

## Decision Digest

Edition 93

Monthly summary of the decisions taken at meetings of the Council, Cabinet, Overview & Scrutiny and other Panels for the period 2nd - 27th March 2009.

### PROVISION OF LEISURE FACILITIES FOR YOUNG PEOPLE

The Overview and Scrutiny Panel (Service Delivery) has received information on the leisure facilities owned and maintained by the District Council, together with details of facilities which the Council helps to maintain. The information presented excluded those facilities under the direct control of the District's Town and Parish Councils.

The efforts of independent community groups in raising funds for youth facilities within villages and the provision of funding through Section 106 Agreements for the construction and maintenance of facilities was discussed. Attention was drawn to the disparity of facilities between towns and villages. The Panel considered that there should be more consistency in the provision of facilities across the District and has appointed a Working Group, comprising Councillors J D Ablewhite and P G Mitchell, to meet with the Executive Councillor for Operational and Countryside Services to discuss the matter further, with a view to making recommendations on achieving an even distribution of youth facilities across the District and meeting the

ongoing revenue costs associated with such facilities.

### PERFORMANCE MONITORING

The Cabinet and Overview and Scrutiny Panels have considered the performance of the authority against the priority objectives identified in "Growing Success", the Corporate Plan, in the quarter to 31st December 2008.

The Service Delivery Panel has endorsed the views of the Corporate Plan Working Group and noted the Working Group's request for a report on the private housing retrofit project for submission to the Panel's June meeting. It was requested that a representative of the Carbon Trust be invited to attend a subsequent meeting, with a view to examining the retrofit project's principles in the context of the Trust's work. It was also suggested that environmental efficiency data be compiled to determine the energy efficiency levels of homes before and after completion of refurbishment works.

Members also concurred with a suggestion that the disabled facilities available at Sawtry Leisure Centre should be promoted.

Having regard to the key measure relating to the number of

households living in temporary accommodation, it was noted that the performance achieved represented an increase in the number of households prevented from becoming homeless during the reporting period.

Finally, the Panel has reiterated their concern at the potential risk to the Council should the bid for funding to re-model Coneygear Court not be successful.

The Service Support Panel was pleased to note that all of the indicators where statistics were available were positive with one exception. The Panel was satisfied with the explanation given as to why this was not completed on time.

### **ADOPTION OF ROADS AND SEWERS**

The Overview and Scrutiny Panel (Service Delivery) has received a further update from the Adoption of Roads and Sewers Working Group. At a recent meeting, the Head of Legal, Property and Governance advised that there was adequate legal provision in existence to ensure that the adoption of roads and sewers could be brought to a completion. Additionally, it was established that during the purchasing process, purchasers and mortgage providers were made fully aware of the status of the roads and sewers servicing properties and of the associated financial liabilities should either not be adopted. This matter will further be explored at the next meeting of the Working Group.

The Panel noted that new legislation to be introduced by the Government

in 2010/11 would ensure that sewers were adopted and that this would expedite the road adoption process.

### **OVERVIEW AND SCRUTINY PANEL (SERVICE DELIVERY) - PROGRESS**

The Overview and Scrutiny Panel (Service Delivery) has received updates on developments relating to the Panel's final report on grant aid and on the future governance of Hinchingsbrooke Hospital. With regard to the latter, the Panel was advised that the Department of Health had approved the Strategic Health Authority's proposal but that formal approval had yet to be obtained from Her Majesty's Treasury.

### **LOCAL INVESTMENT FRAMEWORK**

The Cabinet has considered the content of the Local Investment Framework which has been compiled to determine the level of local and strategic infrastructure required to meet the target of new homes identified for Huntingdonshire up to 2026.

In discussing future initiatives, Executive Councillors supported the proposed creation of a St Neots Delivery Board, similar to the boards set up to deliver growth in the Cambridge area. The new board will consider social infrastructure requirements and where delivery options associated with potential housing development can be located based on existing facilities and accessibility levels.

