Moreover the arrangements will need to be reviewed as part of the introduction of the Community Infrastructure Levy.
- 8.19 The Group is of the opinion that there is a need to improve executive accountability internally with the District Council for the receipt and expenditure of Section 106 money. Currently each executive councillor has responsibility for the recovery and expenditure of S106 receipts in his or her portfolio. There is no clear collective responsibility when problems arise, other than

through Cabinet as a whole and the Working Group consider that it would be helpful if a single executive councillor is given the remit to ensure that the process is working effectively in terms of recovery of payments and expenditure of receipts. In the event of questions with regard to the quarterly monitoring report and any other others of a general as opposed to a specific nature, it will then be clear who is accountable. The Working Group consider that the logical choice in this case is the executive councillor for Finance and Environment. The Working Group therefore **recommends that the Executive Councillor for Finance and the Environment should become responsible for ensuring that the mechanism for securing payments and expenditure of receipts under Section 106 Agreements is working effectively. Individual executive councillors should remain accountable for the delivery of benefits and projects contained in the Agreements relevant to their areas of responsibility.**

### **Expenditure of Receipts**

- 8.20 The scale of the funding available from Section 106 Agreements is significant. As at November 2008, a total of £646,000 remains unspent from payments already received. The total payments due to all infrastructure providers from developments already commenced in the District is £12.5 million with a further £2 million due from developments yet to start. Much of the latter will be paid to the County Council for education and highways expenditure.
- 8.21 The Working Group has queried the process for expenditure of the money received as this is not shown separately in the Council's budget and MTP. Members' attention was drawn to the Council's Code of Financial Management which makes provision for a Head of Service to spend money received from Section 106 Agreements on projects or services defined in the Agreement up to £30,000 revenue and £50,000 capital per annum on each project, after which consultation is required with the relevant Executive Councillors. In all cases the Head of Financial Services must be notified of the expenditure.
- 8.22 In these circumstances, the Working Group is satisfied that the necessary controls are in place to regulate the expenditure of money received.

### **Grampian Conditions**

8.23 The Group was informed that, on occasion, Grampian conditions are used in planning permissions to secure payment for infrastructure provision as opposed to S106 Agreements. This expression derives from the decision in Grampian Regional Council v City of Aberdeen (1984) and in essence provides for a condition to be imposed preclude the implementation of a development permitted by a planning permission until a required step is taken such as the payment of money for local infrastructure improvements. Grampian conditions offer certain advantages compared to Section 106 Agreements in as much as the Council has enforcement powers under planning legislation for breach of condition if a payment is not made. This compares with the more cumbersome recovery arrangements through the courts in the case of a Section 106 payment.

8.24 The Working Group noted that the central register maintained for Section 106 Agreements extends to Grampian conditions. However, the Group has been informed that Grampian conditions have been used infrequently by the Council in the past and that , as a result of recent advice from the Government to the Planning Inspectorate, they are unlikely to be used in the future. The Working Group, therefore, concluded that, unless the use of Grampian conditions grows in the future, there is no need to change current arrangements.

*(NB – Following their discussion on Grampian conditions, the Working Group has been informed that there is some uncertainty over the future use of these conditions. Members therefore suggest that their findings should be reviewed once the situation becomes clearer.*

### **Enforcement Action**

8.25 The Group discussed the current arrangements for undertaking enforcement action against developers for non compliance with agreements. The Group was acquainted with the courses of action available to deal with Section 106 non compliance through the Courts. Where necessary, authorisation to take this course of action needs to be obtained from the Development Control Panel.

8.26 Members noted that a new procedure recently has been adopted under which developers who have not complied with a Section 106 obligation are referred to the Legal and Estates Division after two requests for payments have not been met. Non payment has rarely proved to be a problem and the Working Group, therefore does not consider that any more stringent recovery arrangements are necessary.



## **9. CONCLUSION**

- 9.1 Overall the Working Group was satisfied that the current system is working well and that the necessary controls are in place. In comparison to those planning authorities who had undertaken similar reviews, it seems clear that the Council has already addressed issues that were identified by the authorities in question. The Section 106 system will change with the introduction of the Community Infrastructure Levy in 2009 /10 but, in the interim, there are a number of suggested improvements that the Working Group recommends to improve the present processes and procedures. These are referred to in the body of the report but are collated below.

### **RECOMMENDATIONS**

- I. that a guidance note be prepared and drawn to the attention of Members to illustrate how they can comment on applications and S106 Agreements by reference to the weekly planning list notification.**
- II. that arrangements be made for the content of S106 Agreements to be recorded in respect of relevant planning applications in the Public Access System.**
- III. that clear guidance is given to town and parish councils on how to comment on the content of agreements for development in their areas as part of the normal consultation arrangements and speaking at Development Control Panel meetings;**
- IV. that Parish Councils be advised of the introduction of a marker on the planning weekly list and reminded to review these on a regular basis with a view to making comments on the proposed content of Section 106 agreements;**
- V. that copies of the quarterly report prepared by the Policy & Strategic Services Division detailing income and expenditure from Section 106 money be provided to all Members and suggested changes to the content of the report implemented at the earliest opportunity.**
- VI. that the remit and terms of reference of the Section 106 Advisory Group be expanded to include monitoring and meetings be convened on a more regular basis with reserve dates included in the Council's calendar**

**one week prior to each Development Control Panel. Draft terms of reference are appended at Appendix C**

**VII. that copies of the monitoring report and any comments made by the Section 106 Advisory Group be submitted to the Development Control Panel on the same time cycle.**

**VIII. that the Executive Councillor for Finance and the Environment should become responsible for ensuring that the mechanism for securing payments and expenditure of receipts under S106 Agreements is working effectively. While individual executive councillors remain accountable for the delivery of benefits and projects contained in the relevant Agreements.**

#### **CONTACT OFFICER**

**Claire Bulman, Democratic Services Officer  
(01480) 388234**

#### **BACKGROUND INFORMATION**

Notes and agendas of working group meetings (20/05/08, 03/07/08, 21/07/08, 28/08/08, 07/10/08)

City of Bradford Metropolitan District Council – Scrutiny of Section 106 Agreements

Section 106 Obligations: A report and recommendations from a task group: Stoke on Trent

Section 106 Agreements: A report of the Economic Scrutiny Committee (November 2005) County Council of the City of Cardiff

Questions and answers prepared by the Head of Planning Services

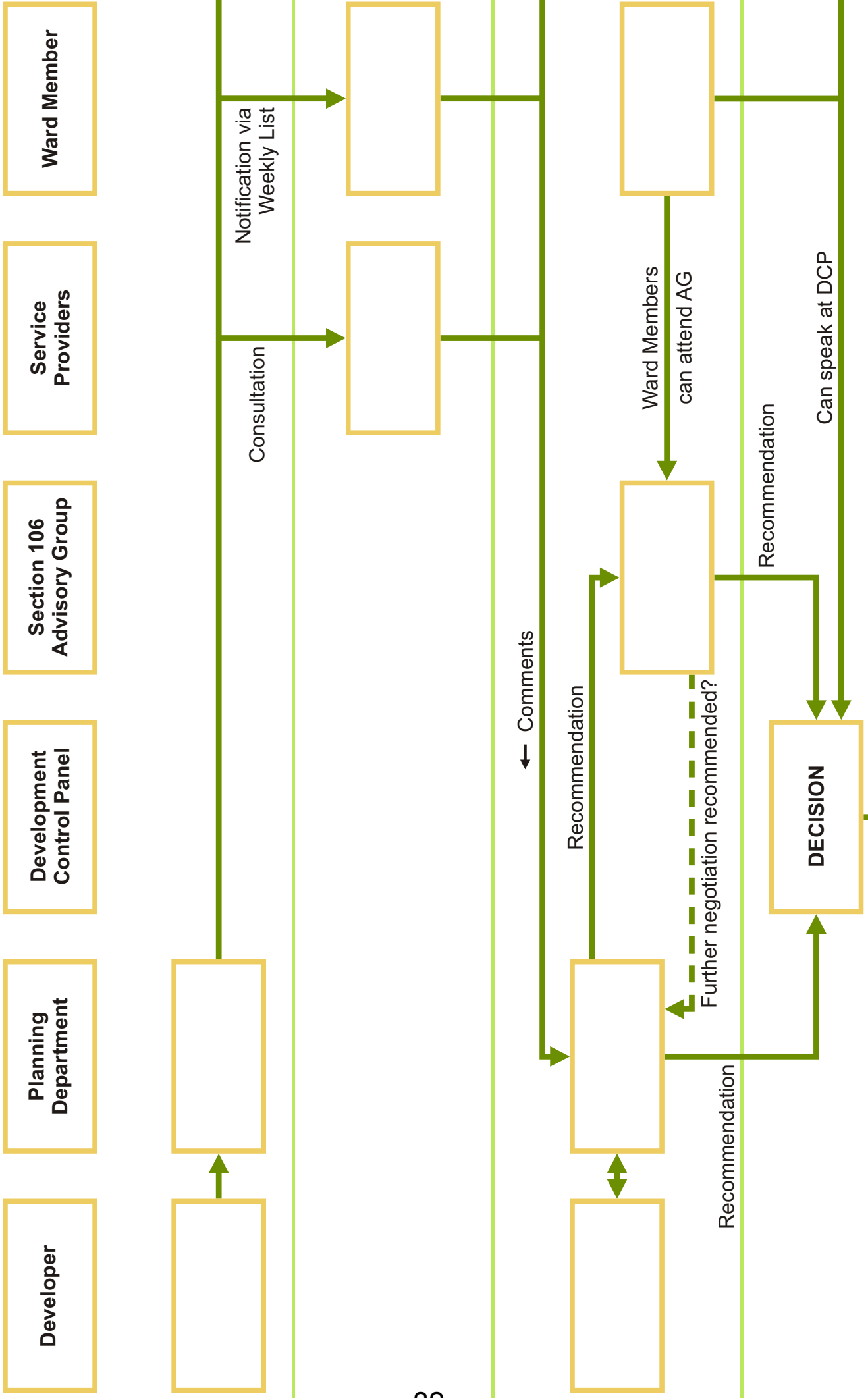
Presentations by / discussions with Head of Planning Services, Head of Housing Services, Policy Officer and Head of Operations