## ST NEOTS MARKET TOWN STRATEGY

The St Neots Market Town Transport Strategy has been approved by the Cabinet. The strategy forms part of the Cambridgeshire Local Transport Plan 2006 – 2011.

In discussing the Strategy, the Cabinet has raised concerns over the lack of any reference to a bus layover space or to the impact of congestion generally in terms of air quality. Although initial discussions have been held with local bus operators to discuss known problems, specifically the absence of any link between bus and train timetables, the Executive Councillor for Resources and Policy recorded his concern that the Strategy does not address future transport needs given the predicted population levels for the area. The Cabinet is encouraged that the strategy will be reviewed between now and 2011 to take into account emerging pressures and possible development scenarios around St Neots.

## PROPOSED SERVICE ENHANCEMENTS – TRANSFORMATION FROM DEVELOPMENT CONTROL TO DEVELOPMENT MANAGEMENT

A proposal to formalise the transformation of the development control function to one of development management has been endorsed by the Cabinet. The change has been brought about because planning is focussing on the importance of sustainable and deliverable development in the

District. Whilst discussing the change, Executive Councillors have referred to the issue of targeted funding and have requested the Head of Planning Services to investigate the possibility of introducing charges for pre-application discussions. Given the need to ensure all stakeholders understand and sign up to the new approach, the Cabinet has requested that Town and Parish Councils be invited to a series of planned workshops on the new arrangements.

## REVIEW OF SECTION 106 AGREEMENTS

The findings of a study by the Overview and Scrutiny Panel (Service Support) on the Council's Section 106 process which included reference to a proposed Community Infrastructure Levy and variable infrastructure tariff both expected to be implemented in the near future. The Cabinet has been informed that the introduction of the levy will empower local authorities to place a new charge on most types of developments in their area with the proceeds being spent on local and sub-regional infrastructure to offset the impact of the development. Having been advised that the new legislation will allow for draft heads of terms for Section 106 Agreements to be requested as part of the application validation process, the Cabinet has –

- ◆ requested that a guidance note be prepared and drawn to the attention of Members to illustrate how they can comment

- on applications and the potential heads of terms for Section 106 Agreements by reference to the weekly planning list notification;
- ◆ agreed to give clear guidance to Town and Parish Councils on how to comment on the potential content of agreements for development in their areas as part of the normal consultation arrangements and speaking at Development Management Panel meetings;
  - ◆ requested 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 potential heads of terms of Section 106 Agreements in their areas;
  - ◆ suggested that copies of the quarterly report prepared by the People, Performance and Partnership Division detailing income and expenditure from the Section 106 money be provided to all Members and changes to the content of the report implemented at the earliest opportunity;
  - ◆ approved the expansion of the remit and terms of reference of the Section 106 Advisory Group to include monitoring of agreements and meetings convened on a more regular basis with dates reserved in the Council's calendar one week prior to each Development Management Panel;
  - ◆ agreed to submit copies of the monitoring report to the Section 106 Advisory Group on a quarterly basis and also to the Development Management Panel with any comments from the Advisory Group;
  - ◆ agreed to award the Executive Councillor for Finance and the Environment the responsibility for ensuring the effectiveness of processes for securing payments and the expenditure of receipts under Section 106 Agreements, with individual Executive Councillors remaining accountable for the delivery of benefits and projects relevant to their portfolios; and
  - ◆ invited the Section 106 Working Group to

consider the likely effects of the introduction of the Community Infrastructure Levy and to make recommendations on processes to implement the system.

### **CONSULTATION ON CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY PUBLICITY**

The Cabinet and The Overview and Scrutiny Panel (Service Support) has endorsed the contents of a suggested response to a consultation paper issued by the Department of Communities and Local Government on proposed changes to the Code of Recommended Practice on Local Authority Publicity. The Code was first issued in 1988 to cover the content, style, distribution and cost of local authority publicity, from public meetings to council publications, advertising and the website. In reviewing the Code, Members have recorded their concern that it offers no specific guidance in relation to individual Ward Members who may not hold a particular responsibility with the Council, but whose work with their constituents is of significant importance, nor addresses the growth in electronic communication.