## **APPENDIX A**

### **SECTION 106 AGREEMENT ADVISORY GROUP**

#### **TERMS OF REFERENCE AND METHOD OF OPERATION**

- 1.** The Advisory Group will consider recommendations from and formulate guidance for the Head of Planning Services on the content of Section 106 Agreements to be negotiated as part of the development control process.
- 2.** The Advisory Group will consider the terms for any proposed Section 106 Agreements which are likely to involve the provision of or a financial contribution towards local infrastructure, community facilities or affordable housing and any variations thereto as a result of the process of negotiation with the applicant, where the contribution to be made totals more than £100,000 or its equivalent.
- 3.** The Advisory Group's comments on an individual Section 106 Agreement will be incorporated in the report of the Head of Planning Services to the Development Control Panel meeting at which the relevant planning application will be considered for determination.
- 4.** The Development Control Panel normally will delegate authority to determine the final content of a Section 106 Agreement to the Head of Planning Services subject to the reference back to the Advisory Group/Panel of any significant variation following negotiation with the applicant.
- 5.** The Advisory Group will meet as and when required and the quorum for meetings shall be not less than 3 Members.
- 6.** The Advisory Group will be deliberative and non-executive – it will not have delegated authority to determine the content of S106 Agreements and its meetings will not be open to the public.
- 7.** An opportunity will be provided for Ward Members to address the Advisory Group on a particular Agreement or by way of written representations.
- 8.** Notes of meetings of the Advisory Group will be compiled for submission to their ensuing meeting as a record of their discussions.





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2. The Advisory Group will consider the terms for any proposed Section 106 Agreements which are likely to involve the provision of or a financial contribution towards local infrastructure, community facilities or affordable housing and any variations thereto as a result of the process of negotiation with the applicant, where the contribution to be made totals more than £100,000 or its equivalent.
3. The Advisory Group's comments on an individual Section 106 Agreement will be incorporated in the report of the Head of Planning Services to the Development Control Panel meeting at which the relevant planning application will be considered for determination.
4. The Development Control Panel normally will delegate authority to determine the final content of a Section 106 Agreement to the Head of Planning Services subject to the reference back to the Advisory Group/Panel of any significant variation following negotiation with the applicant.
5. ***The Advisory Group will also monitor the receipt and expenditure of Section 106 money on a quarterly basis and have the ability to invite officers to attend meetings to respond to their concerns about the progress of a particular scheme.***
6. ***Scheduled meetings will be incorporated with the Council's Calendar of meetings one week prior to each meeting of the Development Control Panel*** and the quorum for meetings shall be not less than 3 Members.
7. The Advisory Group will be deliberative and non-executive – it will not have delegated authority to determine the content of S106 Agreements and its meetings will not be open to the public.
8. An opportunity will be provided for Ward Members to address the Advisory Group on a particular Agreement or by way of written representations.
9. Notes of meetings of the Advisory Group will be compiled for submission to their ensuing meeting as a record of their discussions.

**WORK PLAN: STUDIES  
(Report by the Head of Administration)**

**1. INTRODUCTION**

1.1 The purpose of this report is to allow Members of the Panel to review their programme of studies.

**2. STUDIES**

2.1 The Council has a duty to improve the social, environmental and economic well-being of the District. This gives the Overview and Scrutiny Panels a wide remit to examine any issues that affect the District by conducting in-depth studies.

2.2 Studies are allocated according to the current Executive responsibilities. These were advised in agreement with the Panel Chairmen with effect from September 2008.

**Service Delivery:**

Customer Services &  
Information Technology  
Leisure  
Housing & Public Health  
Operational & Countryside Services

**Service Support:**

Finance & Environment  
Resources & Policy  
Planning Strategy /Transportation  
Special Advisor to the Cabinet

2.3 Ongoing studies have been allocated between the Panels accordingly –

STUDY	PANEL	STATUS
Process and Procedures involved with the adoption of roads and sewers.	Service Delivery	Meeting held on 29 <sup>th</sup> January with the Head of Planning Services and a representative from the County Council.
The Processes involved in Applying for Community Grant Aid and the Effectiveness of Grant Schemes.	Service Delivery	Final report considered by the Cabinet on 29 <sup>th</sup> January 2009.
Disability Access	Service Delivery	Final Report considered by the Cabinet on 29 <sup>th</sup> January.
Section 106	Service Support	Final report to be presented to February Panel meeting. See Agenda.
Social Consequences of Alcohol Abuse	Service Support	Final report considered by the Cabinet on 29 <sup>th</sup> January 2009. Update to be provided.
Maximising Council Income	Service Support	Further meeting to be held in March 2009.
Provision of Leisure Facilities for Young People.	Service Delivery	Subject raised as an area for potential study. Scoping report requested with the Heads of Operations and Environmental &

		Community Health Services – anticipated March 2009
Homelessness and the Housing Market	Service Delivery	Raised at Panel's January meeting – report considered by Cabinet on 29 <sup>th</sup> January 2009.

2.4 The Service Support Panel have also identified the following as possible future studies:-

Review of the incentives of the Council's Travel Plan.	Service Support
The Council's Future Borrowing Arrangements.	Service Support

### 3. RECOMMENDATION

3.1 The Panel is requested to note the progress of the studies selected.

**Contact Officer: Mrs Claire Bulman - ☎ (01480) 388234.**

#### **BACKGROUND DOCUMENTS**

Minutes and Reports from previous meetings of the Overview and Scrutiny Panels.



<b>AREA OF REVIEW</b>	<b>DETAILS/COMMENTS</b>
<b>Title of Study</b> (name of Working Group)	Maximising Income Generation
<b>Appointing Panel</b>	Overview and Scrutiny (Service Support)
<b>Members Assigned</b> (including date Working Group appointed)	Councillors P J Downes, L W McGuire and R J West. Appointed 9 <sup>th</sup> September 2008.
<b>Possible Co-Options to the Group</b>	N/A
<b>Interests Declared</b>	None declared.
<b>Rapporteur</b>	Councillor L W McGuire
<b>Officer Support</b>	Mr Roy Reeves, Head of Administration Mrs Claire Bulman, Democratic Services Officer Mr S Couper, Head of Financial Services Mr D Harwood, Audit & Risk Manager Mr H Thackray, Policy & Strategic Services Manager Ms K Shaw, External Funding Officer
<b>Purpose of Study / Objective</b> (specify exactly what the study should achieve)	To investigate ways in which the Council could maximise its income opportunities and grant availability.
<b>Rationale</b> (key issues and/or reason for conducting a study)	Study suggested by Councillor P J Downes.
<b>Terms of Reference</b>	
<b>Links to Council Policies/Strategies</b>	Links to Council Aim: To maintain sound finances To maximise external funding to support & promote our objectives.

<b>ACTION BY WORKING GROUP</b>	
<b>Methodology / Approach</b> (what types of enquiries will be used to gather evidence)	Information from Head of Financial Services Information from Internal Audit Service Information from Policy & Strategic Services Manager & External Funding Officer.
<b>External/Specialist Support</b>	N/A
<b>Existing Documentation</b>	Charging for Council Services – Draft Report by the Internal Audit Service Income Generation – External Grant Funding – Draft Report by the Internal Audit Service External Funding Prospects – Report by the External Funding Officer Maximising External Funding – Report by the Head of Policy & Strategic Services.
<b>Evidence to be Obtained</b> (e.g. witnesses, documents, site visits, consultation, research,	Further discussion with Head of Financial Services Further discussion with External Funding Officer. Progress on actions within Internal Audit reports.

etc)	
<b>Reference Sites</b>	N/A
<b>Investigations</b>	As outlined above.
<b>Witnesses</b>	Mr S Couper, Head of Financial Services Mr D Harwood, Audit & Risk Manager Mr H Thackray, Policy & Strategic Services Manager Ms K Shaw, External Funding Officer
<b>Site Visits (if necessary)</b> (where and when)	None currently identified.
<b>Meetings of the Working Group</b>	1 <sup>st</sup> December 2008 Further meeting to be held in March 2009. Date to be confirmed.
<b>Costs</b> (resource requirements, additional expenditure, time)	Officer time – both to provide support and conduct research
<b>Possible Barriers to the Study</b> (potential weaknesses)	None currently identified
<b>Projected Timescale</b> (Start and end times)	Start: September 2008 End: TBC

## **OVERVIEW & SCRUTINY PANEL (SERVICE SUPPORT)**

**10<sup>TH</sup> FEBRUARY 2009**

### **PROGRESS TO DATE (Report by the Head of Administration)**

#### **1. INTRODUCTION**

- 1.1 The Panel have asked for the submission of a brief progress report to their monthly meetings to monitor action taken and the response to any recommendations which they have made.

#### **2. PROGRESS REPORT**


- 2.1 The monthly progress report therefore is attached which covers all outstanding items. Actions previously reported upon as having been completed have been deleted from the report as the process rolls forward. The report is in tabular form and comprises a brief synopsis of the Panel's decisions and the subsequent action taken.

#### **3. CONCLUSION**

- 3.1 The Panel are requested to note the contents of the attached report.

#### **BACKGROUND INFORMATION**

Minutes and Reports of the Overview & Scrutiny Panel (Planning and Finance/  
Service Support)

**Contact Officer:** Mrs C Bulman –Democratic Services Officer  
 (01480) 388234

<u>Panel Date</u>	<u>Decision</u>	<u>Action</u>	<u>Response</u>	<u>Date</u>
	<b>HEAVY GOODS VEHICLE PARKING IN THE DISTRICT</b>			
<b>10/06/08</b>	Endorsed the Working Group's report and recommendations for submission of the Cabinet.	Recommendations endorsed by the Cabinet at their meeting on 26 <sup>th</sup> June 2008.	Agreed with Chairman / Vice Chairman that issue be taken forward by the Freight Quality Partnership.	
<b>09/09/08</b>	Head of Administration was asked to establish the current position with regard to the Panel's recommendations following their referral to the Freight Quality Partnership.	Freight Quality Partnership has now met.	Matter included for discussion on agenda for LAA Reference Group.	<b>Jan 09</b>
<b>13/01/09</b>	Central Services Manager asked to establish the current situation with regard to the possible re-opening of the Alconbury site and the outcome of discussions at the first meeting of the three county group.	Transportation Manager indicated that there was not further information at this time. Have asked to be kept updated.	Update to be circulated at January meeting. Three County Group established to pool information and develop a strategy for future provision post 2015.	
	<b>PETITION BY ST AUDREY LANE AREA RESIDENTS, ST IVES</b>			
<b>08/07/08</b>	Representatives from Anglian Water in attendance at Panel's July meeting. Requested that an update be provided in 6 months time and that residents be informed of the outcome of their investigations.	Email requesting update sent – 21/10/08	CCTV survey of St Audrey Lane and Pig Lane Surface Water sewer completed. Funding now available to Jet Sewer – will be carried out shortly.	
<b>09/12/08</b>	Councillor J W Davies reported that the situation had improved following jetting of sewer. Urged Panel to pursue capacity issues relating to the pumping station.	Further update to be sought from Anglian Water in Feb / March 2009.		<b>Feb / Mar 09</b>