The Service Support Panel expressed the view that there is a greater need for awareness and compliance with the Code, since failure to have regard to the Code is a potential breach of the Members' Code of Conduct. Members also noted that it was the County

Council's practice when issuing press releases to include the contact details of a spokesperson of the opposition political party. The Executive Councillor for Resources and Policy undertook to consider this suggestion in the case of press releases issued by the District Council.

### **MONITORING OF SECTION 106 (PLANNING OBLIGATIONS)**

The Overview and Scrutiny Panel (Service Support) have considered the receipt and expenditure of money negotiated under Section 106 Agreements by the Council. The Panel have been informed that a number of developers have requested the re-negotiation of trigger points due to the economic climate.

### **FEES AND CHARGES**

The Licensing and Protection Panel has noted the revised fees and charges for those licences etc. issued by the Central Services Directorate. The licences have been increased by 3% for the period 1st April 2009 to 31st March 2010. The initial issue and subsequent renewal of hackney carriage and private hire vehicle licences will also increase by an additional £9 in line with an increased charge by the vehicle testing centre.

### **DEPARTMENT OF TRANSPORT CONSULTATION ON IMPROVING ACCESS TO TAXIS**

The Licensing Manager has been authorised, following consultation with the Chairman and Vice-Chairman of the Licensing Panel to

respond to a consultation paper on improving access to taxis, which has been issued by the Department of Transport in relation to the 1995 Disability Discrimination Act.

### **HACKNEY CARRIAGE LICENCES**

The Licensing and Protection Panel has decided to discontinue restricting the number of hackney carriage licences in line with the findings of a consultation exercise on the possible de-limitation of licensed hackney carriages.

Following the implementation date, which has yet to be decided, any new licences issued will be restricted to wheelchair accessible vehicles only, in line with the Governments' vision of seamless travel for wheelchair users.

The Huntingdonshire Traffic Management Area Joint Committee will consider, if as a consequence of the de-limitation, there is a need for additional taxi ranks.

### **THE ENVIRONMENTAL DAMAGE (PREVENTION AND REMEDIATION) REGULATIONS 2009**

The Licensing and Protection Panel has authorised Officers to enforce the provisions of the Environmental Damage (Prevention and Remediation) Regulations 2009 on behalf of the Council. They also have endorsed a memorandum of understanding on partnership working drawn up to assist the implementation of the Regulations. The Regulations place a liability on operators of activities that cause environmental damage to land,

water and biodiversity (ie. protected species, natural habitats etc). Although the events covered by the Regulations are likely to be rare there will be a need for environmental health staff to be trained to ensure they are able to respond in the event of an incident.

### **ENVIRONMENTAL PROTECTION ACT 1990**

The Licensing and Protection Panel has authorised the Head of Environmental and Community Health Services to declare two areas of land in the District as contaminated.

### **S106 AGREEMENT ADVISORY GROUP**

The Development Control Panel has appointed Councillor J S Watt to replace Councillor A N Gilbert in the membership of the S106 Agreement Advisory Group.

### **ENFORCEMENT ACTION**

The Head of Legal, Property and Governance has been authorised by the Development Control Panel to secure the cessation of the unauthorised use of land by travellers at Harpers Drove, Ramsey Heights and the removal of caravans and a mobile home from the site.

### **DEVELOPMENT APPLICATIONS**

At its March meeting, the Development Control Panel determined eight applications of which five were approved, two refused and one delegated to the Head of Planning Services to

determine, having regard to a decision by Cambridgeshire County Council relating to an archaeological investigation.

### **STANDARDS (CONSIDERATION AND HEARING) SUB-COMMITTEE**

The Standards Committee has appointed its Chairman, Mr D L Hall, Councillors J D Ablewhite and Mrs B E Boddington, Parish Councillor M J Reece and Mr P Boothman to comprise a Consideration and Hearing Sub-Committee which will consider investigation reports and hold determination hearings arising from complaints of misconduct under the Members' Code of Conduct.