<b>Panel Date</b>	<b><u>Decision</u></b>	<b><u>Action</u></b>	<b><u>Response</u></b>	<b><u>Date</u></b>
<b>14/10/08</b>	<b>PETITION TO CONTROL COMMUTER PARKING IN THE LONGSANDS AREA OF STNEOTS</b> Chairman to write to the Chairman of Huntingdonshire Traffic Management Area Joint Committee outlining the Panel's concerns and requesting that the matter be progressed at the earliest opportunity.	Letter sent 21/10/08	Response received. Further information to be received in New Year once investigation report from Cambridgeshire County Council received.	<b>Spring 2009</b>
	A representative from First Capital Connect to be invited to attend a future meeting to discuss their expansion plans for the car parks at Huntingdon and St Neots.	Letter sent 21/10/08	Item deferred until a later date. Transportation Team Manager updated Panel at January meeting.	<b>Spring 2009</b>
<b>12/02/08</b>	<b>CYCLING IN HUNTINGDONSHIRE</b> Endorsed the Working Group's report and recommendations for submission of the Cabinet and requested that the study recommendations be placed on the progress report for future monitoring.  <i>[Recommendations are appended to this report].</i>	Considered by the Cabinet at their meeting on 12 <sup>th</sup> February 2008. Cabinet noted the recommendations and requested a further report by officers addressing the wider issue of Section 106 funding and partnership working. Agreed that discussions should be held with Cambridgeshire County Council regarding their offer to update the Huntingdonshire Cycling Strategy and the issue of partnership working on cycling provision.	Report updating the Panel on the current position the review of the Cycling Strategy and the provision for funding for Huntingdonshire in the LTP included on Agenda for the meeting for June 08 meeting.	<b>June 08</b>
<b>10/06/08</b>	Asked the Transportation Team Leader to email all Members of the Council asking about any specific issues with regard to cycle routes in their wards. Requested sight of the draft report on the prioritisation of cycle schemes before any consideration by the AJC.	Since the June Panel meeting, it has come to light that the list of potential cycle routes have already been scored and prioritised. A report will be considered by the AJC at their meeting on 7 <sup>th</sup> July 2008, seeking ratification of the cycle routes as scored. Requests have been made for reviews to be undertaken annually, with the first review with Members to start in the	Priority List endorsed by the AJC. District Council members will be contacted before the next review in Summer 2009 to ask about specific issues within their ward.	<b>Spring 2009</b>

autumn.

<b>Panel Date</b>	<b><u>Decision</u></b>	<b><u>Action</u></b>	<b><u>Response</u></b>	<b><u>Date</u></b>
<b>09/09/08</b>	<b>MAXIMISING COUNCIL INCOME</b> Appointed Councillors P J Downes, L W McGuire and R J West to a Working Group for the purpose of undertaking the above review.	First meeting held on 1 <sup>st</sup> December 2008 to discuss recent reviews by the Internal Audit Service on income generation and discretionary charging.	Further meeting to be held on 11 <sup>th</sup> March 2009 with External Funding Officer and Head of Financial Services.	<b>Mar 09</b>
<b>14/05/08</b>	<b>CORPORATE PLAN – GROWING SUCCESS</b> Councillors M G Baker, J A Gray and R G Tuplin appointed to Corporate Plan Working Group.	Quarterly reports submitted to Overview & Scrutiny.	Next quarterly meeting to be arranged for 26 <sup>th</sup> February 2009.	<b>Feb 09</b>
<b>15/01/08</b>	<b>LOCAL AREA AGREEMENTS</b> Minutes of future meetings of the Cambridgeshire Together Local Accountability Committee should be circulated to all Panel Members.	Next meeting 24 <sup>th</sup> February 2009.		<b>Feb 09</b>
<b>14/05/08</b>	Councillor J A Gray appointed to Joint Accountability Committee. Substitute members to be appointed in consultation with Head of Administration.			
<b>14/10/08</b>	<b>REVIEW OF LOCAL PROCUREMENT</b> Agreed to hold further meeting with business representatives in the New Year.	Meeting to be held on 12 <sup>th</sup> March 2009 at 4pm. Councillor M G Baker to chair.		<b>Mar 09</b>

<b>Panel Date</b>	<b><u>Decision</u></b>	<b><u>Action</u></b>	<b><u>Response</u></b>	<b><u>Date</u></b>
<b>13/01/09</b>	<p><b>LICENSING ACT – IMPACT ON NIGHTTIME ECONOMY</b></p> <p>Subject to an amendment to one of the recommendations, the Panel endorsed the final report for consideration by the Cabinet at their meeting on 29<sup>th</sup> January 2009.</p> <p>Agreed to re-visit the study towards the end of the year to review progress made towards achievement of the countywide action plan, the night watch project and the availability of statistics from Hinchingsbrooke Hospital on alcohol related accidents and emergency treatment.</p>		Update to be provided at Panel meeting.	<b>Nov 09</b>
<b>14/04/05</b>	<p><b>MONITORING OF SECTION 106 AGREEMENTS</b></p> <p>Quarterly reports to be submitted to the Panel.</p>	Next report due March 2009		<b>Mar 09</b>
<b>12/02/08</b>	<p>Agreed to establish a Working Group comprising Councillors P J Downes, D Harty, M F Newman and R G Tuplin to investigate the current Section 106 Agreement Mechanism for the negotiation of agreements and the distribution of money received.</p>	See Agenda item 5.		<b>Feb 09</b>
<b>13/01/09</b>	<p><b>CUSTOMER SERVICE DEVELOPMENT IN ST IVES AND ST NEOTS</b></p> <p>Endorsed the comments of the Overview &amp; Scrutiny Panel (Service Delivery) relating to the need to consult with Ward Councillors on any proposals to change the location of the centres and the investigation of outreach services in larger villages.</p>	Comments conveyed to Councillor L M Simpson.		

<b>Panel Date</b>	<b><u>Decision</u></b>	<b><u>Action</u></b>	<b><u>Response</u></b>	<b><u>Date</u></b>
	<b>FORWARD PLAN</b>			
<b>09/10/07</b>	<b>Huntingdon West Area Action Plan</b> Requested that the report should be considered at a future meeting of the Panel.			<b>Mar 09</b>
<b>13/11/07</b>	<b>Parish Plans and Local Plan Policy</b> Circulate report when this becomes available.			<b>Mar 09</b>
<b>08/07/08</b>	<b>Proposals for Huntingdon Riverside Park</b> Requested that report should be considered at a future meeting of the Panel.			<b>Mar 09</b>
<b>08/07/08</b>	<b>Developer Contributions SPD</b> Requested that report should be considered at a future meeting of the Panel.			<b>Mar 09</b>
<b>14/10/08</b>	<b>A14 Statutory Orders – Consultations</b> Requested that the report should be considered at a future meeting of the Panel.			<b>Mar 09</b>
<b>13/01/09</b>	<b>Local Investment Framework</b> Requested that the report should be considered at a future meeting of the Panel.	Agenda Item 4 refers.		<b>Feb 09</b>
	<b>Report of the Structure Review Working Group</b> Requested that the report should be considered at a future meeting of the Panel.			<b>Mar 09</b>
	<b>Masterplan for land east of Sapley Square</b> Requested that the report should be considered at a future meeting of the Panel.			<b>Mar 09</b>
	<b>Great Fen Masterplan</b> Requested that the report should be considered at a future meeting of the Panel.			<b>April 09</b>



<b>Panel Date</b>	<b><u>Decision</u></b>	<b><u>Action</u></b>	<b><u>Response</u></b>	<b><u>Date</u></b>
<b>08/07/08</b>	<b>GREAT FEN PROJECT</b> Director of Environmental & Community Services to make presentation to future meeting. All Scrutiny Members to be invited.	Comments submitted to Cabinet meeting on 20 <sup>th</sup> November 2008.		<b>Mar 09</b>
<b>11/11/08</b>	Report on the content of the collaboration agreement to be submitted to a future Panel meeting before its consideration by Cabinet.			

#### **RECOMMENDATIONS ARISING FROM CYCLING IN HUNTINGDONSHIRE**

- (a) that the offer by the County Council to update the Council's existing cycling strategy and to prepare an action plan for its implementation be welcomed and officers requested to conclude this work within the next six months;
- (b) that, following completion of the strategy and action plan, specific contributions be sought in Section 106 Agreements for cycleway provision in Huntingdonshire in appropriate cases;
- (c) that contributions negotiated under (b) above be retained by the District Council for expenditure on implementation of the cycling strategy action plan;
- (d) that the District Council seek the allocation of specific funding through the Local Transport Plan for cycleway provision in Huntingdonshire;
- (e) that the approval of individual cycleway schemes continue to be the responsibility of the Huntingdonshire Traffic Management Area Joint Committee with District Council expenditure continuing to be allocated on a scheme by scheme basis.

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## Decision Digest

Edition 91

**Monthly summary of the decisions taken at meetings of the Council, Cabinet, Overview & Scrutiny and other Panels for the period 18<sup>th</sup> December 2008 to 26th January 2009**

### **LOCAL GOVERNMENT ACT 2000: FORWARD PLAN**

The Overview & Scrutiny Panel (Service Delivery) has requested sight of the reports on the Leisure Facilities Strategy and Structure Review Working Group Findings for submission to future Panel meetings.