### **MONITORING - STANDARDS ISSUES**

The Standards Committee has noted that five cases involving complaints of misconduct have been considered recently by its Referrals (Assessment) Sub-Committee but that no action was required to be taken by the Monitoring Officer in each case.

The Committee continues to monitor the enquiries dealt with by the Monitoring Officer under the Code. The areas of the Code which appear to raise most interest will help form the basis of future training sessions for Parish Councils. Informal training of the Standards Committee has continued with Members discussing current Standards Board guidance on personal and prejudicial interests.

### **CASE TRIBUNALS (ENGLAND) REGULATIONS 2008**

The Standards Committee has noted the effect of the Case Tribunals (England) Regulations 2008 which principally refer to the sanctions available to the Adjudication Panel for England where it has determined that a local authority Member has failed to comply with the Code of Conduct.

### **ETHICAL STANDARDS REGIME NATIONALLY AND LOCALLY**

The Standards Committee has enjoyed a wide ranging debate on standards issues prompted by an address to them from Councillor P J Downes. Councillor I C Bates will similarly be invited to present to a future meeting.

### **QUALITY STATUS FOR PARISH COUNCILS**

Although pleased to note that adoption of the code of conduct formed one of the standards required by local councils if they were to acquire quality status under the Quality Parish and Town Council scheme, the Standards Committee were disappointed that there was no subsequent requirement for refresher training or any way in which they could influence the introduction of this continuing commitment.

### **EXTERNAL AUDITOR'S REPORT: USE OF RESOURCES 2007/08**

The External Auditor's Report on the Council's Use of Resources for 2007/08 has been presented to the Corporate Governance Panel

together with the associated action plan. The report concluded that the Council's overall performance was satisfactory.

#### **INTERNAL AUDIT SERVICE: INTERIM PROGRESS REPORT**

The Corporate Governance Panel has noted progress by the Internal Audit Service against the Audit Plan for 2008/09 and the performance standards achieved.

#### **ANNUAL REVIEW OF THE EFFECTIVENESS OF THE SYSTEM OF INTERNAL AUDIT**

The outcome of a review of the effectiveness of the system of internal audit has been presented to the Corporate Governance Panel. Details of the review will be included within the Annual Governance Statement Assurance Framework. The next review of the Internal Audit Service against CIPFA's Code of Audit Practice will be conducted in 2011.

#### **RISK REGISTER**

The Corporate Governance Panel has noted the changes made to the Risk Register between the period 1st September 2008 to 28th February 2009 inclusive.

#### **CORPORATE GOVERNANCE: ASSURANCE FRAMEWORK**

Progress made to date in respect of the achievement of the action plan supporting the Annual Governance Statement has been noted by the Corporate Governance Panel.

#### **REVIEW OF COUNCIL CONSTITUTION**

The Corporate Governance Panel has undertaken its biennial review of the Constitution and recommended a series of changes for submission to the Council.

#### **SPECIAL MEETING OF THE CORPORATE GOVERNANCE PANEL**

A special meeting of the Corporate Governance Panel has been scheduled for 16th April 2009 to consider the outcome of the review of the Council's democratic structure by the Structure Review Working Group.

#### **ELECTORAL CYCLE IN HUNTINGDONSHIRE**

The Elections Panel has considered the outcome of an internal consultation exercise on the Council's future electoral arrangements. Following discussion on the way forward, Members agreed to make no change to the existing arrangements, although this was not a unanimous view. Members also requested an investigation be undertaken via the Department for Communities and Local Government as to whether elections for the multi member wards could be held on the same day every four years.

#### **PARISH ELECTORAL REVIEW - UPDATE**

The Council are still awaiting confirmation from the Department for Communities and Local Government on the effective date of



the Huntingdonshire (Parishes) Order 2009 which proposes the abolition of one parish, five new parishes and other changes to parish boundaries that resulted from the parish electoral review of the District.