### **FUTURE GOVERNANCE OF HINCHINGBROOKE HOSPITAL: CONSULTATION ARRANGEMENTS**

The Overview & Scrutiny Panel (Service Delivery) has received a presentation from Dr S Dunn, Director of Strategy and Hinchingsbrooke Next Steps Project Co-ordinator for the East of England Strategic Health Authority on the proposals for the future governance and operation of Hinchingsbrooke Hospital. Ms J Bawden, Director of Communications for NHS Cambridgeshire was also in attendance.

The Panel was apprised of the background to the proposals, the governance models which the Trust had explored thus far and the conclusion that a franchised

agreement for a defined period had been selected as the preferred option for the Hospital's future governance.

The Panel has been advised of the proposed approach to public engagement, which comprises the establishment of a Stakeholder Panel which would brief, involve and consult interested groups and parties. The Stakeholder Panel would be chaired by the District Council's Chief Executive.

The Panel has questioned whether potential franchisees would contribute towards the repayment of the Hospital's existing debt and discussed the future subsidy of services. The role of the Government and the implications of not approving the franchise proposal has also been discussed. It was understood that the range and quality of services would be maintained by the contract specification, which the Stakeholder Panel would discuss and monitor. It was anticipated that the hospital would attract greater numbers of patients and an assurance was given that there was no intention to sell any land or buildings currently in the Hospital's ownership.

In noting the cost of the process and likely timescale for its completion the Panel were advised that the franchise was a robust model employed by other Strategic Health Authorities.

## **HOMELESSNESS AND THE HOUSING MARKET**

The Overview & Scrutiny Panel (Service Delivery) has considered current national and local economic factors affecting the housing market and the associated demand for social housing, together with details of a proposal to re-model Coneygear Court.

The Panel was encouraged to note that a number of initiatives are in place to address the effects of the economic downturn in preventing homelessness and home repossessions. Locally it was reported that there was no significant increase in home repossessions when compared to the previous year. Efforts were also being made to promote the range of services available to residents experiencing financial difficulties who were encouraged to seek advice at the earliest opportunity.

The Panel was advised that the demand for housing services was likely to increase over the course of the next year and Members noted that the Housing Service was currently operating at maximum capacity. The Panel has submitted a report to the Cabinet requesting them to look sympathetically on future requests for additional resources to meet any further

increases in demand should they arise.

With regard to the re-modelling of Coneygear Court, the Panel has received assurances, that should the Granta Housing Society bid for the redevelopment of the site be successful, interim arrangements would be made to accommodate occupiers of the property during the construction period.

## **CARE QUALITY COMMISSION: ENFORCEMENT POLICY CONSULTATION RESPONSE**

The Overview & Scrutiny Panel (Service Delivery) has endorsed the content of a consultation response on the Care Quality Commission's proposed enforcement policy for the regulation of health and adult social care services across the country. The document was previously considered by the Panel at their December 2008 meeting.

## **DISABILITY ACCESS STUDY**

The Overview & Scrutiny Panel (Service Delivery) has endorsed their final report on the study into disability access for submission to the Cabinet. A further report reviewing the outcome of the study has also been requested for submission to the Panel in six months time. The Panel has nominated the Chairman to attend the relevant Cabinet meeting to present the Panel's report.

## **SOCIAL CONSEQUENCES OF ALCOHOL ABUSE**

The Overview & Scrutiny Panel (Service Support) has received the

final report of its Working Group which was established to consider the problems of alcohol abuse and its social consequences within the District. Subject to an amendment to emphasise the importance of enforcement agencies making full use of the powers available to them to tackle the effects of alcohol misuse and resultant public disorder, the Panel has endorsed the contents of the report. The Panel has also agreed to re-visit the study towards the end of the year to review progress made towards the achievement of the county-wide alcohol action plan, the night watch project and the availability of statistics from Hinchingsbrooke Hospital on alcohol related accidents and emergency treatment.

The Panel's report has subsequently been considered by the Cabinet.

### **IMPROVEMENT WORKS TO CAR PARKS AT HUNTINGDON AND ST. NEOTS RAIL STATIONS**

The District Council's Transportation Team Leader has provided an update to the Overview and Scrutiny Panel (Service Support) on discussions between the local planning authority and network rail concerning the extension of the car parking facilities at St. Neots and Huntingdon stations. Arising from the expansion proposals the Panel expressed concerns about vehicular access to St Neots Station and the Western Car Park in Huntingdon.

Members commented that any changes to vehicular access to Huntingdon station could not be considered in isolation from the

Huntingdon West Area Action Plan and on the parking capacity problems experienced by off-peak travellers in the town.

The Panel has also discussed connections between train and bus services operating from the Huntingdon and St. Neots Stations. Problems in this respect were particularly apparent in St. Neots. The Panel were informed that while Stagecoach had already been advised of problems, Councillor P L E Bucknell would be meeting with bus companies to discuss the matter in the near future.

### **PERFORMANCE MONITORING**

The Cabinet has noted the Council's operational performance against 37 short, medium and long term objectives presented in "Growing Success" the Council's Corporate Plan. With regard to those objectives where actual performance had not progressed as well as anticipated, Executive Councillors have been reassured that a system has been introduced to ensure that applications for loft and cavity wall insulation are processed within 5 working days. Particular reference also was made to the implications of the current economic climate on the Council's ability to achieve the target of affordable housing commitment on qualifying sites.

### **CUSTOMER SERVICE DEVELOPMENT IN ST IVES AND ST NEOTS**

The Cabinet has noted a proposal to increase a range of services being offered to customers via the St. Ives

and St. Neots Customer Services Centres. In reviewing the issues involved, Executive Councillors have stressed that such services should be delivered, if possible, from the High Street or a central location. In that respect, the Cabinet have felt unable to support, currently, any option to re-model existing offices. As a result of which, Executive Councillors have requested the Head of Customer Services to investigate the financial viability of acquiring shop units in St. Ives and St. Neots and to explore the possibility of sharing the properties with one or more partners. Members have requested that local Councillors be consulted on the location of any alternative accommodation. Approval also has been given in principle for the relocation of the St. Neots Tourist Information Centre with existing staff being subsumed within the Customer Services Team.

### **DEVELOPMENT OF OPTIONS FOR THE DEVELOPMENT MANAGEMENT DPD**

Having regard to the views of the Overview and Scrutiny Panel (Service Support), the Cabinet has approved for public consultation the contents of the Development Plan Document (DPD) Development of Options and the Sustainability Appraisal. The document forms part of the local development framework and will support the Core Strategy and East of England Plan as well as setting out the Council's policies for managing development in Huntingdonshire including the assessment and determination of

planning applications. The draft policy has evolved from the Huntingdonshire Interim Planning Policy Statement, 2007 and from those representations received during the Issues and Options Consultation and Initial Sustainability Appraisal and has been updated to reflect changes in national guidance. It is anticipated that public consultation will commence in mid-January.

### **LETTINGS POLICY**

Having considered a proposal to vary the Council's Letting Policy, the Cabinet has authorised the Head of Housing Services, after consultation with the Executive Councillor for Housing and Public Health, to award priority status to applicants with exceptional circumstances, where those circumstances are not adequately covered and, pending a further review of the policy, to correct unforeseen detrimental consequences which disadvantage an individuals' opportunity for being housed in comparison with the priority of other applicants. This delegation has previously been used in exceptional circumstances but was omitted, in error, from the current policy.

### **WEB STRATEGY 2009 – 2011**

The Cabinet has approved the content of a revised web strategy for the Council and a supporting action plan for a three-year period 2009/2011. The document covers shared services, revenue generation, monitoring and evaluation, risks and resources.

### **COMMUNITY ENTERPRISE**

### CENTRE – SAPLEY EAST

The Cabinet has agreed to submit an application for grant support from the East of England Development Agencies Investing in a Communities Programme for the construction of a community enterprise centre in the Sapley East area. The development of such a Centre is an accepted element of regeneration schemes and will provide small scale employment, skill and learning opportunities to match particular community needs. The initiative accords with the objectives of the Local Economy Strategy and the activities of the Council and its partners in these areas. Having acknowledged that current and future funding opportunities will be maximised if the community enterprise centre was owned and controlled by a community interest company, the Cabinet has –

- ◆ reaffirmed a decision to reinvest the proceeds of the disposal of land in this regeneration scheme to produce future community benefits;
- ◆ supported the principle of establishing a community interest company which owns and manages the proposed community enterprise centre and other assets if opportunities arise;
- ◆ authorised the Director of Environmental and Community Services to obtain an agreement, in principle, from

appropriate organisations to form a community interest company and to work with those organisations to prepare a robust business plan to demonstrate the viability of the community enterprise centre; and

- ◆ agreed to consider a masterplan for the regeneration of the Sapley East area and the Business Plan for the community enterprise centre before a final decision is made by the Cabinet in March/April 2009.

### NEIGHBOUR NOTIFICATION

Regulations prescribe that all applications for planning permission should be subject to a form of mandatory notification and / or advertising. The District Council's practice on neighbour notification has evolved through practical experience and currently is wider than required by legislation. The Development Control Panel has endorsed continuation of the current notification process and approved some minor changes to avoid confusion amongst neighbours in residential neighbourhoods.

**ENFORCEMENT  
HARTFORD  
HUNTINGDON**

**ACTION:  
MARINA,**

Following representations made to the Development Control Panel, the Panel has agreed to establish a working party comprising Councillors J D Ablewhite, P A Swales, G S E Thorpe and R J West to consider the preparation of Supplementary Planning Guidance on marinas, the way forward for enforcement action and the wider issues involved in seeking to resolve the alleged unauthorised occupation of various lodges, houseboats etc at Harford Marina.

visitor minibus service from Huntingdon to the prison.

### **ENFORCEMENT ACTIVITY**

The Development Control Panel has received an update on the activities of the enforcement team during 2008 and noted progress and achievements against objectives set for that year.

In endorsing seven objectives for 2009, the Panel requested that priority should be given to the production of a leaflet for Town and Parish Councils on the enforcement process and the investigation at Hartford Marina.

### **DEVELOPMENT APPLICATIONS**

Seven applications were considered by the Development Control Panel in January and these included a proposal to develop a 480 place prison for 18-21 year old male prisoners at Littlehey Prison for which approval was given subject to the completion of a S106 agreement which will secure the upgrading of the cycle route through Perry and the continuation and extension of a